

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday May 22, 2008**

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 HEARINGS:

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. The public hearing was kept open at the March 2008 meeting pending additional information.*
- 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. The public hearing was kept open at the March 2008 meeting pending additional information.*
- 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. The public hearing was kept open at the March 2008 meeting pending additional information.*

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. The public hearing was kept open at the March 2008 meeting pending additional information.*

Note: John Gaddy recused himself from the above public hearings.

Rolf Ronning stated that since the last public hearing they have worked hard at addressing the comments and concerns brought forth. He stated that Dennis Phillips and Dennis Dickinson will each be providing a brief presentation and were there to answer any questions that the Board or public may have. He also thanked Tom Nace for his presence in order to provide for further clarification as well.

Dennis Phillips, of McPhillips, Fitzgerald and Cullum, stated that they have a subdivision that is in compliance with the Town from a lot size perspective. The APA has determined this to be a non-jurisdictional subdivision Class B regional project, which means the proper venue for the subdivision is before the Bolton PB. He feels that this project has been before the PB for so long because of the issue of compliance to the stormwater regulations. As of tonight, it is his understanding that there has been a meeting of the minds with the engineers with regard to the stormwater plan. He requested that the applicant be allowed to move forward and work on receiving approval for the subdivision. He stated that Dennis Dickinson was going to present the changes made to the stormwater plan since the last meeting.

Dennis Dickinson briefly explained the overall project. He explained the changes to the stormwater plans. He stated that they now meet all the requirements of separation distances, vertical and horizontal. He stated that there are some issues with stream patterns along the road and they have pulled the stormwater off the road and included it in the road construction to bring the water into the basins, treat it and discharge it onto the applicant's property and back into Indian Brook. He stated that since they meet the requirements for vertical and horizontal separation distance, they will only need to use one variance. That variance would be for the 10% frost free. He further explained the stormwater changes. He commented on one of the submissions made by Chris Navitsky, Lake George Waterkeeper, in which he indicated some concern with several drainage patterns. He stated that they went out in the field and found that there are no drainage patterns in the areas as indicated by the Waterkeeper and they have signed affidavits and photographs indicating the same.

Chris Navitsky, Lake George Waterkeeper, stated that his office is frustrated with the applicant's continued refusal to comply with the municipal code requirements and to address potential and adverse impacts of the project proposal which is surpassed by the amount of re-submissions and applications which are submitted almost on a weekly basis. He thanked the applicant for the copies of the changes submitted but commented that all are largely non-responsive to the issues that the Lake George Waterkeeper has raised

during earlier proceedings. He indicated that Tom Ulasewicz submitted a letter in response to these application changes and he proposed a method for the Town to undertake and follow to address all of these concerns. He stated that one of their larger concerns is to have a coordinated review regarding environmental impacts that should take place with the Adirondack Park Agency, NYS DEC, LGPC and the general public so that they all have the opportunity and ample time, under statutory time period, to review the comments of each and every submission. Because he understands that there may have been a submission within the last couple of day, which did not provide his office ample time to review. The application for the Saddlebrook Subdivision has made little headway over the last two years to meet the requirements of Town code and DEC laws which could have adverse impacts to the Indian Brook watershed and to the community in general. Each month the same layout has been presented and the site has been unable to accommodate the level of development or proposed a way to mitigate the associated impacts.

He had the following comments on the most recent submission: 1) The placement of the 36 inch culvert that is to be located 3 feet from an adjoining property and New Vermont Road, presents safety concerns and potential failure of the stormwater basin. He provided a photograph of the proposed location of discharge from the culvert, which shows the impact after $\frac{3}{4}$ inch of rain. He feels that this should be placed more on the applicant's property where it poses less of a threat to the community or the adjoining property owner. 2) His office will have to address the applicant's recent findings (affidavit) regarding the intermittent streams. 3) The pre-development conditions have changed from 7.4 acre feet, which the applicant has never been able to meet, to 10.3 acre feet, and he wishes for clarification as to what has changed on the existing site to be able to discharge 35% more water. 4) With regard to the variances, he feels that it is still extremely important to address the cold weather climate conditions and infiltration of stormwater. Winter and spring conditions have the greatest impact on nutrients to Lake George, which is documented through studies done by DEC and the Darin Freshwater Institute. He feels that if the applicant does not provide the opportunity to infiltrate stormwater during the cold weather climate they will have a great loss and a transfer of nutrients into Indian Brook. He stated that the Darin Freshwater Institute has just issued their 2007 study for monitoring Lake George and Northwest Bay has the highest level of phosphorus in Lake George. He stated that the applicant has also decreased one of the stormwater basins that they have received a variance for. He stated that he hopes that the PB will continue to hold the applicant responsible for fair and safe design for the submission and subdivision. He requests that the public hearing remain open and feels that it would be premature to close it.

Herb Koster apologized for the lack of time to review the changed application. He stated that he told Pam Kenyon that if everything was in her office and approved by Tom Nace by May 15th, it would be acceptable to the Planning Board. With regard to the Waterkeeper's comments about DEC regulations on stormwater management, he stated that it is not the PB's job to discern what DEC is looking for and DEC will make that determination. They have their own stormwater plan that was adopted by the LGPC.

Dennis Dickinson responded to Chris Navitsky's earlier comments about co-mingling stormwater. He stated that they have designed their system so that they are not using any intermittent streams to carry stormwater off the property and into the basins. With regard to the size of the 36 inch culvert that will be installed under the road he responded that it will be a major road to serve 23 lots. He feels that it will easily carry any stormwater they have and he won't have to worry about digging up the road to replace it. He stated the present culvert that carries all of the drainage from the entire area currently is only 12 inches. He doesn't feel that 36 inches is necessary, but it is a long pipe under the road and he wants to be able to maintain it. He responded that the change in the pre-development conditions was because they were having difficulty meeting the standards and realized that the problem was that they were using different rates of time, 20 hours for pre-development and 36 hours for post-development. He stated that in using the same hours they used for post-development conditions they met the necessary requirements. With regard to the comments about the outlets for the culverts, he stated that DEC regulations require that if they have orifices that are of certain size they should be protected with certain devices and the applicant plans to include it in the stormwater plan. With regard to the decrease in the basin, he responded that it was for a good reason and that Tom Nace has approved the new plan.

