

**Town of Bolton
PLANNING BOARD
Minutes
Thursday July 16, 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, Donald Roessler, Town Counsel Michael Muller and Zoning Administrator Pamela Kenyon.

Absent: None

Herb Koster opened the meeting at 6:07 PM.

PUBLIC HEARING

1) SPR09-12 KOLLAR, CHRISTOPHER & PHYLLIS. Represented by Hutchins Engineering. Seek Type II Site Plan Review to 1) construct a single family dwelling in the LC45 zone, and 2) a major stormwater project to remove more than 15,000 sq. ft of vegetation. 33,375 sq. ft. is proposed. Type I Site Plan Review is also sought for any development within 100' of a wetland. Section: 186.15, Block 1, Lot 2, Zone LC45 & RM 1.3. Property Location: South west corner of Homer Point Road and Treasure Point Road. Subject to WCPB and APA review. Subject to SEQR. This item was tabled at the June 2009 meeting pending a public hearing.

Tom Hutchins gave an overview of the project. He stated that the project site is a 13 acre parcel on the corner of Homer Point and Treasure Point Roads. There are a fair amount of wetlands on the property, which have been delineated by the APA, flagged in the field and shown on the plans. They are proposing to construct a single family residence with and attached garage, on-site wastewater system, well and stormwater management.

Tom Hutchins stated that there is an old 30' right-of-way called West Road which runs through a portion of their property. He stated that they have stayed away from it with the exception of the driveway, but they will allow continued access across that right-of-way.

The site plan includes data on grading the property, details for a wastewater system and stormwater management. The wastewater system will be located at the highest point of the property. It is a conventional system with a septic tank which will need to be pumped. The well is located to the east of the house with stormwater controls to the north.

Andrew DePann, 40 Treasure Point, asked if there were any plans for the area located along the lakeshore furthest from the structure. Tom Hutchins replied that this project does not include any plans for that waterfront area. Chris Kollar replied that eventually they would like to replace the non-conforming dock that currently exists. He stated that

they would like to come into compliance as well as enlarge the dock. Andrew DePann asked if they would be clearing the lot. Chris Kollar replied that they would somewhat but not in the area designated as the “beach lot”. He stated that from Mr. DePann’s property line there is 66’ for the right-of-way which will be left as it exists now.

Chris Navitsky, Lake George Waterkeeper, had the following comments:

- 1) The stormwater management plan seems to have some conflicting information regarding the base of the proposed basin. He stated that the calculations are based on an elevation of 328’ and the plans refer to 328.5’. He feels that this should be clarified because it will have an impact on retention volumes.
- 2) The basin does not provide the 2’ separation requirement to seasonal high ground water based on the deep test pit information provided.
- 3) With regard to the on-site wastewater treatment system, it is sized for 4 bedrooms and the NYS DOH requires that systems be sized for spas, tubs and other large water uses. It appears that there is one that could be planned in the master bedroom. The DOH Design Manual also states that dens and other rooms that could be converted into additional bedrooms should be considered in calculating design flow.
- 4) The waste water system should be considered a fill system since more than 50% of the system will be installed above the existing grade, which will need to meet different setback and design requirements. There should also be a 50% reserve area shown for expansion or replacement.
- 5) With regard to the wetlands, according to the DEC Natural Heritage Program, the site contains a significant natural community, which is namely the Black Spruce Tamarac bog. Under development considerations 200-32 the Board shall consider potential adverse impacts to resources of the Adirondack Park such as habitats of rare and endangered species and key wildlife habitats. The project proposes to clear within 20’ of a wetland boundary and removal of the buffer will result in adverse impacts to the resources. They recommend greater protection of that wetland.
- 6) He was looking for some clarification regarding setbacks because there is a conflict in the existing code. In Section 200-37b, it states that there shall be a 100’ shoreline setback, including wetlands, in various LC zoning districts. In this case, it seems that it may require a variance. However, under the shoreline definition it excludes wetlands.
- 7) Given the natural community that does exist in this area, they recommend requiring additional protective measures such as adequate stormwater and wastewater treatment, as well as the established forested buffers to reduce potential nutrient and chemical impacts.

