

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday January 22, 2009
6:00 p.m.**

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, John Gaddy, Chauncey Mason, Donald Roessler, Town Counsel Michael Muller and Zoning Administrator Pamela Kenyon.

Absent: Sandi Aldrich

Herb Koster opened the meeting at 6:08 PM.

Herb Koster asked if there were any changes or corrections to the December 18, 2008 meeting.

- 1) John Gaddy, regarding Ruffolo SD06-09 and SPR08-26, pg 15, 4th paragraph should read as follows: “Derek Mitchell stated that they would *not* disturb the stone wall.”
- 2) John Gaddy stated that he would like the following footnote to be added to the Oberer SD06-05, pg 8, paragraph 1, to clarify his statements. “I have sat on the Comprehensive Plan Implementation Committee for several years and I am dismayed that the Committee is not even addressing the issue of the excessive hillside clearing that had been written up in the Plan and that is continually occurring through development. We know development and associated clearing can be accomplished in a manner to yield both a lake view and a concealed home. In spite of the strong response to the Plan’s survey to protect Bolton’s visual environmental quality and to strengthen protection for the vegetated hillsides the Committee (after deciding that an accurate map of lands visible from Lake George was not a priority) has abandoned the goal by leaving the Scenic Overlay District reserved (for future consideration).”

Motion by Don Roessler to accept the December 18, 2008 minutes as corrected.

Seconded by Sue Wilson. **All in Favor. Motion Carried.**

1) SD06-09 RUFFOLO, SAVERIO. Represented by D.L. Dickinson & Assoc. & Peter Sisca. Seeks to divide into 7 lots that parcel designated as Section 185.00, Block 1, Lot 2, Zones RR5, RR10 & LC25. Property Location: South Trout Lake Rd. Sketch Plan Review. Major Subdivision. Subject to SEQR. *Note: This item was tabled at the Dec. 2008 meeting pending additional information and is in conjunction with SPR08-26 for a major stormwater project.*

2) SPR08-26 RUFFOLO, SAVERIO. Represented by D.L. Dickinson & Assoc. & Peter Sisca. Seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 sq. ft of vegetation, specifically 160,000 sq. ft. is proposed. Section 185.00, Block 1, Lot 2, Zones RR5, RR10 & LC25. Property Location: South Trout Lake Rd. Subject to SEQR. *Note: This item was tabled at the Dec. 2008 meeting pending additional information and is in conjunction with SD06-09 for a 7 lot subdivision.*

Derek Mitchell of D.L. Dickinson Associates, stated that at the previous meeting there was concern with accessing Lot 2 from Kathy's Crossing. Originally they looked into making improvements to the access road but found that it would not be their best option and instead decided to move Lot 2 so that it will now be accessed by the main subdivision road. The only other change to the plan was redesigning stormwater to incorporate this change and indicated that they have received Tom Nace's approval of the revisions.

John Gaddy commented that it is a much cleaner improved plan having Lot 2 accessed by the main subdivision road. He asked if this changed their designated clearing areas. Derek Mitchell stated that the only cleared area is on Lot 1 between the existing house and where they cleared for power lines. He continued that there is an existing logging road which was cleared but it is rather overgrown now. John Gaddy stated that there was a letter they received with regard to a discrepancy in the number of acreage reported for the clearing and he suggested that they consider having individual site plan review for each lot. Derek Mitchell stated that he feels that the applicants would be agreeable to that.

John Gaddy asked for some explanation of the under drains in the stormwater ponds which was also a concern of the Lake George Waterkeeper. Derek Mitchell stated that the under drains will not be kept open and will only be used for maintenance purposes. In the event that these ponds become silted to the point where they no longer function properly, they can use the under drains to drain the ponds so they can get in there and clean them out. Henry Caldwell asked how the drains will be opened. Derek Mitchell stated that it is part of the riser pipe and it will have a gate valve for easy access.

John Gaddy asked if the wet ponds will be designed to encourage plant growth. Derek Mitchell replied yes, instead of using infiltration to treat the stormwater they are using plant life. There will be standing water in the ponds and these plants will be used to clean and treat the water. John Gaddy asked if the plants will be harvested at certain times. Derek Mitchell replied no. Herb Koster stated that they would need to be cut back. Derek Mitchell agreed.

Henry Caldwell asked if the ponds will work in the winter. Derek Mitchell replied yes, they all have infiltrators within the berm to take care of that requirement.