Ann Marie Somma, adjacent property owner to Pond 3, stated that although the design for the pond has changed, she is still concerned with the close proximity of the 36 inch pipe. She stated that it will be discharging 4 feet from her property line and she is concerned about erosion because it is located on a hill which is directly across from her bedroom. She stated that currently in this location water does not flow above-ground. She commented that the PB stopped her neighbor from installing a curtain drain 10 feet from the adjoining neighbor's property line. The neighbor had to amend it and cut it back an additional 10 feet because she was not allowed to discharge stormwater onto the other neighbor's property. Her overall concern is that she does not see where Pond 3 can be located where there is adequate drainage and that is not going to affect her property in what she feels is in an appropriate manner. She stated that she thought the NYS required 16 or 17 feet distance from adjoining properties for a 36 inch wide pipe to prevent erosion. She provided a picture that of the proposed location of the 36 inch culvert after the rain received that day, which showed no water. She also provided a picture of the 12 inch pipe that currently runs underneath the road and discharges water onto her property which showed no water coming out of there today.

Dennis Dickinson agreed that the pipe is close to Ann Marie Somma's property line but he feels that it is not relevant to the volume of water they are discharging. He stated that based on her comments and pictures, these streams are clearly springtime drainage patterns that have already dried up. He stated that the main goal of stormwater basins is to collect and treat all of the water from the site and he feels that their location of the ponds will do just that.

Steve Budner stated that he is still concerned with the re-routing of the stream running along the side of High Meadow Farm Road which is parallel to their wetlands. He stated that in the 18 years he has owned the property the only time that the wetlands and stream

have been dry is in extreme drought. Moving the stream will cause them hardship and affect their quality of life and their horses' quality of life. If the stream is moved, it will cause the wetlands to dry up and this in turn will limit their water source to their land, forcing them to put undue stress on their well that they use for drinking water. It is his understanding that one individual cannot legally develop or change the topography of their property which could lead to a change in the ecological status of neighboring properties.

Dennis Dickinson replied that they are not changing the wetlands on his property. He stated that the water along the road is blocked by the road. He stated that a 24 inch culvert was installed under the road to help provide an outlet for the water, which is located in the applicant's right-of-way. He stated that they intend to run it along the road and bring it back to where it was originally going which cuts across the parking area on the Budners' property. H. Koster asked if the invert of the pipe was located at the height of the wetland. D. Dickinson stated that the culvert currently is much lower than the wetland. He stated that it is sloped off so that the earth that is there holds the wetland back and once it spills over the berm it shoots off the pipe. He stated that all they are doing is removing the pipe and running the outlet down the side of the road like it is supposed to be. H. Koster asked if they will be re-contouring Budners' berm. D. Dickinson replied no.

Tom Ulasewicz stated that there is information being disclosed tonight that he was not made aware of and asked if any submissions from the applicant were dated or received after May 15th. H. Koster, P. Kenyon and Tom Nace replied that they did not receive any further changes after the 15th.

H. Koster asked if Tom Nace could comment on some of the issues brought forth tonight. Tom Nace stated that he wanted to clarify the outflow of Pond 3. He stated that during just a 10 year storm the outflow is a significant amount of water. He stated that a 10 year storm is about 20 cfs and a 100 year storm is a little over 40 cfs. H. Koster asked if he had any suggestions in dealing with the Sommas' property which was heavily damaged in the previous flood. T. Nace stated that the numbers provided are based on calculations and are not exact measures and no one can predict how stormwater will act. However, looking at the area that contributes to the pond and the changes that this development will have on that area, they are fairly insignificant. Sandi Aldrich asked if the applicant used several smaller ponds along the road, would it decrease the load. Tom Nace replied her question was difficult to answer yes or no. It might have the potential of storing water so that their peak flow wasn't as sharp but he does not know if it would be practical on this particular site without researching it further. Dennis Dickinson stated that would be a great idea, but it is not practical because the area along the road is rather steep and there isn't a good area to install a basin. H. Koster asked if they could increase the size of the basin. Dennis Dickinson replied that they could probably increase the size in length. H. Koster asked if they could make it deeper. D. Dickinson replied no.

P. Kenyon stated for the record that she was out of the office on the 15th and received Tom Nace's letter of approval on the 16th when she returned. However, Tom Nace

contacted the Zoning office on the May 15th indicating that he had signed off on the stormwater plan. Tom Nace concurred that this statement was true.

Ann Marie Somma had the following comments 1) the 12 inch drain that is currently along the roadway does not adequately capture the stormwater from the road and it seems to only capture the stormwater from Rick Demeo's driveway, and 2) although she is being told that the amount of water post-development will not be any more than pre-development, all of this water in that will be in the basin isn't concentrated 4 feet from her property line and she doesn't feel that there is adequate space for erosion control. She stated that whatever course the water is taking currently in this area works because they do not and have not, even in the previous flood, had any water running over this part of the property.

Dennis Dickinson stated that they have investigated this situation thoroughly and he explained the current drainage pattern on the Sommas' property. He stated that the water that they have would have normally gone down this same pattern and into the brook, but they have carried the water past the brook and treated it before it goes into the brook because that is what they are required to do.

Tom Nace clarified that the analysis to look at pre and post conditions takes place at the culmination of the entire watershed of Indian Brook. He does not disagree with D. Dickinson that the development is fairly insignificant compared to the land area and it should not change the run-off volume very much. However, there has not been a specific analysis of Pond 3 and the contributing areas to that pond.

Sue Wilson asked Tom Nace if all of his comments and concerns have been addressed. Tom Nace replied yes.

