

Planning Board- Minutes March 20, 2008
State of New York
Warren County
Town of Bolton

Present: Chairman Herb Koster, Henry Caldwell, Sandi Aldrich, John Gaddy, Sue Wilson, Chauncey Mason, Donald Roessler, Town Counsel Michael Muller and Zoning Administrator Pamela Kenyon.

Absent: None

H. Koster opened the public hearing at 6:05 PM.

PUBLIC HEARING:

Items 1 through 4 are to be heard together.

1) 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 23 lots that parcel designated as Section: 139.00, Block 1, Lot 48.11, Zone RL3. Access to be gained through Section 139.00, Block 1, Lot 28.1(Reed) see SD07-04. Property Location: High Meadow Farm Road. Major Subdivision. Preliminary Plat. Subject to SEQR. *Note: This application is in conjunction with SPR05-11, SD06-14, and SD07-04 and was originally approved on May 17, 2007. NOTE: THIS IS AN AMENDED APPLICATION and was tabled at the January 2008 meeting pending a public hearing.*

2) 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 & 48.11, Zone RL3. Property location: High Meadow Farm Road. The WCPB determined no county impact with the condition each individual lot is reviewed for stormwater and erosion control measures, lot clearing and lot access. Subject to SEQR. *Note: This application is in conjunction with SD04-16, SD06-14 and SD07-04 and was originally approved on May 17, 2007. NOTE: THIS IS AN AMENDED APPLICATION and was tabled at the January 2008 meeting pending a public hearing.*

3) SD06-14 RONNING, ROLF & LEONE, MICHAEL. Seek lot line adjustment between those parcels designated as Section 139.00, Block 1, Lots 48.11 & 36.1, Zone RL3. Property Location: New Vermont Road, approximately 2000 ft. north of County Route 11 intersection. Final Plat. Subject to SEQR. *Note: This application is in conjunction with SD04-16 Saddlebrook Subdivision, SPR05-11 and SD07-04 and was originally approved on May 17, 2007. This item was tabled at the January 2008 meeting pending a public hearing.*

4) SD07-04 RONNING, ROLF & REED, WILLIAM. Seek lot line adjustment between those parcels designated as 139.00, Block 1, Lots 28.1 & 48.11, Zone RL3. Property Location: 252 New Vermont Road. Final Plat. Subject to SEQR. *Note: This application is in conjunction with SD04-16, Saddlebrook Subdivision, SPR05-11 and SD06-14 and was originally approved on May 17, 2007. This item was tabled at the January 2008 meeting pending a public hearing.*

Dennis Phillips gave a background of the subdivision and site plan review applications. He stated that the application started in 2004 and was approved in May 2007. Based on the approval, the Fund for Lake George, Lake George Waterkeeper and other parties commenced an Article 78 proceeding asking the Court to annul the approval, based primarily on stormwater issues. He stated that upon looking at the Article 78 the applicant found that there were meritorious allegations and agreed to annul the decision of this Board so that he could revise his application and address many of these stormwater issues. The revised application was based on a number of variances that the applicant obtained in order to bring the stormwater plan into compliance with the stormwater regulations. The revised plan was deemed complete at the February 2008 PB meeting. At that meeting, the Waterkeeper provided additional comments on the stormwater plan and presented those comments in writing to the PB and the applicant. Dennis Dickinson reviewed those additional comments and found that they too were also meritorious comments. Based on that, Dennis Dickinson has done some revisions to the stormwater management plan and filed them in a timely fashion to be before this board at the public hearing. He feels that these revisions were of a technical nature and had not yet been reviewed by the Tom Nace or Tom Center prior to submission. He believes that since that time both Tom Nace and Mr. Center have had an opportunity to review the revisions and Dennis Dickinson is going to discuss those revisions.

Dennis Phillips stated that at the last meeting the Lake George Waterkeeper stated that he is not opposed to the Saddlebrook Subdivision, but he feels that there is a major discrepancy between what the Waterkeeper says and what he does. He says that he is not opposed, yet every time the plan has been revised, he has additional comments and revisions that he asks them to make. Dennis Phillips stated that both their engineer and the Town engineer have signed off on the stormwater plan twice and they are now on the third round of sign-offs based on the Waterkeeper's presentation. He stated that the Waterkeeper is not a party to this proceeding, he is an advocate. He understands that his advocacy goes beyond stormwater and goes to the point of going to individual neighbors in this area and soliciting their opposition to this project. He stated that this process has been long and costly and the applicant has attempted to meet every objection relative to the design of the subdivision and stormwater, but there continues to be objections. He feels that that there is an unfairness principal operating here. He stated that they are asking for an approval of the subdivision, approval of the stormwater plan as revised and they are willing to have that conditioned upon the Town Engineers looking at the work product of Dennis Dickinson so that the applicant can move forward with this subdivision.

Herb Koster commented on Dennis Phillips' history. He stated that the PB put a condition on the approval in May of 2007. He stated that it was approved provided that they followed all of the rules of their stormwater management. Shortly after that Dennis Dickinson applied for variances on some of the recharged basins. At that point the PB and the applicant signed an agreement that everything would be halted until this all got straightened out. He feels that Mr. Phillips is insinuating that the PB is holding up this project, but most of these items are due to a lack of design that did not meet the requirement of the rules. He stated that they had a signed agreement long before the Article 78 was taken out against the Town and this project was stopped.

Dennis Phillips stated that he was not insinuating that the Town or PB was the cause of the delay. He stated that he knows that the Town and the PB have followed their due process of law and the delays have been caused, by a large degree, from outside of the responsibility of this Board.

Dennis Dickinson gave an overview of the previous plans that were approved at the last meeting. He stated that since that meeting and having received the Lake George Waterkeeper's last comments he and the Town Engineers have tried to answer all of those issues raised. He stated that there were some shortcomings on their part and made revisions to the stormwater plan. They have resolved most of the serious issues and he believes that they are very close to having a sign-off from the Town Engineer. He briefly described the revised plans that were provided to the PB. He stated that stormwater has two phases; 1) prior to and during construction. This is to protect the building site and prevent erosion. 2) post construction. Handling the stormwater once the structure and impervious surfaces are in place and meeting the required criteria. He stated that the latter of the two makes up the bulk of their Stormwater plan. He stated that the APA has been to the site flagging wetlands and inspected streams. He has spoken to Mark Migliori of DEC who was concerned with one of the intermittent streams because it had biological significance and didn't want them to use it in their stormwater system. He stated that every one of Mark Migliori's comments were taken and acted on. M. Migliori indicated that he has done a thorough inspection of the site and does not feel that there are any other streams with the significance of this one. He has been in contact with Bill Lupo who works in the stormwater department for DEC who has been involved in these stormwater reports.

