

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday April 23, 2009**

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

REGULAR MEETING

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

Absent: None

Herb Koster opened the meeting at 6:06 PM.

Herb Koster asked if there were any changes or corrections to the March 19, 2009 meeting.

RESOLUTION:

Motion by Donald Roessler to accept the March 19, 2009 Planning Board meeting minutes as written. Seconded by Sue Wilson. Herb Koster abstained. **All others in Favor. Motion Carried.**

1) SPR09-04 HAPPY JACK SHOPS, INC. Represented by Jeff Strief. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 7 square feet is proposed. Section 171.19, Block 2, Lot 2, Zone GB5000. Property Location: 4936 Lake Shore Drive. Subject to WCPB review. Subject to SEQR.

Jeff Strief stated that they are consolidating their candy store and children's store into the one location at 4938 Lake Shore Drive. They would like to move their Happy Jack Kids sign to that location and hang it from a new arm in a slightly different position. He stated that the arm would be centered above the window and the sign would hang in front of the window. He stated that the sign is smaller than the window and would hang down from a couple of pieces of rod or chains so that it would be centered on the window. He stated that the sign would not have any lighting because they already have light underneath the awning.

Pam Kenyon stated that there was no WC impact.

RESOLUTION:

Motion by Donald Roessler to accept application SPR09-04 as complete, waive a public hearing and grant approval. 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.**

2) **SPR09-05 RON'S HARDWARE INC.** Represented by Greg Smith. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. 18 Square feet is proposed. Section 171.15, Block 2, Lot 45.2, Zone GB5000. Property Location: 4979 Lake Shore Drive. Subject to WCPB review. Subject to SEQR.

Greg Smith stated that his current sign is 3' x 6' and faces east. He explained that switching over from being independent to ACE Hardware, they will need a new sign made that says Ron's ACE Hardware. He stated that the proposed sign would be the same size, but he would like to have it 2 sided over the sidewalk so that it can be seen from both the north and south. He stated that there will be no lighting on the sign, but it will be a foot higher off the ground than it is now. The colors will match the existing building, but the ACE and Benjamin Moore logos have to be in their logo colors. He stated that most people didn't even know they sold Benjamin Moore paint. He stated that being affiliated with an ACE will hopefully help improve business.

Pam Kenyon stated that there was no WC impact.

RESOLUTION:

Motion by Donald Roessler to accept the application SPR09-05 as complete, waive a public hearing and grant approval. 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.**

3) **SPR09-07 BOLTON CHAMBER OF COMMERCE.** Represented by Joe DiNapoli. Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 40 square feet is proposed. Section 171.19, Block 2, Lot 12, Zone GB5000. Property Location: 4929 Lake Shore Drive. Subject to WCPB review. Subject to SEQR.

Joe DiNapoli stated that the Bolton Chamber of Commerce has been doing a lot of work this year to revamp their entire image, complete with a website, logo and new sign. He stated that they are proposing to replace the existing outdated sign with something more contemporary. He provided a rendering of the proposed sign which includes a 4 line LED to the bottom of the sign for the purpose of advertising events going on in the Town. He stated that even though the current sign can display events and messages, they are unable to use that sign all year long due to weather conditions and the letters are not replaceable and the sign itself is in bad condition.

Joe DiNapoli stated that there are so many events going on in Town it is difficult to keep up with changing the sign frequently. They are proposing the LED sign so that they can have a computerized set-up so that Elaine can change the message frequently.

The proposed sign is approximately the same size and they were trying to keep the same square footage of the existing sign and they have done so within about 4-5 inches. He stated that not only will the Chamber be using the sign for advertising events, but the Town and public would have the opportunity to use the sign as well.

Joe DiNapoli stated that as this proposal has come about many people have approached him with concern that it will be like the school LED sign. He stated that he wants the PB to understand that the sign will be turned off at night and unlike the school sign this proposed sign will not just be limited to the red coloring for the letters. He stated that they don't even plan to use the red and would rather prefer using the orange, green or yellow whenever possible.

In their marketing research in Town they have found that most of the people in the business district have applauded this effort because this is a tourist town and this will be our main way of communication with the tourists.