H. Koster stated that stormwater is not an exact science and when you put it into a math formula you make it into an exact science and it doesn't work that way. He stated that common sense needs to go into the design and he thinks that with a lot of the changes that have been made and between all of the engineers involved, a lot of common sense has gone into this but he understands the concerns of the adjoining property owners.

H. Caldwell asked where they stand with the Article 78. Counsel replied that it was stipulated to bind all of the controversies in the lawsuit to further administrative proceedings which is before the PB. His understanding is that if they take action on the merits it would require a new Article 78.

Sue Wilson asked Counsel what, if any, recourse an adjoining property owner may have if stormwater has been diverted onto their property. Counsel stated that if he were to represent an adjoining property owner he would take the owner of the property creating the discharge to civil court and possibly include the municipality as well. Then through discovery and the court process ascertain who the real party responsible is.

Counsel stated that in an effort to assist the Board in making a motion he asked if they have all of the information that they need to take action or do they need more information. H. Koster stated that their hesitance in making a motion to close the hearing does not stem from lack of information but rather a discomfort in knowing that stormwater is not an exact science and this area has been devastated by stormwater before. He stated that based on the ordinance the applicant has satisfied the design and the Town engineer has signed off on it. Sue Wilson asked if the applicant needs further permits from DEC. Dennis Dickinson replied that they have submitted a notice of intent to DEC and DEC has looked at. Sue Wilson asked if they have received a reply from DEC. Dennis Dickinson replied that DEC is looking at the size and scope of the project and what kind of treatment they are using and they issue a permit based on that. H. Koster stated that the DEC has 60 days to respond to the application, then a permit is issued.

Ann Marie Somma asked if there is a specified separation distance in the ordinance for discharging water. Tom Nace stated that he does not think it is specified. H. Koster agreed and stated that each situation and project is looked at individually. Counsel stated that they have a setback from a wetland from a stormwater device but not from a property line.

RESOLUTION:

Motion by Sue Wilson to close public hearings SD04-16, SPR05-11, SD06-14 and SD07-04. **Seconded by** Henry Caldwell. John Gaddy abstained. **All others in Favor. Motion Carried.**

REGULAR MEETING:

H. Koster asked if there were any changes or corrections to the April 24, 2008 minutes.

1. J. Gaddy, page 4, the Resolution for SPR08-04 Hensler, should read "Seconded by Donald Roessler."

Motion by Donald Roessler to accept the minutes as corrected. **Seconded by** Sandi Aldrich. Henry Caldwell abstained. **All others in Favor. Motion Carried**

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Rolf Ronning requested consideration for final approval of the Saddlebrook Subdivision.

Counsel advised that they look at this project as a blank slate. They should look at the project comprehensively and it is an opportunity to make a decision un-restrained and with no impact in what they have previously done.

H. Caldwell asked if the applicant could give the Board an idea as to a construction schedule. R. Ronning stated that there are 5 phases of construction and they will only work on 2 phases at a time. Upon completion of a phase the Town engineer will be inspecting and approving the phase before another phase may begin. He stated that they will be working on two phases at a time because some areas will require material to be removed and used in another phase. He stated that all temporary stormwater devices will be in place at all times. Dennis Dickinson described the details of construction phases on the plan.

Don Roessler stated that there was an issue with Lot 5 and the debris that was dumped on that lot and asked if that has been removed. R. Ronning stated that the debris was dumped there before he purchased the property. He stated that someone from DEC sent him a letter requesting that he remove the garbage and some soil near the brook. He stated that he replied that he would remove the debris and soil and add new soil and vegetation to that area once he obtains the necessary approvals for the road. He stated that he intends to take the proper remedial action and DEC is okay with waiting until he is granted approval. H. Koster asked if he would have to inform DEC when he is undertaking that removal. R. Ronning replied yes.

H. Caldwell stated that previously they asked for a \$150,000 bond and he is assuming that the bond would be higher. Sue Wilson stated that it was cash and a personal guarantee. Counsel explained the details of the previous personal guarantee. Dennis Dickinson stated that the bond is directly related to the road and the road has 5 sections. The estimate to build the road 3 months ago was \$450,000 plus, so if it is \$500,000 and there are 5 sections, it would be \$100,000 per section. He feels that if they keep the bond at \$150,000 it will cover that phase of the road that they are working on. H. Koster stated that they would prefer cash over a bond because it is safer. R. Ronning stated that he would agree to cash and again give his personal guarantee. H. Koster stated that he would also like to see approval of each section of the road. R. Ronning agreed and stated that once all sections are complete and approved the cash is returned.

H. Koster asked Counsel if it would be inappropriate to ask the applicant for some kind of insurance or guarantee to the Sommas about destruction of their property. Counsel stated that he has never heard of it and doubts that it even exists. R. Ronning stated that the design of the stormwater plan is that less water than before goes into Indian Brook. He stated that the Sommas are on the other side of Indian Brook and feels that it is a stretch to say that he is personally obligated for something that happens. Counsel stated that between the private property owners they can covenant or promise by contract and the beneficiary would be the individuals that may be the depository of excess water and Rolf Ronning being the contributor of the excess water. H. Koster stated that was what he was thinking about, but asked if it is proper for the PB to get into. Counsel replied that they permitted to make reasonable requirements sufficient to protect the public and to assure that the plan has some guarantees that it works, and that could include a specific beneficiary, the adjacent landowners.