Herb Koster asked if the public in attendance had any comments or questions.

Ann Marie Somma, adjacent land owner and neighbor of proposed Pond P3, stated that she has several issues with the pond specifically involving the running water across her property. From the map that she has received from the applicant there is to be a culvert across her property. She stated that overall she is not opposed to this project and feels that it can bring good things to her neighborhood. She has sat with the applicant on numerous occasions to discuss the project. The last time they spoke they had agreed that this drainage system would not enter Indian Brook before her bridge, but the applicant stated that he did not have enough time to change the drawings before the meeting. She stated since the flood, during a normal rain storm, water splashes up against their bridge. She is

concerned that the stream is at its maximum capacity with water and it cannot take anymore than what is there. She has a letter from Tom Nace stating that the applicant would require an easement from her and at this time he does not have that. She stated that she contacted the applicant with regard to this and he stated that he had not requested one from her, nor would he need one and she does not understand how that its possible. She provided pictures of her property after the major flood and indicated where the applicant was intending to put the new drainage system, which will be located on the only spot of her property that was not destroyed in the flood. She commented that the Lake George Waterkeeper is a personal friend and professionally she supports him fully. She indicated that the ground in their neighborhood is extremely saturated at all times of the year and she feels that the area cannot absorb anymore water.

Dennis Dickinson provided a brief overview and description of topography. He provided a handout on the aerial photography of the area prior to the major flood. He stated that at the request of Tom Nace they are attempting to get an easement from Ann Marie Somma which is indicated on the handout. He summarized the easement by saying that this area that they are looking at is a roadside drainage ditch that belongs to the Town. Pre-development, the water flows off half the road, onto the side of the road, goes down the drainage ditch into the brook, under the bridge and down to the lake. He stated that after the major flood that washed out that whole area, the Town re-graded and repaired it, but they didn't put the swale back in. He feels that this is not their responsibility to put the swale back in because it is part of the Town's road system but all they want to do is repair and replace it. He stated that they have talked to Ann Marie about this and thought that they had an agreement from her to do that once approved. He understands the Somma's fear, but does not feel that they will be a threat to them with this system. He stated that the stormwater plan requires that the applicant provides measures to insure that there is equal to or less water going into this drainage ditch and feels that they have achieved that.

Dennis Phillips concurred with D. Dickinson that with this stormwater plan the idea is to equal or reduce the amount of water that would run across that area into Indian Brook. From a common law point of view their responsibility is not to increase the cast off of water from their property onto the property of an adjoining neighbor so as to increase a burden on them or to the detriment of that neighbor. They have designed a water neutral system and are within the common law described above. He stated that looking at the proposal of having a drainage easement in that location could be a two-fold easement. It could run in favor of the Town or it could run in favor of Saddlebrook Subdivision. They would be taking a common law riparian right situation and if they did a written easement they would be taking that out of the common law and putting that into a contractual relationship. It is a good idea if the parties can agree to something like that. If the parties cannot agree on that, then they will have to rely on the common law. As long as they are not increasing the burden on the adjoining property, the developer is inside of the law. He would recommend to his client that all things being equal if there can be a drainage easement there, it would make for a better situation. If they cannot do that, they will have to rely on the common law riparian right on that. He would be glad to provide a written opinion to the Town and Counsel on that issue if necessary in support of this application.

Rolf Ronning commented that he has never been opposed to doing whatever anyone tells him to do as to the best way to do stormwater but no one seems to be able to agree. With regard to the stormwater run-off into Indian Brook, the water flows from up above on High Meadow Farm Road and down. This water crosses through the Town drainage and into the Brook. He was confused as to why he would need an easement over the Somma's property since the water passes through Town property before it goes to their property. The Town doesn't seem to need to have a right-of-way, nor should they, to have the water go over the ditch and into the brook because that is the way it always went. His responsibility is to insure that less water, after development, goes into the Brook and from his understanding that will be true. He met with the Sommas and offered to put the swale where they wished and offered to add boulders to assist in flooding and that offer still stands. He feels that legally they should not be entering into an easement since this is the way the water has been flowing prior to development and it runs through Town property first. He feels that the stormwater that they proposing is going to make the situation better and accepts the responsibility to do so.

Ann Marie Somma commented on D. Dickinson's argument that the flood had somehow changed the property on that side of the stream. She stated that is the only section of her property that was not damaged by the stream. She described and provided pictures to show the actual damage to her property. She stated that they have a water issue, but that drainage ditch is not where the issue lies. She stated that she is unsure as to what and how much land the Town owns because according to her deed she owns to the center of New Vermont Road. She stated that legally the Town would not be able to build a ditch across her property and drain water onto it. She stated that if it is common law that they are going to fight about, she is ready to fight about it.

D. Dickinson suggested that if any of the Board members have questions that they visit the site. He feels that it is obvious that there is water draining off the road and it is not crossing their driveway. Henry Caldwell stated that he sees a problem with bringing all of this water down between the Demeos and Budners and then dead end at the Dagles. He asked for some clarification as to how the water will get to the brook. D. Dickinson stated that there are drainage systems above the area that they are talking about. He described the drainage paths and patterns. He reiterated that whatever the current water situation in that area they are not going to make it any worse. With the regulations the water will be equal to or less than the current situation.

Eric Nueffer, owner of property below the Saddlebrook Subdivision, would like it to be known that the Lake George Waterkeeper did not solicit him, his neighbors came to him with their concerns. Since then, he has contacted the Waterkeeper and J. Gaddy to look over some of the plans. His issue is that there is already a lot of run-off from his properties into Indian Brook. The applicant wants to put ponds in the area above that and he is concerned with their upkeep. After a few years of sediment build-up and neglect, all of the extra run-off is just going to go down the hill and cause problems.

D. Dickinson stated that once the development takes place the developer and eventually the homeowners association enters into a legal contract to maintain the stormwater system that was approved. In that contract and part of the stormwater plan their definitive guidelines for maintaining every single aspect of that stormwater plan. He stated that all of the ponds have four bays that collect sediment and then at a certain point these bays will be cleaned out. They will also have a maintenance program set up in the contract with the Town and it is enforced by the NYS DEC.

