

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday February 26, 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, , Donald Roessler and Zoning Administrator Pamela Kenyon.

Absent: Chauncey Mason and Town Counsel Michael Muller

Herb Koster opened the Public Hearing at 6:08 PM.

PUBLIC HEARING

To be heard together

1) SD08-04 WATERHOUSE, LAWRENCE. Represented by Joe Pfau. Seeks to amend previously approved plat, (SD04-27 Valley Woods Subdivision) approved by the Planning Board on 4/28/05. Specifically to divide into 5 lots that parcel designated as Section 140.00, Block 3, Lot 20, Zone RL3. Property Location: Valley Woods Road. Preliminary Plat. Major Subdivision. Subject to SEQR. This application was tabled at the January 22, 2009 meeting pending a public hearing and is in conjunction with SPR08-28.

2) SPR08-28 WATERHOUSE, LAWRENCE. Represented by Joe Pfau. Seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 sq. ft of vegetation, specifically 191,500 sq. ft. is proposed. Section 140.00, Block 3, Lot 20, Zone RL3. Property Location: Valley Woods Road. Subject to SEQR. This application was tabled at the January 22, 2009 meeting pending a public hearing, sign-off from the Town Engineer and is in conjunction with SD08-04.

Joe Pfau stated that this project is for a 5 lot subdivision in the RL3 zoning district on 25 acres located on Valley Woods Road. He stated that they will access the lots from Valley Woods Road and the driveway will be approximately 1,200' long. Each lot will be served by individual wells and septic systems. He indicated on the plans how the stormwater will function on the access road. He stated that it will be similar to the construction design of the Woods Hollow Subdivision access road.

Joe Pfau stated that they had received some comments from Nace Engineering but feels that they have all issues straightened out now. He stated that there were some additional comments from Tom Nace on the latest maps submitted, but as far as plan revisions they amounted to indentifying the stone and grass swales and identifying all of the elevations for all of the stormwater facilities. He stated that all of that has been taken care of and he planned to submit the revised plans tonight.

Chris Navitsky, Lake George Waterkeeper, stated that they would like to thank Joe Pfau for working with their office after they submitted a couple of comments last month. He stated that they had some technical comments regarding the stormwater management calculations; but the applicant took a more conservative approach to the design which they feel is better. The applicant also worked in some points of low impact development which incorporated more grass swales rather than rip-rap swales to provide better water quality. He stated that they discussed potentially using the cul-de-sac, which was going to be mostly undisturbed, for stormwater because there is approximately a foot of fill for the roadway. However, Joe Pfau indicated that he was not comfortable concentrating water there, but they appreciated his opportunity to take a look at that. Chris Navitsky stated that overall the Lake George Waterkeeper is in support of this project.

Greg Bonath stated that he and Cyndi Parrotta own property adjacent to this subdivision. He stated that there is an open meadow on the property where they intend on building a house and their concern is that they would look down at this road because there is about 75-100' of open space. He stated that they have brought their concern to Joe Pfau and have asked him to plant some pines on their property so they could have a buffer. Greg Bonath stated that they originally bought this piece of property because they were surrounded by woods and couldn't see anything around them. He stated that they would be requesting about 8-10, 10' pines so that they would have a buffer from the roadway. Joe Pfau stated that he had no problem with the tree plantings on their property. Herb Koster stated that he feels that this issue is beyond this Board's jurisdiction and feels it should be worked out between the 2 parties.

Greg Bonath stated that he also raised another concern with Joe Pfau with regard to Lot 1 directly behind them. He stated that he would like to request they not construct the house too closely to the property line so that it would prevent light disturbance to them. Henry Caldwell asked if the house on Lot 1 could be moved back. Greg Bonath replied that Joe Pfau has indicated that the map is just showing a symbol of where a potential house can be placed but it does not mean that is the exact location that it will be placed. He stated that he knows that this placement meets the setback, but he is requesting that the house be placed back a bit further or that the turn-around/parking area for the driveway be placed on the other side of the home. Greg Bonath stated that other than these concerns they are in support of the project.