Counsel reviewed the State Environmental Quality Review Full Environmental Assessment Form:

Part 1- PROJECT INFORMATION

Name of Action- Saddlebrook Subdivision

Location of Action- Between County Route 11 and New Vermont Road

Name of Applicant- Rolf Ronning

Address- P.O. Box 1, Bolton Landing, New York 12814

Phone- (518) 644-2500

Description of Action- 23 lot subdivision with common road (160+/- acres total)

A. Site Description:

1. Present Land Use- Rural, non-farm and forested

2. Total acreage of project area- 160 acres.

There was some discussion of the numbers the applicant submitted and the following are the answers as a result of said discussion.

| <u>Approximate Acreage</u> | <u>Presently</u> | <u>After Completion</u> |
|---------------------------------------|------------------|-------------------------|
| Meadow or Brushland (non-ag) | .5 acres | .5 acres |
| Forested | 151.5 | 121.5 |
| Agricultural | 0 | 0 |
| Wetland | 6 | 6 |
| Water Surface Area | 1 | 1 |
| Unvegetated (rock, earth or fill) | 0 | 0 |
| Road, buildings, other paved surfaces | 1 | 5 |
| Other (lawns and landscape) | 0 | 25 |

3. What is predominant soil type(s) on project site? sands

- a. Soil drainage: 50% well drained and 50% moderately drained.
- b. No agricultural land involved.

4. Are there bedrock outcroppings on project site? Applicant replied no, but after further discussion agreed that yes there are minor bedrock outcroppings.

- a. What is depth the bedrock in feet? Less than 6 foot.

5. Approximate percentage of proposed project site with slopes:

0-10% 50% 10-15% 30% greater than 15% 20%

6. Is project substantially contiguous to or contain a building, site, or district listed on the State or National Registers of Historic Places? No.

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? No.

8. What is the depth of the water table in feet? Varies in feet (see E-1 of plans)

9. Is site located over a primary, principal or sole source aquifer? No.

10. Does hunting, fishing, or shell fishing opportunities presently exist in the project area? Yes.

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? According to DEC there are no threatened or endangered plant or animal species.

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations) No.
13. Is the project site presently used by the community or neighborhood as an open space or recreation area? No.
14. Does the present site include scenic views known to be important to the community? No.
15. Streams within or contiguous to project area: Indian Brook
 - a. Name of stream or river to which it is a tributary: Lake George
16. Lakes, ponds, wetland areas within or contiguous to project area: There are two wetland areas.
 - a. Size in acres: 6 acres total
17. Is the site served by existing public utilities? Yes.
 - a. If yes, does sufficient capacity exist to allow for connection? Yes.
 - b. If yes, will improvements be necessary to allow for connections? Yes.
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? No.
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? No.
20. Has the site ever been used for the disposal of solid or hazardous wastes? No. R. Ronning commented that this is not a public dump site, but someone before he owned the property dumped debris on this property and that is why they answered no. H. Koster asked if he would be willing to change the answer to yes and mention that it is only solid waste which will be removed by the applicant. Counsel replied that the answer will read; yes, solid waste on Lot #5, which will be removed by applicant.

B. Project Description:

1. Physical dimensions and scale of project-
 - a. Total contiguous acreage owned or controlled by project sponsor. 160 acres.
 - b. Project acreage to be developed: 4 acres initially; 30 acres ultimately.
 - c. Project acreage to remain undeveloped: 130 acres.
 - d. Length of project, in miles: N/A
 - e. If the project is an expansion, indicate percent of expansion proposed. N/A
 - f. Number of off-street parking spaces existing- 0; proposed 0.
 - g. Maximum vehicular trips generated per hour: 5 (upon completion of project?) Tom Nace

stated that he felt that the traffic generated from ultimately 23 residential lots will produce more traffic than 5 trips per hour. D. Dickinson stated that he would like to change the number to 25.

h. If residential: Number and type of housing units: Initially 1 one family and ultimately 23 one family.
i. Dimensions (in feet) of largest proposed structure: 35' height; width and length were left blank. R. Ronning explained that it will be up to the property owner as to the size that they choose. Counsel stated that the answer will read variable as per Code.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 125 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.

3. Will disturbed areas be reclaimed. Yes

a. If yes, for what intended purpose is the site being reclaimed? Residential use and associated utilities, driveway, septic and well.

b. Will topsoil be stockpiled for reclamation? Yes.

c. Will upper subsoil be stockpiled for reclamation? Yes.

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 30 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? No.

6. If single phase project: N/A

7. If multi-phased:

a. Total number of phases anticipated- 5

b. Anticipated date of commencement phase 1: June 2008

c. Approximate completion date of final phase: December 2008.

d. Is phase 1 functionally dependent on subsequent phases? No.

8. Will blasting occur during construction? R. Ronning stated that there may possibly some minimal blasting in one area. He described the area on the map. S. Wilson asked how large the area of potential blasting will be. R. Ronning replied 50-60 feet. Counsel stated that the answer should read yes, possibly on phase 4.

9. Number of jobs generated: 6-12 during construction; 1-2 after project is complete.

10. Number of job eliminated by this project: 0.

11. Will project site require relocation of any projects or facilities? No.

12. Is surface liquid waste disposal involved? No.
13. Is subsurface liquid waste disposal involved? Yes, residential septic systems.
14. Will surface area of any existing water body increase or decrease by proposal?
No.
15. Is project or any portion of project located in a 100 year flood plain? No.
16. Will the project generate solid waste? Yes.
 - a. If yes, what is the amount per month in tons? 1 ton of household refuse
 - b. If yes, will the existing solid waste facility be used? Yes, the Bolton transfer station.
 - c. Will any waste not go into a sewer disposal system or into a sanitary landfill? No.
17. Will the project involve the disposal of solid waste? Yes.
 - a. If yes, what is the anticipated rate of disposal in tons per month? The removal of solid waste material is not a long term generation.
18. Will project use herbicides or pesticides? No.
19. Will project routinely produce odors (more than one hour per day)? No.
20. Will project produce operating noise exceeding the local ambient noise levels?
No.
21. Will project result in an increase in energy use? Yes.
 - a. If yes, what type? Electrical utilities to be installed.
22. If water supply is from wells, indicate pumping capacity. 115 gallons per minute.
23. Total anticipated water usage per day. 2,530 gallons per day
24. Does project involve Local, State or Federal funding? No.
25. Approvals Required:
 - City, Town, Village Board- No
 - City, Town, Village PB- Yes, Subdivision
 - City, Town Zoning Board- Yes, Stormwater variance
 - City, County Health Department- No
 - Other Local Agencies- No
 - Other Regional Agencies- No
 - State Agencies- Yes, APA and DEC. D. Phillips stated that the answer could be both read yes and no for the APA. Yes they needed to obtain a non-jurisdictional letter, which they have, but no the APA has no further jurisdiction.