Rick Demeo, adjacent property owner, asked a few questions. 1) Are these stormwater run-off ponds actual ponds? 2) How long do they hold water? 3) Are there studies on the amount of rainfall to fill these ponds? 4) When they do overflow and go out the end of the pond, do they rip rap and how much water will it be? D. Dickinson replied that he utilizes a computer program called Hydro cad, which many engineers use. He stated that with this program they are using models of the road. It is pretty involved and generated on some basic concepts. The models are augmented by actual stormwater events that are calibrated and factored in to make sure that the systems are reacting properly. He stated that the ponds will last a long time and are designed to withstand a 100 year storm. He stated that the pond near the Budners has zero discharge for a 100 year storm. H. Koster asked what the discharge would be for the pond near the Somma's property. D. Dickinson replied 44 cubic feet/second for a 100 year storm which is less than the discharge currently. R. Demeo asked if there would be a swale in the road. D. Dickinson replied that at some point they are going to come out onto the road and in this project there is very little development of roadside drainage. R. Demeo stated that it was his understanding that he owns from the centerline of the right-of-way and since the major flood the road has changed slightly and was concerned that one of the ponds was right on the edge of his property and within a setback. P. Kenyon stated that they are researching that information. Counsel replied that it could be. He stated that Section 125-10, B, 2b talks about stormwater setbacks and it does not specify a setback. H. Caldwell asked D. Dickinson if he could build the pond without going onto the Demeo property. D. Dickinson replied that they have a test pit which is indicative to the soils in this area and because of all the public interest Tom Nace and Tom Center have requested that in any of the construction of these ponds that they do additional soil testing. With regard to his property line, the map shows re-grading lines to construct the pond and the pond itself will not be on his property. Sandi Aldrich asked if the pond was below ground. D. Dickinson replied yes it is in the ground.

Gary Shelton, 292 New Vermont Road, asked from a taxpayers perspective, with regard the stormwater maintenance contract between the homeowners and the Town, if the system will be checked and maintained on a scheduled basis or when a storm occurs. Counsel replied that the answer lies in the stormwater regulations. If they are properly followed it requires the agreement that is recorded in the Warren County Clerk's office which will be enforceable by law that the homeowners association or subdivision is responsible for the repair or resolution if something were to go wrong. He stated that some of the agreements include a maintenance schedule which required them to be checked by an engineer and others do not. H. Koster stated that with the new DEC regulations they must be inspected regularly. D. Dickinson further explained that initially

the regulations require the responsible party to go during any event that is significant and observe the conditions and if necessary make repairs. After the system has been in for a while and has stabilized then they move into the second phase of entering into the stormwater contract which can require annual or bi-annual inspections by a professional engineer who then provides a report of the entire system. He continued that DEC is very serious when it comes to these inspections and have heavy fines for those who do not follow the regulations.

Doug Hooley(?), property owner in Bolton Landing, stated that he is in the process of purchasing Bruce Mowery's house. He stated that when he lives on the property he hopes to be president of the Saddlebrook Homeowners Association and take care of the road and inspect the ponds. He said the house sits on lot 3, he plans to purchase lots 4, 11, 12 and 2 so that no one can build and they can leave it wild. He stated that as a citizen of the Town he will do his due diligence of watching the road and ponds for erosion, wash-out, etc. if he is part of the Association.

Steve Budner, adjacent property owner, asked 1) Where the emergency spill off was for Pond 7? 2) Does the plan require a redirection of an existing stream and will it affect their pasture? 3) If they intend to re-grade the road elevation in front of his driveway will it necessitate them to re-grade their driveway? 4) Will there be any mosquito control measures for the ponds? D. Dickinson replied that 1) he has already mentioned that there will be no discharge from Pond 7 in a 100 year storm but indicated where the spill way will be. 2) With regard to their driveway, they are within a foot or two of where their driveway is now and they have raised the road up to make sure that there is no problem. 3) He stated that they had no thoughts of mosquito control measures for the ponds.

Ann Marie Somma asked if 44 cubic feet/sec equals 330 gallons/sec across her property. If that is the case, that amount of water does not cross her property currently. She asked if the ponds fail what recourse do the adjacent land owners have when their property is damaged. H. Koster stated that currently the stormwater ordinance requires that the applicants provide sufficient design for a maximum of 100 year storm. Counsel stated that if they have satisfied all of the design criteria there is certain substantial issue of facts as to why it failed. If it fails because of improper design or because something that was inadequately done different supports that the logical people responsible for the failure would be the developer, designer and perhaps the Town. He indicated that in law there are statute of limitations and as time passes on, the designer and developer probably will no longer be a logical party.

Steve Budner stated that D. Dickinson did not answer his question about the re-direction of the stream. D. Dickinson replied that he did address this slightly when talking about his discussion with Mike Migliori of DEC. The drainage patterns around the Budners property were not deemed to be biologically significant, and could be used but does not recall that this would be required for the stormwater plan.

Tom Ulasewicz, attorney for the Fund for Lake George and the Lake George Waterkeeper, stated that they have a lengthy submission to the PB and a smaller submission tonight that responds to the supplemental document that the applicant submitted about 10-12 days ago. With regard to litigation, he stated that the applicant admitted to shortcomings in their plan and all parties involved signed a settlement agreement. The agreement said that a new application would be submitted which would incorporate any of the portions of the old application that the applicant felt necessary and that the SEQR process would start anew. In February, Mr. Phillips stated that the Waterkeeper had meritorious claims and the applicant went back and placed a supplemental submission which he and his clients are still looking at. He pointed out that once again since the signing of the settlement agreement, by the applicant's own admissions, their plan has had mistakes in it and some of those mistakes are astronomical. He questioned D. Phillips' use of "technical" revisions and feels that this is an over simplification that limits some of the severe impacts that may be associated with this project. He also commented on D. Phillips' statement that the Waterkeeper is not a party to the proceeding but an advocate. He stated that in talking about a Court proceeding, there is some understanding there, but if he is talking about a proceeding on the PB level he asked why there is a difference between party and advocate and takes offense to the word advocate. He feels that they are trying to be helpful here whether the applicant likes it or not. With regard to a sign-off of the engineers, on the supplemental submission they will not have a sign-off tonight, but does not know what this means. He stated that the only engineer to sign-off on the plan has been the applicant's and everyone else has been questioning some of the things involved. He commented about D. Phillips' mention of an "unfairness principal". He stated that this is a public process, people are invited to attend and voice their comments and concerns and sees no unfairness on the part of anyone and it is unfair to characterize any individual or group as bordering on an unfair principal. With regard to the accusation that the Waterkeeper is soliciting opposition, he stated that the Lake George Waterkeeper is a not-for-profit group and they are allowed to talk to people and encourage them to talk to elected officials. With regard to the supplemental application, he stated to his knowledge it is not complete, because there are exhibits missing and urged the Board not to grant the request for an approval with conditions as D. Phillips has stated. He requested that he would like to see any comments from DEC or T. Nace in writing. He encouraged the PB to take D. Phillips up on his offer of providing a legal analysis of the facts as applied to the common law on riparian rights and to explain what he means by water neutral systems.