Derek Mitchell stated that they are still working with the APA and have not received a permit as of yet. This permit will include a permit to fill in the wetlands. Herb Koster asked what the APA's reaction was to filling in the wetlands. Derek Mitchell replied that the APA doesn't like it any time you are going to fill in the wetlands but the other options they had weren't any better. He stated that it is a minimal amount of fill, 335 sq. ft. and they have to cross them at some point.

Herb Koster asked if the applicant had their HOA set up yet. Derek Mitchell replied no but they are working on it.

John Gaddy asked if the applicant intends to include recreational facilities that will be incorporated into the subdivision. Derek Mitchell replied no and stated that they agreed at the last meeting to pay the \$400.00 per lot recreation fee in lieu of having recreational space dedicated on the project.

Don Roessler asked Herb Koster if they should see the deed restrictions and HOA before they grant approval. Herb Koster replied that the approval could be contingent upon receipt of them as well as the APA permit.

John Gaddy stated that another condition of approval should be for downward facing shielded exterior lighting. Derek Mitchell replied that was agreeable. He stated that they can have an earth tone palette for the homes. John Gaddy stated that he is not as concerned with the colors since they are not in the view shed of the lake.

RESOLUTION:

Motion by Donald Roessler to accept SD06-09 application as complete and having met the criteria set forth in the code, grant approval with the following conditions:

- 1) HOA/Deed Covenants or Restrictions are to be submitted and approved by Counsel Muller.
- 2) An APA permit has been issued.
- 3) A \$400.00 recreation fee for each lot is to be paid to the Town of Bolton prior to a Certificate of Compliance being issued.
- 4) Exterior lighting is to be downward facing and shielded with low wattage bulbs used.
- 5) Site Plan Review is required for each lot.
- 6) No lots are to be sold until the HOA is in place and the APA grants 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** Sue Wilson. **All in Favor. Motion Carried.**

RESOLUTION:

Motion by John Gaddy to accept SPR08-26 application as complete, having met the criteria set forth in the code, grant approval 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) SD04-16 SADDLEBROOK SUBDIVISION. Rolf Ronning. To discuss condition #12 set forth by the Planning Board on July 17, 2008 when approving the Saddlebrook Subdivision. Specifically condition #12 reads as follows: All lots within the subdivision are to be part of the Homeowners Association and must comply with the Bylaws. Section 139.00, Block 1, Lot 48.11, Zone RL3. Property Location: High Meadow Farm Road.

(Note: John Gaddy recused himself from SD04-16)

With regard to Saddlebrook approval, condition 12, Rolf Ronning stated that they all missed the fact that lots 9 and 10 are accessed from New Vermont Road and do not share the subdivision road. He stated that these two lots are accessed by a shared driveway through the Reed property. He stated that they had nothing to do with the HOA road and therefore should have been exempt from the HOA requirements.

Rolf Ronning stated that the Mowery property, Lots 3 and 4, were to be conveyed to Doug Whooley who has been living there for quite some time. He stated when he first bought the Mowery property they did a minor subdivision of that lot which was then 15 acres. He stated that these lots have a deeded access over the Mowery road which it has used since day one. He stated that they have realized that these lots do not need to be considered part of the HOA either and can be sold because there is already deeded access to that land. However, they will grant the option to Lots 3 and 4 to join the HOA if they should choose to.

Rolf Ronning stated that he is requesting that there be an amendment to condition #12 to say: "All lots within the subdivision are to be part of the Homeowners Association and must comply with the Bylaws, except Lots 3, 4, 9 and 10."

Rob Simon gave a little further explanation of the proposal. He stated that the advantage gained is that they can sell these lots and then work on getting the HOA in place.

Herb Koster stated that Lots 3 and 4 will not only have access to the HOA road but they have stormwater management issues that they have to deal with coming off of these lots. Rob Simon stated that there is no stormwater management system on these lots and their contribution will be marginal in comparison to the overall subdivision. Herb Koster stated that he feels that they went over this a long time ago. Counsel agreed and stated that he is asking the right questions, because even though there is no stormwater device, they are still contributors to the overall stormwater. He stated that these Lots should be responsible contributors to any maintenance costs for that system. Rob Simon stated that the HOA covers the cost of the entire system. He stated that he has dealt with HOA's where there is already a lot in place and they are not asked to join the HOA even though they use the access and contribute to stormwater. He stated that this type of information is disclosed to the members of the HOA. Rolf Ronning agreed that this house pre-exists as well as three others who will use this road and will not be part of the HOA. He stated

that Lot 3 will not be developed on because a house already exists. If the owner of Lot 4 wants to build they will have to join the HOA because the logical access to Lot 4 is through the HOA road.