Herb Koster read a letter from Paul Garlick who indicated that he was requesting a stipulation of approval for a buffer between these lots and his property. Joe Pfau commented that the distance between Paul Garlick's house and the house on the plans were about 250' apart. He stated that their site is completely wooded and he would be more than willing to talk to Paul about doing something on his site. Joe Pfau stated that their requirement is to meet the maximum 20' clearing around the dwelling and they have at least 100' setback from the property line for the house location as shown on the plan. He feels that this could be further addressed at the individual site plans for the homes. Henry Caldwell stated that the proposed lot has more green space between the proposed house and the property line than Paul Garlick. He stated that he would be more

concerned about the green space between Lot 1 and Cyndi Parrotta's lot. Joe Pfau agreed.

RESOLUTION:

Motion by John Gaddy to close the public hearings for applications SD08-04 and SPR08-28. Seconded by Donald Roessler. All in Favor. Motion Carried.

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the January 22, 2009 minutes.

RESOLUTION:

Motion by Sue Wilson to approve the January 22, 2009 minutes as written. Seconded by Donald Roessler. Sandi Aldrich abstained. All others in favor. Motion Carried.

Items 1 and 2 are to be heard together.

1) SD08-04 WATERHOUSE, LAWRENCE. Represented by Joe Pfau. Seeks to amend previously approved plat, (SD04-27 Valley Woods Subdivision) approved by the Planning Board on 4/28/05. Specifically to divide into 5 lots that parcel designated as Section 140.00, Block 3, Lot 20, Zone RL3. Property Location: Valley Woods Road. Preliminary Plat. Major Subdivision. Subject to SEQ. This application was tabled at the January 22, 2009 meeting pending a public hearing and is in conjunction with SPR08-28.

2) SPR08-28 WATERHOUSE, LAWRENCE. Represented by Joe Pfau. Seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 sq. ft of vegetation, specifically 191,500 sq. ft. is proposed. Section 140.00, Block 3, Lot 20, Zone RL3. Property Location: Valley Woods Road. Subject to SEQ. This application was tabled at the January 22, 2009 meeting pending a public hearing, sign-off from the Town Engineer and is in conjunction with SD08-04.

Herb Koster stated that he is skeptical of requiring an applicant to do plantings on an adjoining property and feels that it should be worked out between the individuals. However, he stated that it is a good idea and if the applicant is agreeable that would be fine with them. John Gaddy stated that he feels that the applicant could provide some plantings on the northeast corner as the road comes close to the property line because as they are looking down and the trees grow, it will be a nice shield even on their own property. Joe Pfau agreed and stated that he will show that on the plan.

John Gaddy asked if they had reviewed exterior lighting for the homes. Joe Pfau stated that all the deed restrictions including the lights are indicated on the map.

Herb Koster asked if they have addressed all of Tom Nace's comments and concerns. Joe Pfau replied that Tom Nace only indicated minor changes to the plan, which were just

for identification or labeling on the plan. Pam Kenyon stated that Tom Nace signed off on this project contingent on several items being added to the plan. Joe Pfau commented that all of those items have been done and most were just adding information that was on their stormwater report. Herb Koster stated that the approval should be contingent upon those items being placed on the plan. Pam Kenyon replied that she would review the plans for those additions.

RESOLUTION:

Motion by Donald Roessler to accept SD08-04 application as complete and having met the criteria set forth in the code, grant approval with the following conditions:

- 1) \$400.00 recreation fee for each lot is to be paid to the Town of Bolton prior to a Certificate of Compliance being issued.
- 2) Site Plan Review is required for each lot.

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

RESOLUTION:

Motion by John Gaddy to accept SPR08-28 application as complete, having met the criteria set forth in the code, grant approval for the major stormwater project with the corrections and conditions specified and discussed with Town Engineer Tom Nace with the following condition: 1) Each individual lot will require a major stormwater design. 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.**

3)V09-03 SAGBOLT, LLC. Represented by Attys. Benjamin Pratt and Jonathan Lapper. In accordance with Section 200-93A (other regulation applicable to Planned Unit Developments), seeks area variance to remodel the veranda and expand the Sagamore dining area onto the existing terrace. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to WCPB, TB & APA review.