Chris Navitsky, Lake George Waterkeeper, provided to the PB members a reply to the recent supplementary submission by the applicant. He commented on the allegation that they come up with new comments consistently on this project. He stated that is not true, they consistently stated the same things; 1) cannot discharge more stormwater on a neighbor's property, 2) their opinion that this is going to increase stormwater and they are not below pre-development rates, 3) concerns about encroachments on set-backs, and 4) non-compliance with cold weather climates. He stated that with regard to the drainage easement, the applicant is proposing a 12.5 ft wide drainage way onto the adjoining property. He feels that this is a bit extensive from a natural small drainage pattern that exists. According to their calculations, a 1 year storm event (which is just over 2 inches)

will discharge 19.5 gallons/sec across the adjoining property up to 330 gallons/sec for 100 year storm. He feels that this is not an existing condition right now. He is concerned about the use of intermittent streams being used to divert stormwater because they are not allowed to use State streams for run-off. They had similar problems previously in other areas and the applicant corrected that, but they have not corrected it on Pond 3 and he is requesting that they do so. The applicant claims to have enlarged some of the basins to reduce the stormwater, but as he has shown in his submission to the Board, there has been no change. Regarding Pond 6, the overflow pond will remain with 1 foot of water in it and asked where that water is going to go. He stated that it is next to wetlands and they are going to need another variance. He feels that Pond 4 will also need a variance. He stated that the applicant received variances in December 2007 for infiltration that is required in subsurface infiltration for infiltration basins. The Board issued the variance based on a letter from Tom Nace that said “ in this instance I believe that the elimination of infiltration capacity below the frost level can be mitigated by making sure that the pond has sufficient storage capacity to retain the stormwater run-off when the ground is frozen and there will be no infiltration”. That pond 4pi that was approved in December was sized 21,000 cubic feet and on the new submission they have reduced that to 9,000 cubic feet and he feels that this variance should be null and void. Finally, he stated that they feel that development can occur but it has to be balanced with the impacts to the natural resources and to the neighbors and in their opinion this submission does not do that.

H. Koster stated that he is concerned that there are a lot of questions remaining and that this Board cannot make any decisions tonight. T. Nace agreed and stated that they issued a 5 page letter with concerns on the latest submission. He continued that none of the issues that they raised were things that could not be resolved, but there are some issues that still need to be resolved from the previous submission. He understands that the applicant has made most of those revisions but he has not had an opportunity to review those revisions as of yet. He indicated that some of the issues raised tonight also need to be explored further, in particular the easement issue. H. Koster agreed that these issues could be resolved but felt that there are too many unanswered questions. Sandi Aldrich asked T. Nace if the topography picture that D. Dickinson provided of before the major flood could have changed. T. Nace stated that he would have to explore that issue further. S. Wilson asked T. Nace if he reviews stormwater plans solely on their functionality or for their compliance of the Code. T. Nace replied that he reviews them with both. He stated that there has never been a system that has met every section of the Code and some of them have to be adapted to the specific sites that they are working with. S. Wilson asked with regard to the agreement signed between the Town and applicant that dissolved the original approval of the subdivision if the variances remained in tact. Counsel replied that they did, but they should be seriously considered since Chris Navitsky has stated that the factual underpinnings that were the conditions of the grant of the variance no longer apply in this revised plan. He is also concerned because there could be other variances that are necessary in the new revised version. If those variances are necessary then this application cannot go forward until those variances are received or the plan is revised.

H. Koster stated that he would like to keep the public hearing open until some of these issues are resolved and feels that they should not hear anymore of the application on the agenda. Counsel agreed and stated that the items on the agenda need to be stalled. S. Wilson asked if they will have to do another SEQR analysis. H. Koster replied yes.

RESOLUTION:

Motion by Sue Wilson to keep the public hearing open on SD04-16, SPR05-11, SD06-14 and SD07-04 pending further information. **Seconded by** Don Roessler. John Gaddy recused himself from the public hearings. **All others in Favor. Motion Carried.**

REGULAR MEETING:

The public hearing closed at 7:57 p.m. and the regular meeting began at 8:15 p.m.

Herb Koster asked if there were any corrections to the January 17, 2008 meeting. S. Aldrich, page 3, second paragraph, item #5, should read that “there are no regulations or rules that he is aware of that prohibit year round homes in this neighborhood.”

Motion by Don Roessler to accept the minutes as corrected. **Seconded by** Sue Wilson. H. Koster abstained because he was not in attendance. **All others in Favor. Motion Carried.**

1) 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 23 lots that parcel designated as Section 139.00, Block 1, Lot 48.11, Zone RL3. Access to be gained through Section 139.00, Block 1, Lot 28.1(Reed) see SD07-04. Property Location: High Meadow Farm Road. Major Subdivision. Preliminary Plat. Subject to SEQR. *Note: This application is in conjunction with SPR05-11, SD06-14, and SD07-04 and was originally approved on May 17, 2007. NOTE: THIS IS AN AMENDED APPLICATION and was tabled at the January 2008 meeting pending a public hearing.*

2) 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 & 48.11, Zone RL3. Property location: High Meadow Farm Road. The WCPB determined no county impact with the condition each individual lot be reviewed for stormwater and erosion control measures, lot clearing and lot access. Subject to SEQR. *Note: This application is in conjunction with SD04-16, SD06-14 and SD07-04 and was originally approved on May 17, 2007. NOTE: THIS IS AN AMENDED APPLICATION and was tabled at the January 2008 meeting pending a public hearing.*

3) SD06-14 RONNING, ROLF & LEONE, MICHAEL. Seek lot line adjustment between those parcels designated as Section 139.00, Block 1, Lots 48.11 & 36.1, Zone RL3. Property Location: New Vermont Road, approximately 2000 ft. north of County

