

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday August 20, 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

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

Absent: Donald Roessler

Herb Koster opened the meeting at 6:05 PM

Herb Koster asked if there were any changes or corrections to the July 16, 2009 meeting.

RESOLUTION:

Motion by Sue Wilson to accept the July 16, 2009 minutes as written. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

(NOTE: All applicable applications received WCPB default approval due to a lack of quorum)

1) SPR09-21 STROH, ANDREW AND JUDITH. Represented by Hutchins Engineering. 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. 23,600 sq. ft. is proposed. Section 171.07, Block 1, Lot 59, Zones RM1.3 & RL3. Property Location: Cobblestone Court and being lot 1 of the Cobblestone Subdivision. Subject to WCPB Review. Subject to SEQR.

Tom Hutchins stated that applicants propose to build a 3 bedroom single family residence on lot 1 of the Cobblestone Subdivision. The site of the house is situated 75' from the scenic corridor of Braley Hill, and well within the 50' front yard setback. The driveway will be cut on the far end of the lot and will enter into the house on the side. He gave further details regarding the house and waste water treatment system.

With regard to stormwater, Tom Hutchins stated that they will have a grass retention area behind the house. Roof run-off will be piped to the retention area and driveway run-off will be swaled into an infiltration trench at the end of the driveway, run across the back of the garage with an overflow pipe to the retention area.

Tom Hutchins stated that they have maintained all of the setback and stormwater requirements.

John Gaddy stated that he would like to see downward facing shielded lighting used for any exterior lighting. Andrew Stroh stated that he was agreeable to that.

Sandi Aldrich asked for clarification of the house site. Tom Hutchins explained the location of the house. Sandi Aldrich asked if the house will be visible from the lake. Tom Hutchins

replied that he does not think so because it is pretty dense forest in between. He stated that if it is, it would be heavily screened. Sandi Aldrich asked if it will be visible from Braley Hill Road. Tom Hutchins replied that it will probably be visible in the winter and partially visible during other times of the year. He stated that they intend to keep as much buffering as possible and it is quite a distance away from the road.

Henry Caldwell stated that there have been a lot of problems with stormwater in this area especially during construction. He stated that as long as Tom Hutchins' erosion and sediment controls notes are followed, they should not have a problem. He asked who will be responsible to see that they are followed. Tom Hutchins stated that the general contractor would be supervising it. He stated that he would be available for input but he does not generally supervise the projects. He stated that he will be sure that contractor is aware of the notes.

RESOLUTION:

Motion by John Gaddy to accept application SPR09-21 as complete, waive a public hearing and having met the criteria set forth in the code, grant final approval. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions:

- 1) All exterior lighting shall be shielded and downward facing. **Seconded by Sue Wilson. All in Favor. Motion Carried.**

Herb Koster stated that he knows that the applicant agreed to the lighting, but he asked if it is proper for them to get involved in regular site plan review on stormwater management. Counsel replied that not normally but if and when they do it is because the applicant says they are agreeable to that.

Sue Wilson stated that they did not go through the findings of fact for the stormwater. Herb Koster stated that they could do an amendment to the original application.

Motion by John Gaddy to amend the previous resolution for SPR09-21 as follows: based upon the written approvals and comments in response the original application and upon Nace Engineering's findings that all conditions have met the criteria set forth in the code, grant final approval of 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 Sue Wilson. All in Favor. Motion Carried.**

2) LJDJ ENTERPRISES, LLC (ADIRONDACK EXTREME). Represented by Hutchins Engineering. Seeks Type II site plan review to amend SPR06-56 approved by the PB on January 25, 2007 for a group camp, specifically to create additional parking, and 2) a major stormwater project to remove more than 15,000 square feet of vegetation. 41,700 square feet is proposed. Section 139.00, Block 1, Lots 83, 84 & 85, Zone RIL3. Property Location: Hendricks Road and being lots 2, 3 and 4 of the Westwood Forest West Subdivision. Subject to WCPB review. Subject to SEQR.

Mike O'Connor stated that 2 years ago they sought PB permission to start the Adirondack Extreme on this property. The business has been successful to the point that they need additional parking. This application is for an additional 38 vehicle spots.