Federal Agencies- No

C. Zoning and Planning Information:

1. Does proposed action involve a planning or zoning decision? Yes. Site Plan, Zoning Variance, Subdivision and Stormwater Plan approval.
2. What is the zoning classification(s) of the site? RL-3
3. What is the maximum potential development of the site if developed as permitted by the present zoning? 56 single family residential lots
4. What is the proposed zoning of the site? N/A
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes.
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? Land use within this area is mainly residential in the RL-3 zone.
8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes.
9. If the proposed action is the subdivision of land, how many lots are proposed? 23 lots
- b. What is the minimum lot size proposed? 2.35 acres
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? No.
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes.
 - a. If yes, is existing capacity sufficient to handle projected demand? Yes.
12. Will the proposed action result in the generation of traffic significantly above present levels? No.

Counsel asked the applicant if he has any further information that may be necessary or needed to clarify their project pertaining to any perceived adverse impacts associated with his proposal. Dennis Phillips and Rolf Ronning replied no.

Dennis Phillips commented that as they went through the first part of the long form, there were several modifications and amendments to the factual aspect of Part 1. He stated that his client both appreciates and consents to the changes. He requested that Part 1 be amended as modified and agreed to by the applicant. Counsel stated that his comments raise an interesting question, would the amendments of such magnitude and substance require that this portion remain open to public comment. Dennis Phillips replied that he felt that the changes were of a technical nature rather than material changes. He felt at times the questions asked were ambiguous and difficult to answer and in his opinion felt they were technical questions. Counsel suggested that Tom Ulasewicz be heard on the same question. Tom Ulasewicz stated that as far as his experience with the SEQR process, it does not distinguish between material amendments and technical amendments. If the document is changed in any way it would be his opinion that it go through the public review process. As seen tonight, clearly this document has been changed. He also stated that to his knowledge the only part that the PB is to be directly involved in is Part 2 and although the PB's contribution to the applicant in Part 1 is helpful it is inappropriate. Counsel disagreed stating that whether the questions or answers are ambiguous, they need to be answered to the PB satisfaction before the PB can deal with Part 2. However, Mr. Ulasewicz makes a valid point because there are some changes in Part 1 that are fair comment and an opportunity for the public to be heard on those matters would require that they be given a reasonable opportunity to address those issues. He stated that although it is up to the PB's discretion to accept what has been answered and amended and proceed, he would not recommend it. He stated that although the document has been in the office since January 2008 there have been many material changes made tonight which have not been able to be reviewed. R. Ronning stated that he did not feel that any of the material changes affect the stormwater issues that they have worked so hard on. H. Koster stated that he did not feel that it was inappropriate for the PB to participate in Part 1, but he feels that they should follow Counsel's advice. One month delay is better than leaving the door open for a year delay. Sandi Aldrich asked if Counsel was suggesting opening a public hearing on Part 1 of the SEQR form. Counsel replied that they could open a public hearing or they could accept comments in writing. Counsel asked the PB if they were satisfied with the applicant's answers. H. Koster replied yes, with the resulting answers. S. Wilson replied yes, but she would feel more comfortable with a public hearing. Counsel suggested that they make a motion for a public hearing on the changes made to Part 1 of the SEQR.

R. Ronning asked if they could request a special meeting and asked how much time is necessary for the public to review the changes. Counsel replied a reasonable time which should be at least 10 days and enough time to supply adequate public notice. Dennis Phillips stated that he would like to request a special meeting two weeks from today. P. Kenyon replied that she will not be available on that date. D. Roessler, S. Wilson, and H. Caldwell also state that they would not be available. (J. Gaddy has recused himself.) H. Koster replied that they would not have a quorum and suggested that they schedule it for the next regular meeting.

RESOLUTION:

Motion by Sue Wilson to open a public hearing for the State Environmental Quality Review Full Environmental Assessment Form, Part 1 for SD04-16, SPR05-11, SD06-14 and SD07-04 to be heard at the June 19, 2008 Planning Board meeting. **Seconded by** Donald Roessler. John Gaddy abstained. **All others in Favor. Motion Carried.**

Dennis Phillips stated that he is consenting to open the general public hearing and requested that any interested party that may want to comment be given two weeks in which to submit any additional information on the project. H. Koster asked if he was allowing comments on the entire project. Dennis Phillips replied yes. Counsel stated that if they open the general public hearing then they will be delaying the 45 days. Dennis Phillips replied that he would not like to delay the 45 days but would like to accept written submissions within the next two weeks that could supplement that record. Counsel stated that it is a strange request because essentially they are asking to open the public hearing again. Dennis Phillips stated that he does not want to re-open the public hearing, he is consenting to the PB accepting any written comments from the public as to what has been presented tonight. H. Koster asked if they could open a public hearing for just written comments. Counsel replied no. R. Ronning stated that they are doing this to avoid another Article 78. Counsel replied that they cannot partially open up a closed public hearing to invite written comment with respect to those matters. Dennis Phillips asked for a short recess to discuss this matter further with his client.

Dennis Phillips returned from the short recess and requested to withdraw his request for written comments. He stated that in light of the many changes that have been made to Part of the SEQR, he requested that the applicant may supplement Part 1 to be sure that it is accurate and would file that with the PB by Tuesday, May 27, 2008. H. Koster asked if they were going to re-do the whole application. R. Ronning replied no, but they are going to review the changes for their accuracy. Dennis Phillips replied that they have agreed to the changes that have been made, but some of it is in Counsel's writing and it is their intent is to supplement it with their writing.