Herb Koster asked if any of the lighting would be flashing. Joe DiNapoli stated that the only time that the sign may scroll or flash would be if they had too many events to post on a single panel, but it is not their intent to have the sign flash. Sandi Aldrich asked if the sign will roll left to right or if it will scroll down. Joe DiNapoli replied that he was not sure as to how it would work.

Henry Caldwell asked about the location of the proposed sign. Joe DiNapoli replied that it would be in the same location. Henry Caldwell asked how big the LED area of the sign would be. Joe DiNapoli replied that it would be 60" wide x 30" tall, which is capable of having 4 lines of 7 inch letters. Donald Roessler asked what hours were proposed for operation. Joe DiNapoli replied that it would vary seasonably, with winter hours ending at 9 or 10pm and summer hours ending at 10:30-11pm. John Gaddy asked if the intensity of the LED lights could be lessened. Joe DiNapoli replied that they will not be using the red, which should help, but he is not sure if the intensity could be changed. Sandi Aldrich asked if the upper portion of the sign would have lights. Joe DiNapoli replied yes and explained the details of the lighting for the upper portion of the sign. He stated that presently the sign is up-lit from the ground that would be replaced and downward facing lighting would be installed on the new sign. Sandi Aldrich asked if that part would be lit all night. Joe DiNapoli replied no there would be no need for that.

John Gaddy stated that he feels that if there is downward facing lighting on the sign that would be enough to show that this is the Bolton Chamber of Commerce, without the LED lights. Joe DiNapoli stated that they need to get messages out to the public and especially tourists. In February they had a tourism workshop and the Mayor Lake George Village came and spoke to them. He stated that he gave them some really good tips, but the most important thing he stressed was that they have a park and they should use it. Since then their marketing department at the Chamber has been working hard to put together a lot of programs and events in the park to bring tourists to town. He feels that the LED sign is the only device that they have to get the message out to people. He stated that this could achieve the Chambers goal of reaching people about these events. The current sign does

not allow them to get that message out; this sign would provide the opportunity and flexibility to change the message, announcements or events. John Gaddy stated that the town also uses the Lake George Guide and other handbills for the tourists and this sign would not be the only way to reach the tourists.

Frank McDonald commented that the LED will be half as high as it is wide. He feels that the overall sign including the LED portion will look a lot different than what is being shown on the rendering. Joe DiNapoli replied that they could scale down the logo on the top part of the sign to make the LED portion work within the dimensions that he submitted.

Don Roessler asked when the Chamber hoped to have the sign ready. Joe DiNapoli replied that if he gets approval they would hope to have it up by early June.

John Gaddy stated that they have about 12 pages regarding signs on the Implementation Committee and they have been trying to deal with the self-illuminated flashing signs. He stated that he knows they have one on the fire house and the one at the school is extremely disappointing. Joe DiNapoli stated that the Bolton Chamber is not a business and feels that they should not be treated like a business. He stated that they represent 150 members and numerous businesses. He feels that they need a device so that their efforts to promote those members and businesses can be extended through this sign.

John Gaddy stated that he feels that one of the roles of the PB is to help business in Town and they are a resort community trying to make sure that business has the best advantage they can, but he does not think that the LED light is the kind of sign that he would want to see there. He stated that he knows that there are smaller banner LED signs that could be used temporarily to see how it works. Joe DiNapoli replied that they would not be interested in something like that. Sandi Aldrich stated that she agreed with John Gaddy. She agreed with Joe DiNapoli that this sign is a welcome mat for tourists entering their town, but she does not feel that this is the message that she would want to choose. She stated that they usually hold businesses to a certain standard, which includes a painted sign with down facing shielded lighting. Joe DiNapoli stated that he feels that they should not be held to the same standard since they represent business and they have a lot more message to get out to the benefit of their 150 members than one business has and that is why he is asking them to take consideration on this. He stated that he knows they do not like the LED and they have gone to the trouble to get the additional colors which is an additional expense so that they can tone the color down.