Tom Hutchins gave an overview of the parking plan. He stated that they have tried a few different approaches to increasing the parking however, they required considerable rock excavation. This plan has allowed them to go behind that area, which will be easier to convert to the parking lot and it will be less visible. There will be an entry off the beginning of the cul-de-sac and a one-way exit off the other end of the cul-de-sac. There is minimal grading required, it will be moving material from one place to the other. They don't anticipate a lot of rock excavation. Sandi Aldrich asked if the rock excavation would require blasting. Tom Hutchins stated that they will not know until they explore the area further. However, if it does require blasting it would be a small duration, one time.

Tom Hutchins stated that they have kept the parking lot drainage system completely separate from the other drainage systems within the subdivision.

Mike O'Connor stated that the plans do not show any lighting but if they do install lighting it will be the same as those in the existing parking area which is down cast lighting. He stated that they really do not need lighting. The demand on the business is seasonal and the heaviest use is in the summer. They may not even need to use the additional parking in the fall or spring but if they do they will need some lighting to get people off the site safely. Additionally the activities are only in daylight hours.

Counsel asked the PB to re-affirm their title as lead agency for this project.

RESOLUTION:

Motion by John Gaddy to re-affirm that the Town of Bolton is the lead agency for SPR06-56. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

Counsel reviewed the SEQR short form as follows:

**State Environmental Quality Review
Short Environmental Assessment Form**

Part I- Project Information

1. Applicant- LJDJ Enterprises, LLC
2. Project Name- LJDJ Enterprises, Adirondack Extreme
3. Project Location- Hendricks Road
4. Precise location- lots 2, 3 and 4 of the Westwood Forest West Subdivision, Tax Map # 139.00-1-83, 84 and 85
5. Proposed action is an amendment/modification.

6. Describe Project briefly- to add additional parking spaces for the Adirondack Extreme.
7. Amount of Land Affected- 41,700 sq. ft
8. Will Proposed Action Comply with Existing Zoning or Other Existing Land Use Restrictions? Yes
9. What is the Present Land Use in the Vicinity of Project? Commercial, Forest and Residential (north side of road).
10. Does Action Involve A Permit Approval, or Funding, now or Ultimately From Any Other Governmental Agency (Federal, State or Local)? No.
11. Does Any Aspect of the Action Have A Currently Valid Permit or Approval? Yes, Planning Board approval of SPR06-56 on January 25, 2007.
12. As a Result of Proposed Action will Existing Permit/Approval Require Modification? Yes.

Part II

- A. Does Action Exceed Any Type I Threshold In NYCRR, Part 617.12? No.
- B. Will Action Receive Coordinated Review As Provided For Unlisted Actions in NYCRR, Part 617.12? No.
- C. Could Action Result in Any Adverse Effects Associated with the Following:
 - C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid was production or disposal, potential for erosion, drainage or flooding problems? No.
 - C2. Aesthetic, agricultural, archeological, historic or other natural or cultural resources; or community or neighborhood character? No.
 - C3 Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? No.
 - C4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? No.
 - C5 Growth, subsequent development, or related activities likely to be induced by the proposed action? No.
 - C6 Long term, short term or cumulative, or other effects no identified in C1-C6? No.
 - C7 Other impacts (including changes in use of either quantity or type of energy)? No.
- D. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? No.

Part III

Determination of Significance-

Based on the information and analysis above and any supporting documentation, that proposed action WILL NOT result in any significant adverse environmental impacts, and the applicant has provided attachments as necessary to support such determination.

RESOLUTIONS:

Motion by John Gaddy that based on the review of the SEQR short form for SPR06-56 it has been determined that there are no adverse environmental impacts or concerns. **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

Motion by John Gaddy to amend application SPR06-56 as presented, having met the criteria set forth in the code, approve 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** Sue Wilson. **All in Favor. Motion Carried.**

3) SD09-04 TWIN BAY VILLAGE INC. Represented by Bartlett, Pontiff, Stewart & Rhodes PC and Vision Engineering. Seeks lot line adjustment between those parcels designated as Section 186.06, Block 1, Lot 14.1 and Section 186.07, Block 1, Lot 13 then in accordance with Section 200-86, 200-87 and 150-12 create a 30 unit cluster subdivision on that parcel designated as 186.06-1-14.1. Zones RM1.3 & RL3. Property Location: Route 9N. Major Subdivision. Preliminary Plat. Subject to SEQR. This item was tabled at the June 2008 meeting pending additional information.