Motion by Donald Roessler to table items SD04-16, SPR05-11, SD06-14 and SD07-04 until the June 19, 2008 Planning Board meeting. **Seconded by** Sandi Aldrich. John Gaddy abstained. **All others in Favor. Motion Carried.**

5) RONNING, ROLF. To discuss re-zoning those parcels designated as Section 139.00, Block 1, Lots 86 through 91 and a portion of 92 from the RR10 zone to the RIL3.

Rolf Ronning stated that these lands are part of Westwood Forest West on the west side of Hendricks Road. He stated that part of the subdivision is in the industrial zone and part is residential and he built the access road on the line between the two zones. He stated that the 4 lots in the industrial zone went the Adirondack Extreme TreeGo and it has been successful. However, potential buyers for the residential side have been concerned about being across from commercial property. He explained that last year he had donated lot 8 to the school for athletic fields but they decided that they did not want it. He stated that Mr. Johnson, owner of Adirondack Extreme has expressed an interest in expanding, but he cannot if the zone remains the same. He stated that this interest got

him thinking that this could be an opportunity to expand the industrial zone. He stated that this road is not visible from Hendricks Road and it does not impact anyone. He stated that he could potentially sell to someone interested in having an auto garage, boat building business, and building Adirondack furniture and there is precious little land that allows these types of uses. He stated that he went to the TB and they seemed receptive to the idea and requested that he go before the PB for a recommendation. Counsel stated that the Rolf Ronning's statements were accurate.

H. Caldwell asked if car maintenance or boat maintenance facility allowed in the current RR10 with site plan review. Counsel replied yes, commercial boat storage, automobile care fully enclosed up to 700 sq. ft. with outside storage and vehicles not visible from public right-of-way. R. Ronning stated that he just used these as examples, but it could be many other uses that are not allowed in the RR10 zone.

Don Roessler asked if he would be changing any of the sizes or configuration of the lots. Rolf Ronning replied no. J. Gaddy agreed that Town could use more space like this but also feels that Bolton is lacking affordable housing and wondered if they could get a mix of that in this area. R. Ronning replied that residences can be built in industrial zones and it could be something to consider.

Sue Wilson asked Counsel for the allowable uses in the RIL3. Counsel read all allowable uses including special permit uses. He stated that there is also a local law that states that adult entertainment and tattoo parlors are permitted in the industrial zone. R. Ronning stated that he would stipulate that he would not allow those types of uses. H. Koster stated that the applicant could come back and re-configure the lots. R. Ronning stated yes, but he does not plan to do that unless it is re-zoned. He stated that he would agree not to increase the number of lots. With regard to that, Counsel stated that the applicant would be giving up a lot.

Don Roessler asked who would own the road, because previously it was stipulated that Lot 8 owned the road. R. Ronning stated that was done because the school was going to have that lot and it would remain that way for now.

J. Gaddy stated that they are dealing with another residential development in this vicinity and asked where that was in relation to this proposal. R. Ronning explained the location using the map and stated that it would not be affected by this proposal.

S. Aldrich stated that she was concerned about potential use of an area near the large wetland. R. Ronning replied that the terrain in that area would not lend itself to many business opportunities other than possibly expanding the Adirondack Extreme.

S. Wilson asked if approved, could they require site plan review for any potential business going into this area. R. Ronning stated that he is asking for a recommendation to the Town and it is not their decision to make. Counsel agreed and stated that the TB is seeking the PB advisement, however they could make site plan review part of their

recommendation. He also indicated that there are many uses in the RIL3 that require site plan review already.

H. Caldwell stated that he felt that this was large change. R Ronning disagreed and restated the benefits to the community and the non-existent adverse effects on the neighborhood. J. Gaddy asked if this should be sent to the Implementation Committee. P. Kenyon replied that the re-zoning will be determined by the TB. Counsel agreed and stated that the TB has exclusive jurisdiction as to change zoning districts and change language in the zoning code. H. Caldwell asked if the TB will have a public hearing on the matter. Counsel replied yes. He stated that this is the first step of many for the applicant. The TB will need APA and WC PB input, it has to be put on public notice and has to be a change by local law. H. Koster stated that he did not have a problem with the proposal as long as it remains only 7 lots and site plan review is required.

RESOLUTION:

Motion by Donald Roessler to grant a positive recommendation to the Town Board for the re-zoning of parcels designated as Section 139.00, Block 1, Lots 86 through 91 and a portion of 92 from the RR10 zone to the RIL3 zone, with the following conditions: 1) the applicant may re-configure the shapes and sizes of lots but the total lots shall not exceed seven, 2) deed covenant prohibiting tattoo parlors and adult entertainment, 3) deed covenant requiring site plan review for each lot. **Seconded by** Sandi Aldrich. Henry Caldwell opposed. **All others in Favor. Motion Carried.**

6) 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 3,800 square feet is proposed. Section 171.14, Block 1, Lot 2, Zone RL3. Property Location: 398 Potter Hill Road. Subject to SEQR. *Note: This application is in conjunction with V08-22 for a deficient front yard setback.*

Don Russell stated that he is proposing to build a new garage structure on his property and remove the old garage. He is before the PB because he exceeds his square footage, garage bays and setback from the road. S. Aldrich stated that she noticed that the applicant has brought in some fill in this area and asked how deep the area is. Don Russell replied that the depth averages approximately 1-4 feet. S. Aldrich asked if he has installed a silt fence. D. Russell replied yes and he has brought in two tandem loads of woodchips. S. Aldrich asked if he plans to have any plumbing or water in the building. Don Russell replied that he intends only for a compost toilet and no other water will be run there.

J. Gaddy requested that any lighting be downward facing, shielded with the use of low wattage bulbs. Don Russell agreed. H. Caldwell commented that as a Board member and neighbor he supports the project and he feels that it will be a nice addition to the neighborhood.