Sue Wilson asked what the overall size of the sign would be. Joe DiNapoli replied that it would be 79" x 53". Sue Wilson asked how much of the sign would be taken up by the LED section. Joe DiNapoli replied approximately 30" of height. He stated that they are trying to stay within the existing parameters of the current sign. Herb Koster stated that the LED will be approximately the same size as the Chamber sign above it.

Don Roessler asked how much the sign would cost. Joe DiNapoli replied that the whole sign installed would cost about \$11,000 and the LED portion is approximately 4-5,000.

Herb Koster asked if they would consider using smaller letters. Joe DiNapoli stated that they would agree to that condition.

Henry Caldwell suggested that they have the applicant return in a year because he feels that they will have input from the town. However, this could be a problem due to the cost of the sign and potential changes could end up costing even more for the applicant. He stated that it is most difficult for the PB to imagine this without seeing the working sign. Joe DiNapoli replied that he asked the designer if there were any in the area that they could compare it to, but unfortunately there wasn't. Joe DiNapoli stated that they could also consider fewer lines for the LED portion and agree to come back in a year for review. Sue Wilson suggested foregoing the review in a year and recommended that they have a public hearing next month. Don Roessler asked if they could customize the LED sign. Joe DiNapoli replied yes it is customized.

John Gaddy stated that the businesses in town have really created an attractive downtown and a place where tourists want to come and visit. He feels that this speaks for itself. Joe DiNapoli agreed but stated that the Chamber also hears things that the town does not. He stated that there is a major problem with many of the key organizations in town communicating with each other. This would be their means for communicating with everyone in town and for the tourists and visitors. He stated in these economic hard times the Chamber has thrown everything they have into marketing this summer to make it as successful as possible.

Judy Forshay, Board of Director for the Chamber of Commerce, stated that the LED sign would also be helpful for foot traffic so that these visitors will see the events and come back to Bolton Landing at night or on another day for a particular event. The events posted will be current events so that the people in town that day will have another reason to come back at night, which will hopefully turn into more use of the downtown businesses for eating and shopping.

Trinket, Board of Director for the Chamber of Commerce, stated that the LED could be used in emergency situations to announce school closings or sewer/water emergencies. She stated that the school sign has been brought up a lot and she would like the PB to know that is an example of what they do not want to do. She stated that they have put a lot of thought into how to make it the least obtrusive and still get their message across. Herb Koster stated that he understood their reasoning for the updated sign, but he would like to see something more proportionate to what they are showing on the drawing.

Don Roessler suggested that they have 2/3 of the sign be the Chamber logo with 1/3 being the LED, that way the majority of the sign would be fixed. He suggested that they also have fixed hours for both the summer and winter. Although it might be helpful to have the input, he is not sure if the applicant should be required to come back in a year because of the high cost for the LED he is not sure what changes they would be able to make to it other than color of the letters and hours of operation.

Counsel read a letter from Rich Waller who was in support of the new sign.

Rich Waller stated that they could reduce the size of the letters on the LED sign from 5 to 7 inches which would reduce that portion to approximately 20 inches, which would be in proportion to the rest of the sign. John Gaddy asked if that would be achieving their goal of reaching motorists. Herb Koster stated that this would be mainly for foot traffic anyway. Joe DiNapoli stated that he feels that 5 inch letters would still be very readable even for motorists.

There was further discussion on making additional changes or concessions to the proposed sign. John Gaddy stated that he felt that they were planning the sign for the applicant. Herb Koster stated that he wanted to be sure that they got an LED sign that was flexible in the size and color of the letters. Joe DiNapoli replied that as their intent so that they could have the control and flexibility of the sign especially if they are required to come back in a year. Sue Wilson stated that she is uncomfortable in doing it this way because they are designing the sign and not looking at an exact plan in front of them. Joe DiNapoli stated that they do have an exact plan. John Gaddy stated that other applicants in other situations that have promised/proposed to do a certain thing and it ends up completely different. Joe DiNapoli stated that he is not sure that anything could go wrong with this plan especially with the conditions that would be placed on them. He stated that the only changes from the proposed application are favorable to the PB because the letter size and sign size have been reduced. He asked what he thought could go wrong. John Gaddy replied that it is a procedural thing. If a plan changes significantly, the applicant is asked to come back with what is exactly proposed.