Route 11 intersection. Final Plat. Subject to SEQR. *Note: This application is in conjunction with SD04-16 Saddlebrook Subdivision, SPR05-11 and SD07-04 and was originally approved on May 17, 2007. This item was tabled at the January 2008 meeting pending a public hearing.*

4) SD07-04 RONNING, ROLF & REED, WILLIAM. Seek lot line adjustment between those parcels designated as 139.00, Block 1, Lots 28.1 & 48.11, Zone RL3. Property Location: 252 New Vermont Road. Final Plat. Subject to SEQR. *Note: This application is in conjunction with SD04-16, Saddlebrook Subdivision, SPR05-11 and SD06-14 and was originally approved on May 17, 2007. This item was tabled at the January 2008 meeting pending a public hearing.*

Motion by Don Roessler to table SD04-16, SPR05-11, SD06-14 and SD07-04 pending further information. **Seconded by** Sue Wilson. John Gaddy recused himself. **All others in Favor. Motion Carried.**

5) RE-APPROVAL OF SD04-08 BRANDOW, EDWARD. Trout Lake West. Seeks re-approval of a 5 lot subdivision approved on May 17, 2007. Section 185.00, Block 1, Lot 31, Zone RCL3. Property Location: Trout Lake Subdivision.

RESOLUTION:

Motion by Don Roessler to re-approve SD04-08 Brandow, Edward, Trout Lake West originally approved on May 17, 2007 with the same conditions attached. Specifically the conditions are as follows: 1) A \$400.00 recreation fee is to be paid to the Town of Bolton prior to a Certificate of Compliance being issued for each lot. 2) Site Plan Review is required for the construction of a single family dwelling on each lot. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

6) SPR08-01 TENNENT, JEFFREY, WEISS, LORRAINE, CLARK, LAUREN & CLAUSEN, STANLEY. Seek Planning Board input on the proposed shared driveways and/or roads that will traverse lots 6, 12, 13, 14, and 15 of the Diamond Ridge Subdivision. Section 212.04, Block 2, Lots 3, 4, 5, 6 and 12, Zone LC25. Property Location: Diamond Ridge Road off Route 9N south of Town.

Jeff Tennent stated that the plan proposed provides for two shared driveways. One driveway will service three lots and the other will service two lots. He feels that this will have less impact overall and will keep the driveway grades to a minimum. H. Caldwell asked if this is a revision of the original subdivision. J. Tennent replied yes. He stated that each individual parcel owner would have to come back for site plan review for a driveway as part of their construction plan but he felt that it would be best to do it all

together for them. He stated that all of the land owners get along well and are in agreement with this design. D. Roessler asked if he was going to change the size or shapes of the lots. J. Tennent replied no, he is only proposing shared driveways instead of each parcel having their own driveway. He stated that this proposal does not put any more burden on the subdivision homeowners association which owns the main road. He also has signed agreements from each person individually which includes a map that depicts their portion of the driveway, how they are shared and their maintenance responsibility. H. Koster asked Counsel if they should get a Homeowners agreement with the Town. Counsel replied yes and asked the applicant if he had some sort of covenant with the lot owners. J. Tennent replied yes and they intend to file the agreement in the WC Clerk's office. He read the agreement for the PB. H. Koster asked if they will be doing metes and bounds for the driveways on the map that is to be filed with the WC Clerk. J. Tennent replied yes.

D. Roessler asked what the applicant was requesting of the PB. Tom Jarrett stated that they are looking for approval of the concept of private shared driveways for three lots and two lots. D. Roessler asked if they were approving of the location. T. Jarrett stated that they think they have chosen the best location but they are awaiting Tom Nace's review. J. Tennent stated that P. Kenyon was unsure how the PB was going to determine this project, would it be a road or an extension of the subdivision. He stated that he feels that he has addressed that by having the property owners sign an agreement in a recordable form. He provided the previous plan for individual driveways which was extensive and vastly land disturbing because they would have to make so many cuts in order to accommodate the grade. He provided some pictures of the property viewed from the lake and stated that you can barely see the two houses currently in that location. He stated that in their construction they have tried to be mindful of the scenic views and intends to assist in keeping it pristine by incorporating these shared driveways.

P. Kenyon stated that she had this item on the agenda for the PB to determine whether they are going to treat this as a shared driveway or a road so that the applicant can proceed accordingly. She stated that Tom Nace has the preliminary plans but has not signed off any stormwater. H. Koster stated that he would rather see them as a shared driveway. H. Caldwell asked if they should have the Fire Company look at it. D. Roessler stated that would not be necessary and that Tom Nace's review would be adequate.

H. Koster asked the width of the driveways. T. Jarrett replied that the driving surface would be 12 ft wide with pull-offs. D. Roessler asked the grade of each driveway. T. Jarrett replied that for one of the driveways the first 300 ft is 15 % and then it flattens out to 10 % and the second driveway starts out at 12% and then flattens out to approximately 5%.

H. Koster stated that he felt that the concept was good because there would be less cutting on each lot. He asked if Counsel had any concerns or questions. Counsel replied no and that it fits the definition of a driveway in their Code. J. Gaddy stated that the plan does a great job in working with the terrain and if the rest of the development can follow

the model that has already been set the entire plan will be a perfect arrangement. J. Tennent stated that they will have to come back with individual plans for each house and their driveways. P. Kenyon stated that if the PB considers it a shared driveway the applicant is going to deal with the road or the driveway first before he comes back with the house plans. T. Jarrett asked how they would like them to handle it because their intent was to get the driveway resolved through a major stormwater permit and then the individual houses would be dealt with. J. Tennent stated that they would like to do all the driveways, houses, stormwater and septic together instead of in pieces. H. Koster stated that it was okay with him to put it together into three applications; stormwater for the driveways, stormwater for the houses and site plan review of the houses. J. Tennent stated that he could do that. P. Kenyon stated that she is concerned about putting the all together because they have never put 5 lots for a single family dwelling on one application. Counsel stated that they could, if they had all the details, that way the PB could consider the cumulative impacts. P. Kenyon thought that they should deal with the road issue first because of the stormwater controls on parcels of land that other people own. H. Koster stated that the applicant stated that he will have signed agreements between the neighbors. T. Jarrett asked if they could submit all three applications as one package with one set of drawings but they could act on each lot individually as a separate review and motion. Counsel agreed that they could submit one cohesive package and that the Board could review and act upon each lot separately. J. Tennent stated that once the driveway is approved, the plan will be set and the agreements will be filed at the WC Clerk's office. No changes can be made to the driveway without the consent of all the other parties and if all goes as planned none of the driveways will be changed because they will already be in place. He continued that after site plan review and approval is granted, if an individual wants to change their house, they will have to come before the Board again for site plan review.