Herb Koster stated that he remembers that this minor subdivision was done in sequence with the major subdivision as a lot line adjustment. He stated at that time they had asked for no segmentation on this and requested that they put it all together. He stated that if they grant this request it would be considered segmentation. Counsel agreed, but stated that if there is a valid reason or rationale it may be appropriate. He stated that he can understand Rob Simon's rationale for separation of Lots 9 and 10 because they only have a minor effect on stormwater. However, on Lot 3 there is a stormwater retention pond and cannot see removing that from the HOA. Rolf Ronning stated that in the conveyance of Lot 3 there would be a reservation of that portion of the lot. Rob Simon agreed and stated that Lot 3 would be subject to an easement of the HOA to maintain the stormwater device. Counsel stated that he understands that this is a possible solution but the more important question they should be asking is if it is an acceptable plan to the PB.

Herb Koster stated that the applicant could ask for more lots to be removed for the same argument. He stated that they are circumventing the whole system here to move forward. Counsel agreed, that in a way they are un-planning the overall subdivision plan. Rob Simon stated that their distinction is that there are no other lots that they could do this with. Herb Koster disagreed and stated that they could give them any argument they want. He stated that the PB's job is to keep this as one subdivision and not segment it.

Rolf Ronning stated that they did make a mistake with Lots 9 and 10 and they never should have been part of the HOA. Henry Caldwell asked if there is stormwater management for Lots 9 and 10. Rolf Ronning replied yes, because they will need to come back to the PB for major stormwater. Henry Caldwell stated that they will need some sort of maintenance agreement for the shared driveway access to Lots 9 and 10. Rob Simon stated that they would have an agreement and those 2 lots would share the cost of maintenance. Herb Koster stated that Lots 9 and 10 were to use the subdivision road until the applicant bought a right-of-way from the Reeds. Rolf Ronning agreed but stated that it was always the intent that these lots would not have access through the HOA road.

Herb Koster stated that he feels that their ordinance is being undermined. Counsel stated that the reason that the applicant is here has not been clearly stated and they seem to be avoiding the real issue and suggested that they discuss it. He stated that they are trying to take lots out of the requirement for the HOA so they can be sold and then they will worry about achieving the remnants that are left in a HOA as time permits. He stated that the harmony of the subdivision that has been developed and approved over the last 4 years is now being chopped up and parceled out. Legally it can be done, however, this PB may not act favorably and it will need to go before a public hearing to deal with all of the issues that will arise out of separating these lots.

Rolf Ronning stated that Lots 9 and 10 should have always been considered stand alone lots. Herb Koster stated that originally they were going to have access to the HOA road until they gained the right-of-way. He stated that he could see segmenting those 2 lots out even though there is stormwater that will contribute to the general site.

Rolf Ronning stated that he doesn't think that this changes the scope or design of the subdivision. He continued that he feels that the same applies to Lots 3 and 4 because they are pre-existing and enjoy a permanent deeded easement already over the same road that will be built for the subdivision. He stated Doug Whooley has a mortgage commitment that is going to expire soon and they will need to get the road started. He stated that they cannot legally make it a permanent condition that he joins the HOA when it is created, but most likely he will. If Lot 4 is ever sold off from Lot 3, it will have join because they only access is from the HOA road. Herb Koster stated that it will not be the same as it was if it had the right-of-way for the road, it was one lot, now there are 2 lots which have the right-of-way to the road. The other difference is that Lot 3 has a stormwater management device on it, which belongs to the HOA that he may not belong to. Herb Koster stated that as a Board they are opening up a can of worms. Rolf Ronning stated that they are no different from Lot 9 and 10. Herb Koster stated that they are very different because they are in the middle of the subdivision and they have stormwater devices on them. Rolf Ronning stated that the deed will still read the same for those lots because they will need to have the right to maintain those stormwater devices no matter what. Herb Koster stated that this device is the last device before the big pond at the end of the road which is already highly controversial. Rolf Ronning stated that the HOA is responsible for maintaining that system whether he is a member of the HOA or not.