Ben Pratt introduced Bill Busch, from the Sagamore and Mike Phinney, project architect, who are involved in the presentation. He stated that they wanted to discuss a project that has 2 minor amendments to the existing PUD with regard to the Veranda and the Sagamore Dining Room.

Ben Pratt stated that currently the Veranda is glass enclosed but it was not that way historically. He provided an old photograph of the Veranda which shows that it was open with columns and a second story within it. The Veranda is currently used as a bar/lounge for the hotel and the intent is to covert the use internally as an extension of the lobby and externally as a covered deck. He stated that this will not change the footprint of the hotel. He stated that on the first floor the wall will be moved out towards the lake to accommodate more space for the lobby. On the second floor currently there are 2 rooms that exist but they have been used for storage or as a concierge area. They are proposing to extend this over the first floor and to convert the existing rooms and add 2 additional

rooms to create either 4 rooms or 2 suites. Each room/suite will have access to a balcony or deck area over the Veranda as well. He stated that the exterior of the hotel will match the existing siding of the hotel.

Ben Pratt stated that they already have approvals from the ZBA, Office of Parks, Recreation and Historical Preservation, WC PB and a draft permit from the APA with no unusual conditions. Henry Caldwell stated that the major historical change occurred back in the 80's when they enclosed the Veranda and this is going back to more of how it looked historically. Ben Pratt agreed, but stated that it is a change from what it was because it will have more windows in the exterior wall of the hotel. He stated that Tom Walsh has pointed out that the Veranda will look a lot like the White House. Henry Caldwell stated that he believed the Veranda on the White House is called the Truman Balcony and it was very controversial when it was done, but now it is accepted.

Henry Caldwell asked if they could provide more information about the expansion of the lobby. Mike Phinney stated that the doors into the Veranda have been covered for many years which has cut out the view of the lake when walking into the hotel. The new owners wanted to bring back that view and to bring the check-in desk back into the lobby area. They also feel that people may spend more time in the lobby with extending seating. Henry Caldwell stated that it makes sense to have the check-in desk in the lobby and it does bring back the historic feel. Don Roessler asked what they will do with the current check-in desk. Mike Phinney replied that it will be for large groups or for the condos on site.

With regard to the Sagamore Dining Room, Ben Pratt stated that they have had some minor changes from their submission in January. He explained that they are no longer bumping out the wall for the bathrooms. He stated that this is less of a change than they proposed in January. Since the Trillium Room is no longer functioning they wanted to make the Sagamore Dining Room more multifunctional, one of which is to serve Sunday Brunch. They have created a buffet dining area, storage/freezer and work space to support that buffet dining area. He stated that this space will require them to move the wall out, but again will not affect the overall footprint of the hotel.

Mike Phinney further explained the plan for the Sagamore Dining Room.

Sue Wilson asked about the other areas of the hotel that were changing on the plan. Mike Phinney explained that it was just a change in use from a hair salon to administrative offices.

Ben Pratt stated that this segment of the project has also received approvals from the ZBA, OPRHP, WCPB and a draft permit from the APA.

RESOLUTION:

Motion by Sue Wilson to favorably recommend application V09-03 to the Town Board. Seconded by Henry Caldwell. All in Favor. Motion Carried.

4) V09-01 DAVIS, BARON. Seeks use variance to place a 1,500 sq. ft. garage on a vacant parcel. Section 185.00, Block 1, Lot 11, Zone RR5 & LC25. Property Location: 108 Lamb Hill Road. Subject to SEQR. Recommendation only.

RESOLUTION:

This application was withdrawn as it was determined that no variance was required.