With regard to the items on the stormwater report, Tom Hutchins stated that he does not concur with all of Chris Navitsky’s math. However, he does agree that there was a conflict in the elevation in the stormwater report and the plans. The plans are correct. He stated that he does a model beforehand and he did not have all of the information when he did the model and ended up using a figure that was ½ foot lower than he ended up setting the pond base at. He has since corrected the model and has discussed it with Tom

Nace, who also agrees with him. He stated that seasonal high ground water is at 326.33' and the bottom of the basin is at 328' which gives them over 2' of separation.

With regard to the wastewater system, there is a statement within the DOH design manual regarding Jacuzzi type tubs and hot tubs. He and other engineers have interpreted that as an indoor hot tub which would be used for multiple people. He stated that they are only proposing to have a bath tub with jets, which in his opinion is not considered a Jacuzzi. He stated that he has reviewed this with Tom Nace as well and he agrees with his interpretation.

With regard to the septic system being considered a fill system, he interprets it as a conventional system and Tom Nace has agreed. He stated that if they were to consider it a fill system that would require an additional foot of fill so that they would have 5' separation, which he would be willing to do. Herb Koster stated that would be up to the Zoning Administrator.

With regard to the DOH considering dens and studios as future bedrooms, Herb Koster asked if that was a demand or a suggestion. Tom Hutchins replied that it is written in the DOH design manual as a regulation. However, he feels that it is somewhat of a judgment call. He stated that in this project they already have 4 bedrooms and they don't see a need to increase to 5 or 6 bedrooms. Additionally these rooms are not large, they do not have closets or doors so it wouldn't make sense to convert them. He stated that if this is an issue they can change the wastewater system to increase fill for another 1 foot.

With regard to the 100' setback to the wetlands, Herb Koster stated that they have not used this requirement for wetlands. Pam Kenyon agreed that they do not apply the 100' setback to wetlands. Tom Hutchins stated that they are within the APA jurisdiction and the DEC does not regulate wetlands in the Adirondack Park.

George Goodwin, 33 North Point, stated that he and others have a right-of-way on West Road. He gave a history of how Treasure Point was subdivided. He stated that there were a few unsold lots that had the use of the area where the Kollars are thinking about replacing the dock. He stated that it was supposed to be reserved for those unsold lots and no docks would be allowed to be built there. He stated that he thought it was some sort of covenant or by-laws. Herb Koster asked if he has a copy of the document. George Goodwin replied no but he has not researched it. Herb Koser asked if they deal in speculation. Counsel replied no. Chris Kollar stated that when he purchased the property his attorney did a title search and reviewed all of the covenants and restrictions for the property. His understanding was that the 66' between his property and the DePann property was considered the beach area which was reserved for lake access for those other properties.

Richard Sebert stated that he is concerned with the use of the waterfront because his 3 properties have access on the adjacent lot not only for waterfront activities but and they get their drinking water from the lake. Herb Koster asked if it was for that entire area or just for the 66'. Richard Sebert replied that he was not sure, he would have to look at his

deeds. Herb Koster stated that this a civil matter and if they have a concern with it they should consult a professional.

Mark DePann asked what effect the development will have on wetlands. He stated that the road and area floods frequently throughout the year. He is concerned that the development of this site could potentially create more water in the swamp which could affect his property.

RESOLUTION:

Motion by Henry Caldwell to close the public hearing for SPR09-12. Seconded by John Gaddy. All in Favor. Motion Carried.

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the June 18, 2009 meeting.

Henry Caldwell, page 2, the resolution to set a public hearing for application SPR09-12, should read: "Herb Koster opposed. All others in Favor. Motion Carried."

RESOLUTION:

Motion by Donald Roessler to accept the June 18, 2009 minutes as corrected. Seconded by Sue Wilson. Sandi Aldrich abstained. All Others in Favor. Motion Carried.

1) SPR09-12 KOLLAR, CHRISTOPHER & PHYLLIS. Represented by Hutchins Engineering. Seek Type II Site Plan Review to 1) construct a single family dwelling in the LC45 zone, and 2) a major stormwater project to remove more than 15,000 sq. ft of vegetation. 33,375 sq. ft. is proposed. Type I Site Plan Review is also sought for any development within 100' of a wetland. Section: 186.15, Block 1, Lot 2, Zone LC45 & RM 1.3. Property Location: South west corner of Homer Point Road and Treasure Point Road. Subject to WCPB and APA review. Subject to SEQ. This item was tabled at the June 2009 meeting pending a public hearing.