Rob Simon stated that he does not feel that they are taking apart the plan. He stated that Lot 3 has someone living in the house who wants to remain there. He stated that they are hoping to get the HOA put together if this request can be granted. He stated that he does see the PB concern that these lots would not be part of the HOA. Rolf Ronning stated that it would be no different than the Budners who will not be part of the HOA but using the access road because it will be fully disclosed to all buyers. Rob Simon stated that he has dealt with similar situations in the past and it seems to work. He understands that they are dealing with stormwater device on the property but he does not feel that this is enough of a distinction to be a determining factor. It does not outweigh the value in this proposal to get Doug Whooley into his property which is positive and it will help the subdivision go forward in the spirit of what they have approved but instead of 23 lots sharing the cost of maintenance it will be 19 lots. He stated that he understands the PB's concern but this seems like a solution that would solve everyone's problem and he feels that it does not undermine their ordinance. He doesn't feel that their request is a far stretch from what was approved because the same restrictions are being applied and the same people will be in place to maintain it. He stated that if the HOA never happens than Lots 3 and 4 will be an independent existing parcel with an existing driveway.

Henry Caldwell asked why they couldn't make it a condition that Lots 3 and 4 become part of the HOA when it is created. Rob Simon replied that they could make that a

requirement, but he does not believe that the Attorney General's Office would approve closing on the sale of the property until the HOA is set up. He stated that buyers need to have full disclosure of the HOA and fees associated with it. He stated that if they were to force these lots to join the HOA when it is created, they would not know what their budget is going to be and he stated that would not be approved by the AG. Rob Simon stated that they could possibly do this with Lot 4 if they were independent lots. Herb Koster stated that they are independent lots. Rolf Ronning stated that they could have a condition that if Lot 4 were to be separated from Lot 3, then Lot 4 would have to join the HOA. Herb Koster stated that it is already separate because it has 2 tax map numbers and has been approved this way.

Sue Wilson asked Counsel if this should be considered a new application to amend what was previously approved. Counsel replied yes. Pam Kenyon stated that this was before the PB just for discussion purposes. She asked what they would like to see for the new application. Counsel replied that they are fundamentally changing the structure of what was previously approved. He stated that the application should detail the changes that they are proposing. Pam Kenyon stated that normally she does not require new maps unless there are changes to lot lines and asked what she would need from the applicant that she doesn't already have. Herb Koster stated that he agrees that there should be some sort of amendment application but without starting from scratch. Counsel agreed and stated that the applicant will need to precisely describe the proposed changes. He continued that whatever is going to be addressed by the applicant will be subject to a public hearing. Rob Simon asked if they will need to include 9 and 10 in a public hearing since they do not have any real effect on the subdivision. Counsel stated that he likes to look at everything comprehensively and that is what he is suggesting. Rob Simon stated that he sees a distinction between Lots 9 and 10 and Lots 3 and 4 because 9 and 10 have a totally different access and no effect on the stormwater devices. He stated that this is the first that he has known that Lots 9 and 10 were included in the HOA. Herb Koster stated that they have been part of the subdivision for the past 4 years. Rob Simon stated that he has not been a part of the process for 4 years but he was under the assumption that they were not part of the HOA. Rolf Ronning agreed. Sue Wilson stated that Rolf Ronning has always referred to it as a 23 lot subdivision. Rolf Ronning agreed, but stated that it has always been a 21 lot HOA. Sue Wilson stated that she has never heard that before. Counsel agreed that he has never heard that statement and if they were to review the minutes from the past 4 years they probably will never find that statement.

Counsel stated that he can see their argument that some lots pre-exist and have prior road access rights and have already been built upon. He stated that they are not talking about that same distinction with Lots 9 and 10. Rolf Ronning stated that Lots 9 and 10 will not want to be part of an HOA in which they receive no benefit from and the AG's Office will be questioning the same thing. Counsel stated that if he were the closing attorney for Lots 9 and 10 and saw that they were part of a HOA and there was a master plan of stormwater management and these parcels benefited from that stormwater management he would not be shocked by that. Rather he would see that as an organized harmonious comprehensive system that requires all lot owners to contribute.