RESOLUTION:

Motion by Donald 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.**

7)SD08-02 GARY LAVOY. In accordance with Section 200-37B(4) (Shoreline Regulation), seeks subdivision approval for 28 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. Major. Subject to SEQR. *Note: This application is in conjunction with V08-16 for deficient shoreline.*

Counsel explained that he wanted to clear up some confusion from the application. He stated that when the applicant last came before the PB he sought contractual deeded rights to the dock spaces. At the ZBA on Monday night the applicant again expressed contractual rights, but stated that he would like them in the form of an easement. He stated that he is confused and unsure as to what the applicant has in mind. Gary LaVoy stated that he was trying to comply with the code that states deeded or contractual rights. He stated that personally he would prefer an easement. Counsel stated that an easement would be allowed, but the granting of an easement is not a subdivision of a parcel of land. He stated that it looks like the applicant is seeking 28 easements that burdens only one piece of property. H. Koster stated that he is concerned with the section of the ordinance that deals with shared lake rights. With regard to contractual access, Counsel stated that the applicant already has a variance for deficient shoreline.

H. Koster asked if the applicant will continue to sell gas. Gary LaVoy replied no, he has already pulled the tanks. He listed other proposed changes that would be of benefit to the Town and community as 1) ceasing the public launch, 2) ceasing the tour boat operation, and 3) removal of the cabins by the shorefront. Counsel asked Mike O'Connor when someone gets one of these easements can they write title insurance for it and how. Mike O'Connor replied yes by insuring the easements rights and privileges.

Counsel asked if individuals with an easement are financially obligated for any repairs or maintenance on any of the 28 docks or is it specifically for the dock that they are on. Gary LaVoy replied that the docks are his responsibility and the individuals' maintenance fee will cover that. H. Caldwell asked what the difference is between renting the docks spaces, which is what he currently does, and granting easements. Gary LaVoy replied that he is not changing much in the way of use, but he is downsizing his marina operation. Mike O'Connor added that the main difference is that the customer has a guarantee that they will be able to be there for a long period of time even if the property is sold.

H. Caldwell asked how the tax assessor will look at this. Counsel replied that the Assessor will not know about it, because the applicant is proposing to keep it one parcel.

H. Koster asked if the easement will include a parking spot. Gary LaVoy replied yes. H. Koster asked if the spot will be designated. Gary LaVoy replied yes but he will reserve the right to change it.

S. Aldrich stated that Molly Gallagher's, LGPC, email cites a section of the code that states "No vessel shall be berthed at a dock, wharf of mooring without the prior consent of the adjoining land owner(s) so as to encroach beyond the adjacent property line extended into the lake on the same axis as the property line runs on shore where it meets the lake or at a right angle to the mean high water mark whichever results in the lesser setback." Mike O'Connor replied that the applicant has an easement (Book 645/Page 687) that specifically allows him to keep vessels on that side of the property line.

H. Koster asked what is to stop other individuals with shorefront from doing the same. Counsel replied that they could not without first having met the criteria of the shoreline access by contractual rights provided in the code. Depending upon the zone they would have to minimum frontage for the parcel itself and then additional 10 feet for however many users they have. The applicant got a variance and now he has it as a right. Mike O'Connor stated that the applicant probably would not have gotten the variance except that he has this type of operation already there and he is not increasing the number of docks.

Counsel recommended to the PB that they allow the applicant to withdraw his application because the subdivision is not necessary and that he should be granted a full refund. Gary LaVoy requested to withdraw his application based on Counsel's recommendation.

RESOLUTION:

Motion by Donald Roessler to withdraw the application of SD08-02 based on Town Counsel's recommendation that the presentation and application are not applicable to a subdivision ordinance and therefore does not require approval from the Planning Board and the applicant should be refunded any money remitted to the Zoning office for application fees. **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

8) SPR08-15 KELLY, JOHN. For the construction of a proposed garage/guest cottage, seeks Type II Site Plan Review for an accessory structure greater than 1,500 square feet of floor space, approximately 2,749 square feet is proposed. Section 200.07, Block 1, Lot 13, Zone RM1.3. Property Location 62 Fish Point Road. Subject to WCPB review. Subject to SEQR.

Joe Haines of Dasa Haines Architects represented John Kelly. He stated that the proposal is for the addition of a guest house and garage. He stated the guest house will be 34.5 feet by 43 feet. He noted that there is one difference not shown on the site plan for an 8 by 8 foot porch on the western side of the building. He reviewed the site plan drawings and renderings. He provided drawings of all four sides of the structure. He stated that the structure will be a timber frame building and some of the timber frame will be carried onto the façade of the building. The exterior will consist of naturally finished pine. The

roof will be a green standing seam roof and the windows will be green as well. There will also be stone on the base of the structure that will match the existing stone found on the property.

J. Gaddy stated that he likes the proposal and requested that any and all lighting be downward facing and shielded with the use of low wattage bulbs. Joe Haines stated that they would agree to that.

H. Caldwell stated that if they moved the structure to the open space away from the property line they would not need to take down any trees. Joe Haines replied that they only intend to remove one of the trees and it is an old deteriorating maple. He stated that this is a natural site for the location of the home because the septic will go on the east side of the structure and there are two trees that are going to frame the driveway.

S. Aldrich stated that the southwest corner of the proposed garage is close to the 58 inch oak and is concerned it may cause a problem. Joe Haines stated that they are only pouring a foundation and not a basement and feels that this should not be a problem. S. Aldrich asked if the septic was separate from the one that services the house. Joe Haines replied yes. S. Aldrich stated that on her site visit of the property she noticed a large mercury light fixture and wondered if it could be removed. Joe Haines replied yes. S. Aldrich asked if the garage would be visible from the lake. Joe Haines replied that the view from the garage would be a filtered view so he feels that it would not be easily seen. H. Koster agreed and stated that he went by the location by boat and could not see this location.