Pam Kenyon stated that there was no WC Impact.

John Gaddy asked if there were any reported deed restrictions or easements across this property outside of the right-of-way. Tom Hutchins replied that they have updated the survey to reflect all current easements across the property. He stated that they meet all of the building setbacks and wastewater setbacks from the right-of-way.

John Gaddy asked if the area between the house site and West Road would be cleared of all the trees for swales. Tom Hutchins replied that they have tried to show a limit of disturbance. The intent is not for lawn but rather a natural environment. He stated that currently there are a lot of downed trees which will be cleaned up. Tom Hutchins stated

that they are trying to limit the disturbance as much as possible between the back of the house and the wetlands. Sandi Aldrich commented that she would like to see a limit of disturbance in this area to better protect the wetlands. Tom Hutchins stated that often times engineers and developers are criticized for the amount of disturbance. However, once you factor in placement of the house, stormwater controls and wastewater systems and all the separations that apply, the disturbance area ends up looking large. He stated that they are realistically keeping the disturbance area as small as they reasonably can. Herb Koster stated that they are about 30' beyond the bottom of the slope for the re-grading to the edge of the disturbance by the septic tank. Tom Hutchins stated that area could be shortened up.

Sue Wilson asked if it would be a violation of Town code if the development of this property spills any water or creates any disturbance on an adjacent property. Pam Kenyon replied yes.

Don Roessler asked if the placement of the septic tank would make pumping out a problem. Tom Hutchins replied that would it not be an issue because they have long hoses to reach the area. Herb Koster agreed.

George Goodwin asked if there was any concern about utility placement for this property. Herb Koster stated that the applicant would need to deal with the utility company and if it needed to be placed somewhere else they would need to come before the PB again for review.

With regard to placement of the house, George Goodwin stated that he thought that the applicants might be dealing with headlights coming into the house and asked if they planned to put up a fence. Chris Kollar replied that they will not be putting any fences up.

John Gaddy stated that he would like to add as a condition that any exterior lighting be downward facing and shielded. Tom Hutchins agreed.

Sandi Aldrich asked what colors they have chosen for the house. Chris Kollar replied that they will be using dark earth tone colors and stone.

RESOLUTION:

Motion by John Gaddy to accept application SPR09-12 as complete, having held a public hearing and met the criteria set forth in the code, grant final approval for the construction of a single family dwelling in the LC45 zone and 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 with the following conditions:

- 1) The applicant will meet with the Zoning Administrator to determine the acceptable fill required for the septic system.
- 2) All exterior lighting shall be shielded and downward facing with the use of low wattage bulbs.

3) The final plans will reflect the decreased disturbance indicated on the west side of the house.

Seconded by Donald Roessler. All in Favor. Motion Carried.

2) SPR09-15 BAKER, STEVE & KELLY. Seek Type II Site Plan Review for an agricultural use, specifically to have two horses. Section 124.00, Block 1, Lot 32, Zone RL3. Property Location: 837 New Vermont Road. Subject to SEQR.

Kelly Baker stated that they would like to put a corral and barn up for a couple of horses behind the house. In the future they would like to also run a fence along the brook out to the front of the house. They are proposing a 30' x 30' barn. There will be a new well in the front of the house for their drinking water and the well in the back will be used for the horses.

Kelly Baker stated that there will be temporary manure storage 50' off of the property line. They will not be composting the manure it will be transported off the premises. Sandi Aldrich asked how far the manure storage is from the brook. Kelly Baker replied approximately 200'. Sandi Aldrich asked how often the manure will be removed. Kelly Baker replied once a week.

Sandi Aldrich asked if the horses were wild mustangs. Kelly Baker replied yes but they have been gentled. Sandi Aldrich asked if either of the horses is pregnant. Kelly Baker replied that they do not appear to be and the woman from the gentling program has indicated that they do not appear to be.

Counsel stated that in the past they have applied and used 200-42b and c. He stated that they have asked applicants to comply with section 200-42 b and c which provides requirements for the storage and handling of farm animals. Herb Koster stated that the applicant falls within all of the requirements. Counsel agreed and stated that they just need to be compliant.