RESOLUTION:

Motion by Donald Roessler to accept application SPR09-07 as complete, waive a public hearing and grant approval with the following conditions:

- 1) The LED light shall only be operational between the hours of 7:00 am and 11:00 pm from May 1st through November 1st and 7:00 am to 9:00 pm November 2nd through April 30th.
- 2) The size of the sign is to be no larger than 60 inches in height and 80 inches in width.
- 3) The maximum letter height for the LED sign is to be 7 inches and the color red will not be used for the letters.
- 4) There are no limits to the hours for lighting of the Bolton Landing Chamber of Commerce sign, but they shall be downward facing and shielded.
- 5) The applicant shall return in one year for review of the hours, LED letter size and colors.
- 6) The sizing of the sign shall be proportioned so that the LED will be 1/3 of the sign and the Bolton Chamber of Commerce will take of 2/3 of the sign.
- 7) The remainder of the sign shall be the same as presented in the rendering, including the artwork, lettering and size of lettering.

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

4) V09-06 ABBATIELLO, JOSEPH & CAROLE; SWOPE, ANNE; and HIATRIDES, JAMES. (Lagoon Manor) Represented by Frank McDonald. In accordance with Section 200-93A (other regulation applicable to Planned Unit Developments), seek area variance to expand three decks on building 600. Section 157.05, Block 1, Lots 88.32, 88.33 and 88.34. Property Location: 30, 32 and 34 Lagoon Manor Drive. Subject to TB, PB, WCPB & APA review.

Frank McDonald stated that he was representing all three parties and was informed by Zoning Administrator Pam Kenyon that the applications could be heard as one. He stated that all three applicants live in building 6 at Lagoon Manor. The applicants are seeking to expand their current decks on the lakeside. The current decks have a post coming down from the smaller deck above off the master bedroom and does not allow for much room to enjoy the space. He stated that approximately 80% of the current residents already have their decks expanded.

John Gaddy asked if the new support post will hit directly into the fill or if it will be cantilevered over. Frank McDonald replied that the post will have to be moved out further but it will be cantilevered.

John Gaddy stated that in return for a favorable response he would like to see any exterior lighting downward facing and shielded. He stated that Lagoon Manor has served as a model for development with their cutting plan and he would like to see that continue. Frank McDonald replied that he would not imagine where additional lighting would go unless they ran some wires out on the post. He stated that if they intend on doing that, he would recommend that they use downward facing shielded lighting.

Frank McDonald stated that he believes the APA has already reviewed and approved the application, but he does not have confirmation. Pam Kenyon stated that the APA has already granted approval. She stated that the ZBA approved the variance and they are looking to go before the TB in May for the PUD amendment.

Don Roessler asked how many feet they would be adding to the decks. Frank McDonald replied 8 feet. He stated that there is nothing in front of this building because it drastically drops off to where the old motel unit was.

RESOLUTION:

Motion by Donald Roessler to make a favorable recommendation to the Town Board to accept V09-06 with the condition that any of the outdoor lighting be downward facing and shielded. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

5) SPR09-06, COPPOLA, ALBERT. Represented by Hutchins Engineering. Seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 sq. ft of vegetation, specifically 35,500 sq. ft. is proposed. Section 213.13, Block 1, Lots 63 & 64, Zone RCM1.3. Property Location: Route 9N and Lower Brereton Road. Subject to WCPB review. Subject to SEQR. After the fact.

Tom Hutchins stated that this application represents a project in which the work was done from 2006 through 2008. He stated that he became involved in late 2008 when the work was completed and his information that he is presenting is largely based on the information that has been provided to him from others involved.

Tom Hutchins stated that the Coppola's own a 3.75 acre parcel that corners Lower Brereton Road and Route 9N. In 2005-2006 they had some drainage problems which resulted in a lot of tree loss and standing water on the surface. The applicants ended up removing some vegetation in portions, but as they were cleaning up, the project grew and more vegetation was removed. He stated that a number of trees were removed, most if not all, were already dead. Tom Hutchins stated that once the trees were removed, the area was left very wet. Historically, there was an under drainage network along this property but the details of it were not known, but when digging around on the site, old pipes were found.