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) the mercury vapor light located on the driveway be removed. 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.**

9) SPR08-12 KERSHAW, KEVIN. . In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review for a major stormwater project, specifically to remove more than 15,000 sq. ft. of vegetation. 35,500 square feet is proposed. Section 139.00, Block 1, Lot 15, Zone RR10. Property Location: 453 County Route 11. The WCPB determined no county impact. Subject to SEQR.

Kevin Kershaw stated that he is proposing to build a new structure further back on his property which is 9.6 acres. He briefly explained his proposal for the new home. He stated that he is keeping the existing driveway and building off of that.

S. Aldrich asked if the home will be visible from County Route 11. Kevin Kershaw replied yes. J. Gaddy asked if the home will be a ridge line house. Kevin Kershaw

replied the gable end will be facing east and the length of the house will face west. J. Gaddy asked if he could keep a mix of trees in there so that he can still get a view of whatever he is trying to see but break it up with some trees along the way. Kevin Kershaw replied yes and he can plant new trees as well.

H. Caldwell asked if he is taking down his existing house. Kevin Kershaw replied that he is unsure that he wants to take it down and is considering leaving it as a guest house. He stated that it will take about two years for him to complete construction of the new home and he knows he will have to come before the PB to change his existing home into a guest house. H. Koster stated that he does not have a problem with the applicant converting the existing home into a guest house, but they have to address it now. P. Kenyon asked how large the structure was. Kevin Kershaw replied 32 ft by 22 ft with two stories. P. Kenyon stated since it is under 1500 sq. ft it does not need site plan review and he will just need to remove the kitchen after completion of the new home.

J. Gaddy asked with regard to the south pond does he anticipate much tree removal. Kevin Kershaw replied that he has laid it out with Mitzi Nittmann and with the exception of a couple of small trees he will be keeping most of the trees. J. Gaddy asked for the length of the proposed home. Kevin Kershaw replied it is 115.5 inches long including overhangs. J. Gaddy asked if he could move the north pond. Kevin Kershaw replied yes he would investigate moving the north pond.

J. Gaddy asked what his elevation was. Kevin Kershaw replied 1345 ft. J. Gaddy stated that the proposed house would be 30 ft which would raise his elevation to 1375 ft. J. Gaddy requested that he arrange all of the elements on the proposed project so that he could receive all of the benefits but at the same time preserve as many trees as possible in the process. Kevin Kershaw agreed.

RESOLUTION:

Motion by John Gaddy 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, 2) that the applicant retain as many trees on the property as possible during construction, 3) to maintain the use of the existing home while the new home is under construction and that upon completion of the new home the kitchen is to be removed from the existing home to comply with guest cottage requirements. 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.**

10) **SPR08-09 DENTON, EDWARD & DIANE.** Represented by the L.A. Group. As part of subdivision approval set forth by the Planning Board on January 23, 2003 and 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. 35,400 is proposed. Section 171.07, Block 1, Lot 60, Zone RM1.3. Property Location:

Cobblestone Court and being lot 12 of the Cobblestone Subdivision. The WCPB determined no county impact. Subject to SEQR.

Lisa Paganin of the LA Group stated that the applicants are proposing to build a three bedroom home at 12 Cobblestone Road with a driveway. She stated that this is a previously approved subdivision location. A major stormwater application was approved by Tom Center of Nace Engineering. She stated that there is 35,000 sq ft of total disturbance and the total site area is 1.8 acres. They will have public water and a pumped septic system, which will pump 109 feet to a leach field.

J. Gaddy stated that he did not see any plans for exterior lighting and requested that any lights chosen be downward facing, shielded with the use of low wattage bulbs. Lisa Paganin agreed.

S. Aldrich asked if there will be any screening between the Cobblestone Court and the front of the house. Lisa Paganin replied no, but it is their intention to save as many trees as possible on the rest of the property.

H. Caldwell stated that the subdivision in general needs to do some maintenance work on their stormwater. He stated the ditches that are rip-rapped are all full of silt. H. Koster stated that most of the problem is from a house that was constructed up the hill which should have installed their stormwater management first. In light of that issue, H. Koster requested that they install or rough in their stormwater management pond prior to construction to prevent any further damage. Lisa Paganin agreed.

RESOLUTION:

Motion by John Gaddy to accept the application as complete, waive a public hearing and having met the criteria set forth in the code, grant approval with the following conditions: 1) Exterior lighting is to be downward facing and shielded with low wattage bulbs used, and 2) Proposed stormwater basin on the east side of the home be installed prior to the construction of the house. 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.**

11) SPR08-02 VON SCHENK, STEPHEN & CAROLYN. Represented by the L.A. Group. 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. 1.82 acres is proposed. Section 199.12, Block 1, Lot 18, Zone RL3. Property Location: Coolidge Hill Lane off Coolidge Hill Road. Default approval from WCPB.

Lisa Paganin of the LA Group stated that they are proposing a four bedroom home with a pool and driveway located on Coolidge Hill Lane. She stated that this is part of a previously approved subdivision. A major stormwater application has been approved by Tom Center of Nace Engineering. There is 1.8 acres of disturbance with a total site area

of 5.1 acres. They will have a well and a pumped septic system which will pump about 400 feet to a leach field.

J. Gaddy observed that the site has already been cleared and asked P. Kenyon when that took place. P. Kenyon replied about 15 years. J. Gaddy asked if it was ever approved. P. Kenyon replied no.

S. Aldrich asked what material will be used around the pool. Lisa Paganin replied that it would be stamped concrete.

S. Wilson asked if the applicant has a view of the lake. The applicant replied no. J. Gaddy requested downward facing, shielded lights with the use of low wattage bulbs. Lisa Paganin agreed.

RESOLUTION:

Motion by John Gaddy to accept the application as complete, waive a public hearing and having met the criteria set forth in the code, grant approval with the following conditions: 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** Sue Wilson. **All in Favor. Motion Carried.**

Meeting was adjourned at 10:47 PM.

Minutes submitted by Kristen MacEwan