Herb Koster stated that he feels that they need to file an amended application for a major subdivision. He believes that they will have to list them as separate. Counsel agreed. Henry Caldwell stated that Lots 9 and 10 will have to have a road maintenance agreement. Herb Koster agreed that they will need something and it will need to be approved by Counsel. He stated that there should be 2 different applications. Counsel suggested that in order to simplify the process, the applicant will not be required to re-file the maps because there is no change in the map, it is changing the legal structure of what was previously approved and for this amendment on a legal structure in an approved subdivision they can waive the fees. Herb Koster agreed. Pam Kenyon stated that the application due date is Monday.

Rolf Ronning stated that he understands submitting an application for amendment for Lot 4, but he would like to have Lot 3 taken care of so that Doug Whooley can close and not lose his mortgage commitment. He also feels that Lots 9 and 10 can be removed because they were never intended to be included in the first place. Herb Koster stated that he is putting the burden on the PB and it is not their burden to carry.

Mark Rehm, representing Doug Whooley, stated that they need to know where the PB is coming from and whether or not a public hearing will be required. He stated that there are a lot of things that need to be decided before they could close with the bank. Herb Koster stated that any change to a major subdivision, by law, requires a public hearing. Counsel agreed and stated that there were requirements and conditions imposed upon this subdivision as a whole and it was looked at comprehensively. Separation of these lots affects the structure as a whole and will need to be opened to a public hearing for comment.

Rolf Ronning provided one last solution, he suggested to keep lots 3 and 4 together because the subdivision really doesn't exist until the HOA is in place. He stated that Rob Simon, Counsel Muller and Mark Rehm could come up with an agreement that Doug Whooley would sign that would state something to the effect that once they do have the HOA in place Doug Whooley will convey the 5 acres back to the HOA for the stormwater. Counsel stated that he is having trouble following this proposal. He stated that good planning is what Bolton is about and he cannot counsel this Board to go through some convoluted process to get it back into the proper names after the approvals. He stated that the approval that was granted in July 2008 stands and if he wants to change it he has that right, but he must go through the process.

Rob Simon asked if it would be a problem if Lots 9 and 10 would be part of the HOA but would pay dues subject to the use of the rights of the HOA. Rolf Ronning stated was a good point and that the HOA can determine that Lots 9 and 10 pay less because there are receiving less benefit. He feels that is not the PB's job to determine what each lot pays. Counsel agreed that a democratically run and well organized HOA could make those changes within its own structure without coming back to the PB. Herb Koster stated that if they intend to separate Lots 9 and 10 they will need to come back with an application. Rolf Ronning stated that they understand that, but they also have the option to do the HOA application differently if they were to lessen the dues for Lots 9 and 10. Rob

Simon stated that they would be subject to the rules of the HOA but they will not have to pay as much. Herb Koster agreed that may help them with the AG's Office. Rolf Ronning stated that this could help them with Lots 3 and 4 too because they have a deeded right anyway. Counsel stated that the discussion to try and figure what the Town of Bolton should do is up to the PB with public input.

Counsel suggested that he take the long form SEQR and re-submit whatever may supplement that and whatever constitutes their amendment. Rolf Ronning stated that he is not sure what they will be re-submitting at this point. Rob Simon stated that he understands that if they do propose any changes they will need to submit an application for amendment by Monday which should explain everything that they are looking for in the way of proposed changes.

Henry Caldwell asked when they will be submitting to the AG Office. Rob Simon stated that they are trying to solve all of the problems in order to make the HOA possible under the AG's regulations. Henry Caldwell asked why the AG's Office rejected it initially. Rob Simon stated that there were several reasons. The APA had not seen the changes to the Plan, but since that time the APA has seen the changes and has been resolved. Rolf Ronning stated that another reason was that one of his mortgagees started a notice of intent to foreclose because he is behind in the payments and they were worried about his financial ability to perform. Rob Simon stated that there are several issues out there and it is his job to sort them out and go back with an application.

There was no resolution for item SD04-16. The PB agreed that the applicant should return with an amended application for the changes proposed.

4) 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 October 23, 2008 meeting pending a major stormwater application and is in conjunction with SPR08-28.

5) 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 is in conjunction with SD08-04.

Joe Pfau stated that they have the preliminary plans for Mr. Waterhouse with a full stormwater report. He stated that they have received comments from Tom Nace and the plans have been changed to reflect those comments. They were fairly minor in nature such as, seeing calculations through some of the proposed culvert pipes which were not displayed. He stated that there have been no plan revisions with the exception of labeling some intermediate contours and extending the profile around the cul-de-sac profile sheet.