Tom Hutchins stated that in order to resolve this issue a dry well was installed at the lower area. This dry well works in reverse and allows ground water to seep into the dry well which is then piped over to a natural drainage channel along the Coppola property and adjoining property, crosses a walkway, continues the down the drainage channel, under Brereton Road and into Lake George. Tom Hutchins stated that currently the drainage conditions for the site are doing well. Certain areas are spongy after a rainy day, but there is no standing water and ground water varies from 0 to 2-3 feet.

Tom Hutchins stated that there are a number of contributing factors for the original drainage issues: 1) Brereton Road across Route 9N has a discharge which is being directed onto the property, 2) there is a drainage pipe coming from the direction of the Thunderbird Motel which discharges onto this property and 3) there are open pipe discharges from the adjoining parcel to the south. All of the water collects in the same area but the dry well and percolated pipe system can collect it and direct it to the natural drainage area and off the site.

Sue Wilson stated that she was concerned that they were directly discharging stormwater onto an adjoining parcel. Tom Hutchins explained that the water collected is ground water that is being directed to a natural drainage pattern. He stated that he has modeled this as site run-off, before the work was done and after work had been completed. He stated that there is no increase in run-off rate or volume, no impervious area added and he finds no damage as a result. Herb Koster stated that it appears that stormwater is being lead onto the property from the south. Tom Hutchins replied yes, there are 5 discharges onto the applicant's property. He stated that Tom Nace has reviewed this and he has written up a summary of his findings as well as the Zoning Administrator's letter which also summarized the condition.

John Gaddy stated that he agreed with Sue Wilson's concern of discharging onto neighboring properties. He also would hope that this could be better handled so that the water could be treated on site. Tom Hutchins replied that there is considerable treatment on site. He stated that there is no surface collection; any water that comes off this

property has been infiltrated into the ground. He stated that the water is clear and it runs at a continuous rate.

Herb Koster stated that the 18” percolation pipe is something that pre-existed and was replaced. Tom Hutchins replied that there has been a network there and it was replaced or repaired. Henry Caldwell asked if the new system is working. Tom Hutchins replied yes, there is no standing water and the water coming through is clear with minimal peaks.

John Gaddy stated there was a note on the approximate construction time line which indicated that during the spring/summer of 2007 there would be final vegetation establishment. He stated that as he has watched this project over the past several years there has been a lot of removal and asked what the vegetative establishment was. Tom Hutchins replied that it has been seeded and long grass has developed and they have kept as many of the remaining trees.

Herb Koster stated that they have a letter from Tom Nace stating his satisfaction with the project. He asked if this has or will go to the TB. Counsel explained that there has been some controversy over this property with the Burhmasters, who are a neighboring property owner. They had a meeting with all parties involved and found that this project has aspects of a pre-existing system, some aspects of being repaired and some aspects being moved and many aspects of it being ground water and not stormwater. Their recommendation was for the applicant to create a plan, present it and see if it is acceptable. Counsel explained that the PB can choose 1) to accept this plan, 2) make adjustments as they see fit or 3) they could table it because they wish for some other administrative review by the TB which would be alternative remedy. Pam Kenyon stated that the Burhmasters have agreed not to pursue this issue further as long as situation is being handled in this manner.

Henry Caldwell stated that it seems that the applicant is trying to make this system work and a lot of the issues that were contributing factors of this problem were not his fault. Herb Koster stated that if he were faced with a similar situation he would try to fix the broken pipes. He stated that he is pleased with Tom Nace’s letter which provides additional support on the applicant’s behalf.

RESOLUTION:

Motion by John Gaddy to accept SPR09-06 application as complete, having met the criteria set forth in the code, grant approval for the major stormwater project. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried**

6) SPR09-03 RYTERBAND, DANIEL. Represented by John Michaels. Seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 sq. ft of vegetation, specifically 32,230 sq. ft. is proposed. Section 213.09, Block 1, Lot 13, Zone

RM1.3. Property Location: 4038 Lake Shore Drive. Subject to WCPB and APA review. Subject to SEQR.