RESOLUTION:

Motion by Donald Roessler to accept application SPR09-15 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 with the following condition: 1) the applicant will comply with Section 200-42 B and C of the code. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

3) SPR09-16 SPERANZA, MICHAEL & MARY. Represented by James Palazzo. For the construction of a proposed garage with storage, seek Type II Site Plan Review for an accessory structure greater than 1,500 square feet. Approximately 2,032 is proposed. Section 171.07, Block 2, Lot 44, Zone RL3. Property Location: 52 Braley Hill Road. Subject to WCPB review. Subject to SEQR. This application is in conjunction with V09-17 for deficient setbacks.

Jim Palazzo stated that the applicants are proposing a garage/storage area. The applicants have moved from New Jersey and are currently renting 3 storage areas in Lake George. This proposal would allow them to consolidate everything at their home. He stated that it will be a 3 car garage with just dry storage space upstairs.

Herb Koster asked if there will be any living area. Jim Palazzo replied no.

Henry Caldwell asked if they were dealing with any stormwater issues. John Gaddy replied that the whole area coming down off Braley Hill Road has issues after every storm. He feels that it is not one particular spot but rather a cumulative effect of all of the work on Braley Hill Road. He is not sure how this one project would create any major change to the current conditions. The soils are sandy so the stormwater should be able to be done on site but he would like to see some sort of trench drains. Jim Palazzo stated that he would like to do something similar to what he did to his building and make the drip lines 2' wide and 3' deep. He stated that he has not had any problems. They also plan to back fill the back wall and will hydro-seeded to prevent erosion. John Gaddy agreed but stated that he would still like to see some trench drains as well. Pam Kenyon stated that they will need to determine the size based on the specs.

Sandi Aldrich asked if there was currently a violation on this property. Pam Kenyon replied that she was not aware of a violation. Sandi Aldrich asked if they are planning to continue the pavement. Jim Palazzo replied yes. Sandi Aldrich asked how much of the lot will be impervious surface. Jim Palazzo replied approximately 80% would be covered. Herb Koster stated that if there are any problems with stormwater the Zoning Administrator would be dealing with it. Pam Kenyon stated she could have Tom Nace take a look at it.

Sandi Aldrich asked how they will be handling snow removal. Jim Palazzo replied that the applicant has been plowing his driveway for several years now. There will be less snow to plow since the building will be there. Jim Palazzo stated that the snow will not be going on the driveway it will go off the sides. He stated that the shed will be removed as well as the car port which will allow for a little more room.

John Gaddy stated that he did not see any proposed lighting for the exterior of the garage. Mike Speranza replied that they will have Adirondack style lighting above the garage and doorways and they will be motion lights. John Gaddy stated that they have some examples of the downward facing shielded lighting in the Zoning Office if they should need guidance.

RESOLUTION:

Motion by Donald Roessler to accept application SPR09-16 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 with the following conditions:

- 1) A French drain will be installed around the building to better facilitate stormwater run-off.

2) Any exterior lighting shall be shielded and downward facing with the use of low wattage bulbs. **Seconded by John Gaddy. Sandi Aldrich opposed. All Others in Favor. Motion Carried.**

4) SPR09-17 FELTZ, JACK. Represented by Jeffrey Tennent and Barry Kincaid. As discussed on November 20, 2008 when approving SPR08-01, seeks Planning Board approval to create a filtered view on lot 12 of the Diamond Ridge Subdivision. Section 212.04, Block 2, Lot 3, Zone LC25. Property Location: Diamond Ridge Road south of Town. Subject to SEQR.

5) SPR09-19 FELTZ, JACK. Represented by Jeffrey Tennent and Barry Kincaid. Seeks Planning Board approval to create a filtered view on lot 13 of the Diamond Ridge Subdivision. Section 212.04, Block 2, Lot 4, Zone LC25. Property Location: Diamond Ridge Road south of Town. Subject to SEQR.

6) SPR09-18 CLAUSEN, STANLEY. Represented by Jeffrey Tennent and Barry Kincaid. As discussed on November 20, 2008 when approving SPR08-01, seeks Planning Board approval to create a filtered view on lot 6 of the Diamond Ridge Subdivision. Section 212.04, Block 2, Lot 12, Zone LC25. Property Location: Diamond Ridge Road south of Town. Subject to SEQR.