H. Koster again stated that he agrees with the concept of the shared driveway but wants to see the agreements and maps filed in the Clerk's office so that it is understood by all parties that this is a civil matter and the Town of Bolton is not involved. J. Tennent agreed. H. Koster asked for language in the agreement stating that the lot owners cannot change to individual driveways at a later date.

RESOLUTION:

Motion by John Gaddy, to accept the concept of the shared 12 foot wide driveways for lots 6, 12, 13, 14 and 15 of the Diamond Ridge Subdivision. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

7) SD07-23 ALDER BROOK SUBDIVISION. Jeff Tennent. Seeks to merge those parcels designated as Section 139.00, Block 1, Lot 9 and Section 123.00, Block 2, Lot 15 and then subdivide into 12 lots. Zones RR5, RR10, and LC25. Preliminary Plat. Major Subdivision. Property Location: New Vermont Road and County Route 11. Subject to SEQR. This item was tabled at the December 2007 meeting.

Jeff Tennent stated that at the last meeting H. Koster had suggested the idea of creating two cul de sacs for the subdivision; one coming in from each road. He stated that upon review with Tom Jarrett and looking at the grades they felt it would be best to have the road flow straight through. T. Jarrett stated that they have not completed their engineering, but believes that they can maintain 10% or less grade for the entire road. J. Tennent stated that their purpose was to come back with more detail on the proposed road. Sandi Aldrich asked if they were waiting for the APA to flag the wetlands. J. Tennent replied that it is pretty well flagged but they are working with them in that regard. J. Gaddy asked the length of the road. J. Tennent replied that it is 6,200 ft. H. Koster asked if the applicant was just seeking concept approval. J. Tennent replied yes, so they can move forward with the rest of the application process. T. Jarrett agreed and stated that they need to do some field work and possibly make adjustments to the preliminary plat.

RESOLUTION:

Motion by Don Roessler to accept the concept of SD07-23 Alder Brook Subdivision as submitted and to table the item pending further information. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

8) SPR08-03 JUMBO REALTY INC. Mark Bernstein. Represented by James Gregoire. Seeks Type II Site Plan Review for a group camp. Specifically for the construction of a proposed 49' x 38' bunkhouse. Section: 185.00, Block 1, Lot 32, Zones **RCL3, LC25 & LC45.** Property Location: 429 Trout Lake Road known as Camp Walden. Subject to WCPB review. Subject to SEQR.

Mark Bernstein stated that they are proposing an identical cabin to the one that the PB approved recently. He stated that they are expecting to receive approval of the septic plans from the DOH. The DOH did a preliminary review and they have been asked to clarify a few things.

D. Roessler asked if the applicant had any future plans for additions to the camp. Mark Bernstein replied that their plans are market driven. He stated that at the camp they like to keep the children together by grades rather than age. Currently second, third and fourth grades are put together because there are less of them. With the additional space it will allow for more children in each of these grades and allow them to be separated, which is healthier and better from an educational point of view. He continued that the camp has two sessions during the summer; some children only participate in one session and some stay for both sessions. This additional room will also allow them to separate the one session and two session children. This assists in the well being of the children with regard to the emotional ties that they make while they are at camp. He stated that in a year or two they will need another cabin like the one proposed but does not plan on any other additional cabins than that. He stated that other future plans for improvement of the camp include 1) replacement of the main building, 2) renovation of the recreation building, 3) covering one of the hockey rinks for a sports pavilion and rainy day

activities, 4) modification of a current building to create an infirmary, and 5) minor renovations to the dining hall. Sandi Aldrich asked the applicant if the PB recently approved an addition for the dining hall. Mark Bernstein replied yes, but they never acted on the approval. Upon reviewing the total cost of the project they opted to change to a double seating program instead. This eliminated the need for a larger space and allowed for more flexibility in their overall programming. They also adjusted the use of the space by having round tables. He stated that one other future project would be to update the septic in the dining hall and install a dishwasher. This would help environmentally to cut down the use of the paper products that the camp currently uses.

S. Wilson asked if there is a maximum number of campers allowed for the site. Mark Bernstein replied that the DOH determines their maximum campers in each cabin by the square foot of each structure. With bunk beds it is 30 sq. ft per child and that is how they determine their maximum. He explained that the delay with DOH on signing off on the septic is because he did not keep track of their daily water usage. DOH was concerned that they would run out of water for the camp. He stated that last year they used 12,000 gallons/day and their well produces 17,400 gallons/day. He indicated that although he has an excess on a daily basis, the DOH wanted to see daily maximums and this held them up for several months. However, DOH has indicated that they are going to sign off on their plans due to other water conservation measures that the applicant is taking which include; 1) using the lake to irrigate the fields, which will save a couple thousand gallons a day, 2) upgrading to front load washing machines, and 3) to weld down the low flow shower heads so that the kids will not be able to remove them, which will save about a thousand gallons a day. He stated that this year they will be logging their daily water usage for future projects.

J. Gaddy asked if they intend on using downward facing shielded low wattage lighting. Mark Bernstein replied yes, they will be using a yellow bulb light on each cabin that is operated by a sensor at night. S. Aldrich asked if they plan to construct this year. Mark Bernstein replied yes, once they receive approval from the PB and DOH.

D. Roessler asked if there was any correspondence from Warren County. P. Kenyon replied that it was default approval due to a lack of quorum.

RESOLUTION:

Motion by Don Roessler to accept the application as complete, waive a public hearing and grant approval with the following condition: 1) Exterior lighting is to be downward facing and shielded with low wattage bulbs used. 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.**

9) SD08-01 GARY LAVOY. Represented by D.L. Dickinson Assoc. In accordance with Section 200-37B(4) (Shoreline Regulation), seeks subdivision approval for 4 deeded or contractual access rights to Bayview Marina. Section 186.06, Block 1, Lot 1.1, Zone

RCH5000. Property Location: 4762 Lake Shore Drive. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

Gary LaVoy stated that he desires to grant deeded rights-of-way, which would be a deeded easement to park one car on Bayview property and dock one boat on Bayview property. He indicated the parking and docking areas on the provided survey. He stated that there would be no subdivision of the property and each transaction would be accomplished by an easement. He would provide the metes and bounds of each docking and parking area and provide an easement to park and dock in those areas. S. Aldrich asked if there were any contractual or deeded rights to the applicant's son's property across the street. Gary LaVoy replied no.