Stephanie Bitter stated that the applicant is proposing a cluster subdivision. In June the PB had an opportunity to have a detailed discussion with the applicant and raised a number of questions and concerns. The applicant took all of those questions and concerns and made a number of revisions, which Mike Farrell of Vision Engineering will be discussing in detail. She stated that some of the highlights of the new proposal are the removal of the homes from the upper part of the mountainside, the tennis courts have been lowered, a sidewalk has been incorporated to Route 9N and modifications to the existing stone wall are being proposed. Due to the density of the project the applicant has modified this to be a 35 townhouse development but has reduced the size of the duplex from 40' x 80' to 40' x 70'. She reminded the PB that none of these lots will have lake access across the street and it will be a completely separate parcel from this development.

Stephanie Bitter stated that the applicant's main objectives are 1) that the PB will approve the modification of the sketch plan, 2) that the PB would declare themselves as the lead agency for purposes of SEQR and 3) that this project will be referred to the Town Engineer to discuss preliminary plan.

Mike Farrell of Vision Engineering stated that they have removed the 2 houses on the mountainside. They did feel that it would have a considerable impact visually and environmentally. There are steep slopes on the site; 43% of the site is greater than 15%, with the majority located in the area where the houses were proposed. They removed them from the project to preserve more forest and bring those units down into the cluster development. The

overall design changed based on the need for better access for fire and emergency vehicles. The previous plan showed 100' diameter cul-de-sacs with a complete solid surface. The new proposal is for two cul-de-sacs; one will be looped in the center of the site with some nice green area in between which will be 140' in diameter and the other at the top which will be a one-way and 120' in diameter. Both cul-de-sacs will provide green areas for planting and snow storage areas as well.

With regard to the maximum grade of the road, Mike Farrell stated that this site is difficult to get into. In accordance with the code they are proposing to provide a nice flat spot for vehicles coming down and exiting the site. He stated from the entry way up to approximately 600' it will be roughly 12%. Past that 600' into the site it starts to flatten out with grades of 1-3%.

Mike Farrell stated that they have reduced the overall size of each unit. They are proposing a deeper unit rather than a wider unit. He provided some renderings that the applicants are considering for their design. Henry Caldwell asked if the applicant will be using several different designs in the proposal. Mike Farrell replied that the renderings were samples of styles that they like. He does feel that they will be mixing them up but the applicant would need to make that decision. Sue Wilson stated that she likes the idea of mixing the unit designs for added interest.

With regard to the use of fire hydrants on the property, Mike Farrell stated that they have done a preliminary water report for this application which showed that they should have adequate pressure to supply the facility at these elevations for domestic use. However, fire flows will have to be further investigated to determine whether or not a pumping system or storage may be needed. Three fire hydrants are proposed on the site.

With regard to visibility from the lake, Mike Farrell stated that the view sheds would be limited because the area where the construction is proposed is heavily wooded. He stated that it will take some further investigation as to how much the view will be opened up.

With regard to walk-ability, Mike Farrell stated that they looked at the community and found that just south of this site is where the walk-ability starts for Bolton. He stated that they have proposed to put sidewalks along Route 9N and rebuild the existing stone wall. Herb Koster asked if they will be on the applicant's property. Mike Farrell replied yes, but they will require DOT approval. Herb Koster asked if they will rebuild the entire stone wall. Mike Farrell replied yes, but it would be about 3-4' high.

Mike Farrell stated that they have also addressed the embankment which will be created for the stormwater pond. He stated that they are looking to design this to be aesthetically pleasing. They are leaning towards a tiered approach with dry laid walls and landscaping.