John Michaels stated that the applicant bought this property with the intent to build a new home. The applicant is trying to meet all of the regulations. The existing house is about 40' off the lake and a non-conforming guest house about 12' off the property line. He stated that they are proposing to build both the new house and guest house in complete conformity. The main house would be setback 75' from the lake and the guest house would be backed up on the lot and conforming to the existing zoning. In trying to maintain the setbacks and conformity of the zoning code, and because it is a demolition of the existing home, the project has turned into a major stormwater project.

John Michaels stated that the only variance needed from the town is because his current dock has a covered boathouse and wants to make it a flat roof, which was granted Tuesday night and the LGPC has granted permission as well.

John Michaels stated that they have gone through extensive review of the stormwater with the LG Waterkeeper and Tom Nace and they feel they meet the current regulations. John Michaels stated that both neighbors have seen this plan and are in support of the project.

Don Roessler asked if the plan called for a re-planting plan. John Michaels replied that there is a re-planting plan included in the application. He stated that there is extensive planting down each side. Beyond the retaining wall before the lake they are planning to add more material native to the lake that will absorb more.

John Gaddy asked what the additional clearing was for. John Michaels replied that a lot of the driveway had to be re-aligned and the septic system location was already pre-determined prior to Mr. Ryterband obtaining the property. John Gaddy asked if any of the trees between the lake and the old house would be removed. John Michaels replied that they do not intend to remove any of those existing trees unless it is too close to the house.

John Gaddy asked if there were any plans for exterior lighting. John Michaels replied that they are only there for stormwater and they are not ready for site plan review. John Gaddy stated that John Michaels has done so well in the past with setting an example for proper development that he would ask that this be added. John Michaels stated that the applicant has been more than willing to meet the regulations and standards.

Henry Caldwell stated that he house will now be parallel to the lot lines, but the old house was aimed more at the view and asked if that was what the applicant wanted to do. John Michaels replied that the applicant wanted the house this way.

John Gaddy asked if this applicant will come back for site plan. Pam Kenyon replied that there would be no reason for it to return for site plan. John Gaddy asked if he could add a condition about the exterior lighting to this approval. Counsel replied that if the applicant

wishes to make representation, than it could be added. Herb Koster stated that he does not want to set a precedent with this.

Henry Caldwell asked what the construction schedule would be. John Michaels replied that they are hoping to get the site ready by May/June and then in the summer do the major construction. Herb Koster asked if they will need to blast the area. John Michaels replied yes in certain areas. They discussed how long the blasting would need to occur and during what hours they thought they would need to blast. John Michaels stated that they hoped to be done with the blasting by July and would only be blasting after 8 am. Herb Koster asked if they would agree to restrictions on times for blasting and a deadline for completion of blasting. John Michaels replied yes.

Henry Caldwell asked how they will handle the stormwater and driveway with all of the heavy equipment coming in and out of the site. John Michaels stated that the driveway is already paved and they will use that for a construction entrance.

Herb Koster stated that they have a letter from Nace Engineering that supports the application.

John Gaddy stated that he would hope that they could address the exterior lighting in this project to conform to downward facing, shielded lighting.

RESOLUTION:

Motion by John Gaddy to accept SPR09-03 application as complete, having met the criteria set forth in the code, grant approval for the major stormwater project with the following condition: 1) that all blasting and drilling shall only occur Mondays through Fridays from 8:00 am to 4:00 pm, and shall not occur on any weekends or holidays and will be completed by July 1st. 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.**

7) SD09-03 OBERER, ERNEST. Seeks Lot Line Adjustment between those parcels designated as Section 171.00, Block 1, Lots 15.1 & 15.2. Zone LC25. Property Location: Edgecomb Pond Road. Subject to SEQR.

Joe Furst stated that the applicant sought a boundary line adjustment in 2005 between Oberer and Roberts to the east. In the past few years, more survey work has been done along the north line and the north line was changed a bit. The previous boundary line adjustment with the Roberts was approximately 21 acres, so to compensate what they lost along the north line the Roberts have agreed to another boundary line adjustment to make up for that loss.