H. Caldwell asked if he would limit the size of the boats. Gary LaVoy replied that each of the boat slips can handle up to 25 ft. and for the last 10 years he has not taken a boat into the marina that is larger than 25 ft because they do not fit. H. Caldwell recommended that he have the size limit specified in the easement. Gary LaVoy agreed, but stated that if he can accommodate otherwise he would consider it.

S. Wilson asked if this document would be considered a deed. Counsel asked the applicant if it was an instrument that creates a property right. Gary LaVoy replied yes. Counsel stated that if he is in receipt of such right, is it his to sell or leave to someone else in a Will. Gary LaVoy replied yes. Counsel stated that section 200-37 permits contractual access but it is very awkward. He explained that it is difficult and is a hard concept to work civilly, administratively and for assessment purposes. Counsel read code section 200-37. He stated that in a RCH-5000 zone the applicant will need to start off with no less than 125 linear feet of shoreline and then will need 10 additional feet for each additional access that is being created. He stated that the applicant will need a total of 165 linear feet of shoreline. H. Koster stated that the applicant will need a variance because he only has 143 ft. Counsel agreed. Gary LaVoy stated that he thought that he had measured the shoreline as it winds and turns and the total was 160 ft. Counsel agreed but further explained the Code requirements for contractual access. Gary LaVoy asked if he has to include himself and could have three contractual accesses. S. Aldrich stated that if he wants to do 4 then he would need a variance for the 5 foot deficiency. Counsel stated yes. Gary LaVoy stated that he would agree to the 3 because currently has does not have any boats to fill the spots and does not wish to seek the variance. Counsel stated that if this application is approved, than whatever the instrument deeding the contractual rights should be recorded in the Warren County Clerk's Office. S. Aldrich asked if these individuals will own the docks. Gary LaVoy replied that he will own the docks and be responsible for the maintenance and upkeep and that the individuals will only own the right to use those dock and parking space. Counsel stated that this sounds like there is no real property involved and that will make the assessor very happy. Counsel asked if these individuals purchasing these accesses will be responsible for paying a proportional share of what might be tax and maintenance. Gary LaVoy replied yes. J. Gaddy asked if he anticipated any changes in shore services with these docks or will they remain the same. Gary LaVoy replied that they will stay the same. S. Aldrich asked if these individuals will be allowed to stay overnight on their boats. Gary LaVoy stated that he does not

allow sleeping on the boats and he will make that a condition of the contractual agreement. H. Koster asked if has gone to the LGPC for approval. Gary LaVoy replied that he has met with Molly Gallagher at LGPC and she granted her approval as long as they were not expanding the marina. D. Roessler asked if the Board should limit the number of cars per boat. Gary LaVoy replied that he already limits one car per boat. D. Roessler stated that they could make that a condition of the approval to take the burden off of the applicant. Gary LaVoy agreed.

RESOLUTION:

Motion by Don Roessler to grant final approval for three contractual access rights for docking and parking at Bayview Marina with the following condition: 1) that each contractual access right includes one boat slip and one parking space. 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.**

After the motion, S. Aldrich noted that the applicant's deed description states that the shoreline measurement is 150 ft and would that affect their decision. Counsel replied no because a certified survey would prevail over the description and that the measurement would stand at 160 ft.

10) SPR08-05 RUSSELL, LESLIE. Represented by Donald Russell. For the construction of a proposed garage with storage/workspace, seeks Type II Site Plan Review for an accessory structure greater than 1,500 square feet of floor space; Approximately 2,508 square feet is proposed. Section 171.04, Block 1, Lot 2, Zone RL3. Property Location: 398 Potter Hill Road. Subject to SEQR. *Note: This application is in conjunction with V08-07 for a deficient front yard setback.*

RESOLUTION:

This item was tabled at the applicant's request.

11) SPR08-06 FOUR HORICON AVENUE, LLC. James Palazzo. Seeks Type II Site Plan Review for **1)** Multi-family dwelling (two units proposed in addition to the 3 retail spaces), **2)** an advertising sign greater than 4 square feet; Palazzo's Pizzeria; approximately 13 square feet is proposed, and **3)** to relocate the existing Lake George Kayak Co. sign. Section 171.15, Block 2, Lot 36, Zone GB5000. Property Location: Intersection of Horicon Avenue and Route 9N. Subject to WCPB review. Subject to SEQR. *Note: This application is in conjunction with V08-08 for deficient setbacks, lot coverage, density, and parking.*

James Palazzo stated that he has received the variance for deficient setbacks, lot coverage, density and parking. D. Roessler asked if there was any correspondence from Warren County. P. Kenyon replied that there was no County Impact based upon sufficient information provided by the applicant.

H. Koster asked if the applicant had to get variance for encroachment with the signs and canopies on State property. P. Kenyon replied that they received a variance for setback deficiency. Counsel asked if was referring to the State of New York. H. Koster replied yes. Counsel stated that he was unsure of the width of Route 9N in Bolton, but he has seen in deeds in other areas that it is 60 ft wide, measured 30 ft from the center and it could already be in the building. Counsel stated that they are not going to deal with any encroachment of any part of this building into the State right-of-way. H. Koster stated that he is concerned because part of the building is existent but they are adding to the encroachment with an additional floor and signage. Counsel stated that in their code there are requirements for meeting criteria to alter a pre-existing non-conforming structure but it has nothing to do with further increasing the encroachment. He stated that if that is the case the PB cannot deal with that until it is okay. Jim Palazzo stated that the previous owner obtained the necessary approvals and variances to alter this building in 1998. He intended to increase the overall building height with signs and canopies. He stated that he would not have had to return to this Board if he kept the same design. Counsel asked if the height and corner addition were at the same limits of the previously approved plans. J. Palazzo replied yes. Counsel stated that the Board should review this on a site plan concept because he has the necessary variances. H. Koster stated that he is asking questions so that it covers all of the issues and their decision cannot be overturned by another agency.

H. Caldwell asked if parking was a ZBA or PB issue. Counsel stated that the ZBA granted a variance, but the PB can certainly talk about it.

S. Aldrich asked if P. Kenyon could describe the differences between what was approved in 1998 and what is being proposed now. P. Kenyon replied that in 1998 four stores were approved and currently three stores and two apartments are proposed. J. Palazzo stated that he is taking about 1671 sq ft and Ike Wolgin's Lake George Kayak Co will be occupying the rest. He stated that there will be three store fronts so that if Lake George Kayak Co moves out there is a potential for three. S. Aldrich asked if the second story was approved in 1998. Jim Palazzo stated that they raised the front facade but there were no apartments.