Joe Pfau stated that he received a letter from Lake George Waterkeeper Chris Navitsky today. Although he has not had time to review it fully, he does not see any issues with any of his comments. There are some discrepancies in curve numbers and he will respond to those as well. He stated that he was hoping to set a public hearing if possible.

Herb Koster asked if the applicant was planning on applying for an HOA. Joe Pfau replied yes, but that they will be applying for a simpler maintenance agreement for the roadway and stormwater facility.

Sue Wilson asked if they had already had a public hearing. Pam Kenyon replied no, but they are seeking to set one up. She also indicated that Tom Nace has not signed off on this application as of yet. Joe Pfau commented that he hopes that they will have that in hand shortly because the comments made were minor. Don Roessler asked if he could have everything done by Monday. Joe Pfau replied that with the exception of the LG Waterkeeper's comments he does not feel that anything else needs to be done. Don Roessler asked if he will need to make any changes with regard to the LG Waterkeeper's comments. Joe Pfau replied that there will be minor changes but he could submit that by Monday.

RESOLUTION:

Motion by Donald Roessler to schedule a public hearing for February 26, 2009 at 6:00 pm. Seconded by Sue Wilson. **All in Favor. Motion Carried.**

Counsel stated that he wanted to discuss Sagbolt, LLC even though it was not on the agenda. He stated that Sagbolt, LLC had gotten an approval for a PUD amendment from all necessary Boards, however there are now changes to what was submitted. He stated that the changes shown by Jeff Anthony involve changes that not a change in use and not an expansion of any existing footprint. He stated that basically they are changing large windows of the Veranda so that it is set back a bit. Pam Kenyon stated that they will be replaced with columns. Herb Koster stated that he heard that they want to add a second floor to the veranda for rooms. Pam Kenyon stated that was correct. Counsel stated that he has not seen the detailed changes but it has been characterized that it is not a change in use and no expansion of the existing footprint.

Herb Koster stated that they are changing the look from the lake because they are separating the veranda into 2 floors, changing the windows and creating a porch on the second level. Pam Kenyon agreed and stated that it was all within the same footprint. Herb Koster stated that he has not seen any plans, but feels that they should review this proposal again.

Counsel stated that was up to the PB discretion. The APA took the position that because there is no change in use and because there is not expansion of the existing footprint they do not see this as requiring an amendment to the PUD. However, the APA did indicate that their approval was conditioned upon the Town of Bolton's determination. If the

Town of Bolton finds that this does warrant another look at the amendment then the APA will follow suit.

Herb Koster stated that he feels that there will be a change to the look of the Veranda from the lake and that is his biggest concern. Sue Wilson asked how they are impacted by the Historical Registry. Counsel replied that Ben Pratt has indicated that this proposal is embraced by the State Office of Parks, Recreation and Historic Preservation because they like the fact that this is going back to a more historical plan. Herb Koster stated that he heard that they intend to put some offices in the rooms that they approved. Counsel replied that was correct.

Pam Kenyon provided plans from Sagbolt, LLC showing the new proposed changes. She stated that they are also proposing changes on the Shelving Rock wing. John Gaddy stated that all of these changes can be done without review as long as there is no change in use or are in the same footprint. Counsel stated that is up to their discretion. He stated that they have 7 ½ pages in the Bolton Code on creating a PUD but only 3 sentences telling you how to amend it, so they are looking to the PB to tell them which direction to go in.

The PB had further discussion of the changes. John Gaddy stated that there were significant changes and suggested putting them on the agenda for next month. The PB agreed. Pam Kenyon stated that they are already aware that the application due date is Monday and to have plans ready to be submitted. Don Roessler suggested that they include the Shelving Rock plan as well. Pam Kenyon replied that they would be reviewing the Shelving Rock plan.

RESOLUTION:

Motion by Don Roessler to request Sagbolt, LLC to submit their application for an amendment to the PUD, which include changes to the plan previously submitted and approved on December 18, 2008, the proposed changes to the Veranda and Shelving Rock Terrace. **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

Counsel requested that Pam Kenyon contact the APA of their decision to review this application again. Pam Kenyon replied that she would.

The meeting was adjourned at 7:54 p.m.

Minutes submitted by K. MacEwan