RESOLUTION:

Motion by Donald Roessler to accept SD09-03 application as complete and having met the criteria set forth in the code, grant approval. 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.**

8) SPR09-08 BIXBY, WILLIAM & REID, ANNE. Represented by Atty Daniel Smith. Seeks Type II Site Plan Review for 1) a major stormwater project to remove more than 15,000 sq. ft. of vegetation, specifically 25,000 sq. ft. is proposed; and 2) a new land use within 250' of the Lake George shoreline, specifically to construct a dock/boathouse. Section 141.00, Block 1, Lot 16, Zones RL3 & RCL3. Property Location: Route 9N – north of Town. Subject to APA and WCPB review. Subject to SEQR.

Rob Simon stated that Will Bixby is purchasing this property from Anne Reid. He is proposing to build a 3 bedroom house with a covered U-shaped boathouse. Jim Hutchins stated that they are proposing a single family dwelling on a 3.56 acre parcel which is adjacent to Walker Point and is about 2 miles north of County Route 11 on Route 9N.

Jim Hutchins stated that the parcel has frontage on Lake George and frontage on 9N. The depth is about 650-675 feet. The proposed dwelling has about 3,400 sq. ft under roof, which includes a covered deck and attached garage; It also has about 1,200 sq. ft of uncovered deck for a total of 4,600 sq. ft. This dwelling would be setback 425' from Lake George and just over 100' from the DOT right of way.

Jim Hutchins stated that they do have an APA permit which was issued last month. The permit limits the buildings size, colors, lighting and clearing. It also sets regulations for stormwater, wastewater and the boathouse. The boathouse application has also been submitted and approved by the LGPC. Pam Kenyon agreed.

Jim Hutchins stated that they have 3 distinct stormwater devices. He further explained the systems on the submitted plans. He stated that they have analyzed the pre and post development run-offs and their calculations indicate that they meet the Town standards and it has been reviewed by Tom Nace.

With regard to wastewater Jim Hutchins stated that they have over-sized the septic tank, it is located approximately 173' from Wing Pond Brook and 560' from Lake George. This has also been reviewed and agreed upon by Tom Nace.

With regard to the boathouse, Jim Hutchins stated it has 800 sq. ft. of roof area and it is u-shaped with 36" wide docks.

Henry Caldwell asked when they proposed to start. Jim Hutchins replied that he is not sure of the exact plan. Henry Caldwell asked if there would need to be any blasting. Jim Hutchins replied yes for the foundation and a little bit for the waste water system per Tom Nace.

John Gaddy stated that they indicated on their application that this project would not affect any threatened or endangered plant or animal species. He stated that this location

is a home for rattle snakes and in the past they have discussed this prior and asked if the applicant has contacted the State about this. Herb Koster stated that this property is not the rattle snakes habitat but rather on Tongue Mountain. He stated that they travel across but that is not where they live.

Herb Koster asked if they will do site plan review on the building itself because it is part of the Walker Point Trust. Pam Kenyon replied that she doesn't think this property is part of the Walker Point Trust. They reviewed the findings of fact from the APA and found that this parcel was not included in the Walker Point Trust.

Sue Wilson stated that she was confused because the agenda calls for them to look at the house even though it would not be required. Pam Kenyon stated that that site plan review is for the boathouse but they were more than welcome to review the house plans. John Gaddy stated that the APA has done a great job providing specifications for the house and overall project. He stated that as long as this project follows what has been written up would be more than adequate for them and he would have no problem referencing the APA conditions.

RESOLUTION:

Motion by John Gaddy to accept SPR09-08 application as complete, having met the criteria set forth in the code, grant approval for the major stormwater project and new land use within 250' of Lake George with the following conditions 1) the applicant will apply all conditions specified and discussed in APA Permit 2007-314 issued on March 15, 2009; and 2) all blasting and drilling shall only occur Mondays through Fridays from 8:00 am to 4:00 pm, and shall not occur on any weekends or holidays. 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.**

The meeting was adjourned at 8:16 pm.

Minutes respectfully submitted by Kristen MacEwan.