5) SPR09-01 KUDLACK, RICHARD. Represented by Hutchin's Engineering. Seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 sq. ft of vegetation, specifically 35,300 sq. ft. is proposed. Section 141.00, Block 1, Lot 3.11, Zone RL3 and LC25. Property Location: 5879 Lake Shore Drive. Subject to WCPB review. Subject to SEQR.

Lucas Dobie stated that they are proposing to construct a 500' gravel driveway to access the back of the property. He stated that this was approved 4 years ago by the APA for a 2 lot subdivision. Presently there are a couple of barns and workshops on the lower portion of the property along Lake Shore Drive, with the upper portion having a few acres of open field and 20 acres of woods. In the spring it can get muddy in the field and they travel along the grass path along the edge of the woods which is where they intend to put the driveway. He stated that they are looking to have a 75' diameter turnaround.

With regard to stormwater management, Lucas Dobie stated that they are proposing a wet pond located in a cleared area down towards the lower end of the property. The pond will be approximately 5,000 sq. ft footprint with an approximate depth of 6'. This will be constructed into the ground water which is 24-30", so that they have this wet for future use in irrigation. He stated that they would take their volumes just above the groundwater table to just below the outlet which would get them their volume reduction for 10 year design storm by having a controlled outlet from the pond they get their rate reduction.

Lucas Dobie stated that the water will be captured by an 18" ditch along the south side of the driveway; portions over 8% grade being rip-rapped lined with check dams to capture the sediment and flatter portions will be vegetated to save a little money and try to keep it green where they can.

Lucas Dobie stated that they have an intermittent drainage channel that bisects the property and they have to cross that without contaminating it. Currently, the driveway stops at this channel and there is a culvert that is in fair to poor condition. They are proposing to remove this existing culvert, shift the alignment over about 20' and install a 30" culvert and then they will install a 24" culvert below the drainage channel to carry their stormwater back to the ditch and into the pond.

Lucas Dobie stated that they are not proposing the house at this time because they do not have the designs prepared for that yet. They have designed the pond to accommodate the future house with a footprint up to 6,000 sq. ft. He stated that the APA permit allowed for an 8,500 sq. ft. footprint, but they do not intend to build anything that large. He stated

that they will also need to come back to the PB since they are in the LC25 zone for the house.

Henry Caldwell stated that he was concerned that when they do get around to construction of the house they could damage the road. Rick Kudlack replied that his biggest concern is the existing culvert because it is collapsing and he does not want to have a problem with it during or before he decides to construct his home. Henry Caldwell asked if the road will be 100% complete before he starts the construction of the home. Rick Kudlack replied no because at some point they will want it paved after everything is done.

Rick Kudlack stated that all of this construction is basically taking place in an open field and they will not have to do any clearing or cutting. The same is true for the driveway because there is an existing gravel driveway up to the water course and then it is a dirt driveway the rest of the way.

Herb Koster asked if the stormwater management plan has calculated for paving the driveway. Lucas Dobie stated that they have only designed it for gravel and they will have to re-visit that if they decide to change the surface. Herb Koster agreed that they will have to come back before the PB if they decide to change the surface.

Rick Kudlack stated that the APA has approved a house footprint of 8,500 sq. ft. He stated that he is not planning on building anything like that. He explained that he also intends to make this house as environmentally friendly as he can.

Sandi Aldrich asked if the driveway or the house will be visible from the lake. Rick Kudlack replied that neither the driveway nor house will be visible from the lake, road or neighboring property. He stated that the land surrounding him is State land.

John Gaddy stated that the north/northeast side of the driveway going up drops off pretty steeply to the stream that is there and asked if there will be plenty of plantings to provide a buffer. Rick Kudlack explained that there is a hill from the drainage course that rises up about 6-8' in one area and in the other area is about even or a little above the road way. He stated that road is also pitched away from the stream as well.

RESOLUTION:

Motion by John Gaddy to accept SPR09-01 application as complete, having met the criteria set forth in the code, grant approval with the following condition: 1) the applicant will return to the Planning Board if any changes are made to the site construction or driveway surface. **Seconded by** Donald Roessler. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:02 p.m.

Minutes submitted by K. MacEwan