Mike Farrell stated that the cluster design drives the setbacks of the building setbacks from the road and one another. The width of the road proposed is 22' at the center. It will have winged curves to convey stormwater to rain gardens scattered throughout the site. The 22' is enough room for 2 vehicles to pass but also reduces the amount of impervious surface on the site. In front of the buildings they have established 24' as the design requirement for the driveways.

There will be a 24' driveway from the road edge to the front of the building. The distance between buildings will be 35'. Mike Farrell stated that at the last meeting it was suggested that they use some permeable surface on the project site. He stated that they are proposing a 6' concrete apron along the road edge and the driveway and then from that point to the front of the building will be permeable pavers which will be piped into the drainage system.

Mike Farrell stated that the tennis courts have been moved down lower on the site. There is an existing path leading up to it which they are proposing to improve. He stated that they have tried to preserve as much forest land as possible. The present plan preserves 24 acres of forest and there are a total of 30 for the site.

Herb Koster commended the applicant for all of the work that was put into the current proposal. Sue Wilson agreed and stated that she appreciated the applicant's response to all of their concerns. Mike Farrell stated that they would like to meet with Tom Nace to further discuss design detail prior to getting into stormwater. Herb Koster stated that procedurally the applicants design the stormwater and then it goes to Tom Nace for his review, but the applicant is welcome to contact Tom Nace on their own since they will be paying for that expense anyway.

Herb Koster asked Counsel what duty the PB had with regard to linkage to the hotel across the street. Counsel stated that they do want to consider the project in its comprehensive sense, whereas the environmental aspects are not segmented. However, the applicant's strong representation has been that they are not linked in the development sense.

Henry Caldwell asked about the placement of the absorption field. Mike Farrell replied that they conducted tests in the proposed area and the soils are adequate for an absorption field. He stated that all of the units would discharge to a private septic tank which would then discharge to an affluent system that is built into the road which would be pumped up to the absorption field. He stated that the septic tanks would need to be pumped out regularly but it would be an affluent system. Sandi Aldrich asked if they took hot tubs into their account for their calculations of the waste water system. Mike Farrell stated that they have not considered the use of hot tubs but they have used the NYS DEC rates for each bedroom and the units are based on that flow and hot tubs and ancillary things are included in those flows.

Counsel asked if the units would be individually owned. Mike Farrell replied yes. Counsel asked who will be responsible for the up-keep of the private septic system. Mike Farrell replied that a transportation corporation would be established.

Herb Koster stated that they cannot go further with approvals until they can confirm that stormwater will work on the site. Mike Farrell stated that they have well drained soils of 100%. They have done perc tests and have found some rock so they do have additional soil testing to be done. He stated that they are not looking for preliminary approval, but they would like to start the SEQR process.

Henry Caldwell stated that although he appreciates all of the work that the applicants have done with the project proposal, he feels as though the applicant may face more challenges in a

public hearing. Mike Farrell stated that they have been working with the Town to get to this point in the design and with the LG Waterkeeper in regards to stormwater for the site. He feels that they have already incorporated much of what people have been and will be concerned about. He stated that they will continue to work with the Waterkeeper and the Town to improve their design and overall project.

John Gaddy asked what the difference in elevation was from the top of the retention pond to the top of the wall by Route 9N. Mike Farrell replied approximately 20'. However, that is why they wanted to have some discussion about terracing this area so that it was not just one slope. He stated that the pond is not designed at this point and the size is plenty adequate for the site and think it will be a lot smaller based on the low impact development techniques that they plan to use on the site. Sandi Aldrich asked if they would be able to plant trees as well as the shrubs and bushes on the terraced walls. Mike Farrell replied yes, but they would be more ornamental. Sandi Aldrich stated that she would like to see some variety for this area.

There was some discussion regarding the number of units proposed. Pam Kenyon stated that originally they planned on having 31 units and this is proposing 35. Mike Farrell replied that the removal of the 2 single family dwellings from the RL3 zone to the RM1.3 zone allowed them the additional units. Pam Kenyon stated that she believes that they have the density but will double check.