H. Caldwell stated that the project looked to be an improvement to the Town. He stated that the ZBA brought up the stormwater issue which is tough on this lot. J. Palazzo stated that he met with P. Kenyon on Tuesday after the meeting to discuss this further. He stated that there is a 65 ft gutter that runs across the front of the building. He proposes to take that gutter and put it in the back of the addition, catch the water and bring it down the same but encapsulate it. H. Koster was concerned that he is going to lead it out onto the street. J. Palazzo replied that it is like that currently. H. Koster asked if he has any room behind the building to do some underground stormwater management. J. Palazzo stated that he could put a stone bed in that area, but it would leach right into the Ron's storage basement and be worse than it is right now. J. Gaddy agreed and stated that there is not much they can do with the stormwater without increasing a problem for the neighbors. H. Koster asked if he plans to continue leading the water out both sides of

the back. J. Palazzo replied yes. Ike Wolgin stated that there is a 4-5 ft soil space between the north side of this building and the south side of Ron's storage. This area has leaves and small trees and a lot of the water ends up here with some leaching towards Route 9N. H. Koster asked how much room is behind the building. J. Palazzo stated that it starts off wide for one parking spot and then narrows in further along the backside of the building. H. Koster asked if it was paved. J. Palazzo replied yes the first 25 ft is paved and the rest is not. H. Koster asked if it was possible to take the pavement out and put in crushed stone. J. Palazzo replied yes. H. Koster asked if the applicant's building behind this building had a basement. J. Palazzo replied yes. H. Koster stated that his idea would not work because it could potentially flood his basement. H. Caldwell stated that it looks like the applicant will not be able to do much with stormwater on this project and the DOT will have to do something with the stormwater on 9N. H. Koster asked if he could provide a drainage ditch 4-5 ft in depth off the side of the building on Horicon Avenue to catch some of the water. J. Palazzo stated that he was concerned that the gutter on the side of the building would be ripped off by the plows. H. Koster stated that if they raised the ball field about three feet they could put stormwater management for all of Horicon Avenue beneath it. Dennis Murphy agreed that it would solve a lot of the Town's water problems. He stated that he has proposed this to the School Board but they would not accept that as an option. H. Koster stated that they did this in Lake George. They could request a grant from the Fund for Lake George and build a new field on top of the stormwater management. Dennis Murphy stated that they could also ask Senator Little to get involved with the State to alleviate stormwater run-off into Lake George and the State highway. H. Koster agreed that there would be a lot people willing to contribute.

D. Roessler asked the applicant to discuss the proposed lighting and signs for the building. J. Palazzo stated he will have downward facing shielded lighting. D. Roessler asked if the lights will be turned off at night. J. Palazzo replied yes. D. Roessler asked if there will be other lights in the doorways. J. Palazzo stated that the only doorway with lights that would remain on would be for the entrance to the apartments and all of the other lights would be turned off at the end of business.

S. Aldrich asked if he was going to light the Lake George Kayak sign that will be moved to the second floor. Ike Wolgin stated that the sign will be located so that it is visible for those driving into Town and would have some illumination but will probably use something to fit the design and would be downward facing shielded and low wattage.

RESOLUTION:

Motion by Don Roessler to accept the application as complete, waive a public hearing and grant approval with the following conditions: 1) Exterior lighting is to be downward facing and shielded with low wattage bulbs used, and 2) any lighting for retail spaces be turned off at the close of business. 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.**

12) SPR08-07 THUNDERBIRD MOTEL OF LAKE GEORGE. Represented by Leonardo Chiraboga. Seeks Type II Site Plan Review for 1) a Marina; and 2) Commercial boat storage, not visible from the public right-of-way. Section 213.13, Block 1, Lot 55, Zone RCM1.3. Property Location: 3908 Lake Shore Drive. Subject to WCPB review. *Note: This application is in conjunction with V08-09 for deficient setbacks.*

RESOLUTION:

This item was tabled at the applicant's request.

13) SPR08-08 HARRY WOLKIN TRUST. Represented by Phinney Design Group. Seeks Type II Site Plan Review for a new land use within 250' of the Lake George shoreline. Specifically to construct a single family dwelling. Section 213.17, Block 1, lot 34, Zone RCM1.3 Property Location: 3832 Lake Shore Drive. Subject to WCPB review. Subject to SEQR.

RESOLUTION:

This item was tabled at the applicant's request.

14) TOWN BOARD. To discuss proposed amendment to Chapter 125 "Stormwater and Erosion Control" Section 125-5D; Chapter 150 "Subdivision of Land" Section 150-3C; and Chapter 200 "Zoning" Section 200-8C of the Town of Bolton as follows: The definitions provided within the Illustrated Book of Development Definitions shall be available to supplement and assist in the application of the provisions of this Chapter wherever this Chapter shall fail to provide its own definition or meaning. In the event that local law, town code, town ordinance or zoning board of appeals interpretation defines, authorizes or provides a clear definition, stricter requirement, interpretation or specification, such town code, town ordinance or zoning board of appeals interpretation shall prevail.

H. Koster stated that this proposal has changed slightly and the definitions provided will be within the Latest Illustrated Book of Development Definitions instead of the NYS Building Code. He stated that both Pam Kenyon and Mitzi Nittmann have been using this book for years to assist them in their interpretations. Counsel agreed and added that the ZBA agreed with it as well. He stated that if this Board is favorable to this then he can move forward and have it passed by the Town Board.

RESOLUTION:

Motion by Don Roessler to recommend to the Town Board to act favorably upon the proposed amendment to Chapter 125 "Stormwater and Erosion Control" Section 125-5D; Chapter 150 "Subdivision of Land" Section 150-3C; and Chapter 200 "Zoning" Section 200-8C of the Town of Bolton as follows: The definitions provided within the Illustrated Book of Development Definitions shall be available to supplement and assist in the application of the provisions of this Chapter wherever this Chapter shall fail to provide its own definition or meaning. In the event that local law, town code, town ordinance or zoning board of appeals interpretation defines, authorizes or provides a clear definition,

stricter requirement, interpretation or specification, such town code, town ordinance or zoning board of appeals interpretation shall prevail. **Seconded by Sue Wilson. All in Favor. Motion Carried.**

Meeting was adjourned at 10:03 p.m.

Minutes submitted by Kristen MacEwan