RESOLUTION:

Motion by Sue Wilson to declare the Town of Bolton as lead agency for application SD09-04. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

4) SD09-05 MOUNTAIN AIRE MANAGEMENT, LLC. Jeff Tennent. Seeks to 1) divide into 3 lots that parcel designated as Section 156.00, Block 2, Lot 58, and 2) multi-lot line adjustments involving those parcels designated as Section 156.00, Block 2, Lots 57, 58 and 60, Zone RL3. Property Location: North Bolton Road. Minor Subdivision. Final Plat. Subject to SEQR. Note: This item was tabled at the June 2009 meeting pending additional information. To determine if the existing road/driveway it to be reviewed under the major stormwater guidelines.

Jeff Tennent stated that he was trying to use Jim Neumann's existing driveway to access these lots. He stated that not only would this cut down on the disturbance but it would improve the current driveway by incorporating stormwater, which it currently does not have. He stated that he agreed to the condition of approval that when these lots were developed that the stormwater would be done to a major level. However, the he was not doing the driveway to a major level because as he understood it was minor with some improvements to stormwater. He stated that since no stormwater exists currently it would be better than what is there and they are minimally increasing the impact. He stated that there is limited space to do major stormwater in this area and it would be difficult due to the constraints of property lines, existing homes and parking areas.

Jeff Tennent stated that he was looking for some guidance from the PB because if it gets too involved in using the existing driveway he could always go back to the original plan and create a separate access to these lots. John Gaddy asked if the applicant had a preference for the access to the proposed lots. Jeff Tennent replied that he could design it either way. John Gaddy asked if he were to use the existing driveway would it improve the drainage as he sees it. Jeff Tennent replied yes.

Herb Koster asked if he will be widening the existing driveway. Jeff Tennent replied no, he will be filling the existing driveway at the bottom and cutting it at top to change the grade and then adding check dams to minimize the run-off and another one at the bottom where they raised the parking area and created a stone retaining wall.

Sandi Aldrich asked why using the existing driveway would be considered for major stormwater. Pam Kenyon stated that this is considered a new subdivision road and she calculated the entire land disturbance which would have been over 15,000 sq. ft. and considered a major stormwater project. Jeff Tennent stated that they are using an existing driveway and they are not increasing the impervious surface there. They are adding things that currently do not exist but will improve handling stormwater run-off. Herb Koster stated that there is a lot of cutting and filling. Jeff Tennent replied that they are cutting and filling but they are trying to reduce the amount of the grade. He stated that he is asking that the use of the existing driveway be interpreted as a minor stormwater project but the building lots would remain as a major. It is an improvement to what currently exists and it would be much more costly type of project to consider it as a major. Herb Koster agreed that it is an improvement to what is there. However, disturbance is not just from cutting trees, it is also filling which is worse because then you have to worry about erosion. Jeff Tennent stated that the amount of water coming down the driveway will not change nor will the amount of impervious surface increase. The only changing is the addition of features to contain the stormwater.

Herb Koster asked whose responsibility is it to determine if this is a major or minor stormwater project. Counsel replied it is Pam Kenyon's determination. If the applicant disagrees with the determination it can be challenged in the appeal process. Herb Koster asked if they should make a resolution to back her determination. Counsel replied that they could but it is not necessary because her determination is procedurally correct. Jeff Tennent stated that he has no intention of going through an Article 78 procedure. He was just trying to improve the situation and feels that this is slightly counterproductive.

Jeff Tennent stated that he would like to come back with a final proposal after some further consideration.

RESOLUTION:

Motion by John Gaddy to table application SD09-05 pending further information. Seconded by Chauncey Mason. All in Favor. Motion Carried.

5) SD06-05 OBERER, ERNEST. Represented by Scott Miller and Peter Loyola of CLA Site. Seeks to divide into 3 lots that parcel designated as Section 171.00, Block 1, Lot 6, Zone LC25. Final Plat. Minor Subdivision. Subject to SEQ. Property Location: Edgecomb Pond

Road. *Note: this item was tabled at the December 2008 meeting pending additional information. Site Plan Review for a major stormwater project is required, but has not yet been applied for.*

Application SD06-05 was tabled at the applicants request.

The meeting was adjourned at 7:35PM.