NOTE: Items SPR09-17, SPR09-19 and SPR09-18 were heard together.

Barry Kincaid, KLC Property Enhancement, LLC stated that they are proposing a filtered view for the Diamond Ridge subdivision lots 6, 12 and 13. The intent and purpose of the project is to develop a filtered view of Lake George and its surrounding landscape with careful consideration in shielding the structure from the public while giving the future land owner a tasteful picturesque filtered view. The disturbance lines for the house construction will be well laid out to provide clear limitation of any tree removal from the house construction. This will also aid in giving the guidelines needed for the pruning and selective tree removal. They will be leaving the larger canopied trees to provide ample shading of the structure. Further aid in the shading, will be constructing the house with earth tone colors to blend in with the surrounding landscape. Once this is accomplished, they are confident the future building will have a pleasing viewpoint of the Lake and surrounding Adirondack Mountains without major impact to the beauty and charm of the surrounding environment with respect to the view from the lake. They provided a portfolio of some previous work they have done.

John Gaddy commended both Jeff Tennent and Barry Kincaid for appearing before the PB on a voluntary basis. They did not have to come before the Board for this issue under the current zoning. He stated that their work is exemplary.

John Gaddy stated that they have often had to deal with clear cutting on lots and not have the ability to get trees back on those lots. With this filtered view plan he asked if they could create some sort of language to be sure that this filtered view is maintained by

subsequent owners. Counsel stated that subsequent owners would have to maintain it. However to be sure that it is public record and they are aware of it, they should put in on record at the County Clerk's office in the form of a covenant that will run with the land.

Herb Koster stated that they are coming in on a voluntary basis and asked if they can put conditions on their approval. Counsel asked Jeff Tennent if he would be resistant to a covenant. Jeff Tennent replied that it is the right thing to do but doesn't feel that it is necessary since they came in on a voluntary basis. He feels that his clients would be agreeable since they have moved forward in this direction anyway. Counsel stated that if he is not opposed to it, it can be easily done. It not only protects the Town but other lot owners as well. Jeff Tennent replied that it would protect them as well. He stated that he doesn't like when an owner or subsequent owner buys one of his homes and then clear cuts it makes them look bad even though they are not the ones who did the cutting. He stated that he would not have a problem with it as long as it was not so specific that every tiny thing would be managed under this covenant. Henry Caldwell stated that both Jeff Tennent and Barry Kincaid have set a fine standard for development in the community. He is more concerned with subsequent owners maintaining this filtered view. He feels that a covenant could protect them.

Jeff Tennent stated that he would like to have these houses buffered from view, but at the same time these homeowners have the right to see the view of the lake because they are being taxed for it.

Henry Caldwell stated that without the homes being there they could potentially run into a problem with the owner complaining that they either cut too many trees down or not enough. Jeff Tennent stated that the house sites have already been cleared, there is very little leeway to move the house. He stated that there are minor changes that were provided for by this Board at Pam Kenyon's discretion, such as shifting the house slightly or turning the house in a little in a different direction without having to come before the Board again. However, the applicants understood that the locations were not going to be changed significantly without going through the entire procedure again.

Jeff Tennent stated that any covenant would have to be specific to the land owners because he could not impose that upon the HOA because it is a separate entity. He stated that the covenant would not stop the owner from cutting completely it would just put the condition that they need to seek review of the plan if it were a significant change.

Herb Koster stated that he agrees with John Gaddy and Henry Caldwell but he does not want to over step their bounds. He stated that if the applicants are willing to provide for a covenant that says that subsequent owners would need to come back for site plan review if they were to make a change to the filtered view. Counsel replied yes if they want to adjust or amend what has been approved by this Board.

Barry Kincaid stated that they need to have some allowance because once the houses are up they may need to do some additional trimming or pruning to create the filtered view. John Gaddy agreed. Jeff Tennent stated that the covenant should be applied to any

substantial change to what has been approved. Herb Koster asked if the applicants would be willing to sign a covenant. Jeff Tennent replied yes as long as there was some leeway to allow them make small adjustments without needing Board approval. Counsel reviewed some language that could be used for the covenant. He stated that if it is worded properly it will allow for the homeowners to handle routine maintenance of their lots without having to seek approval.

Don Roessler stated that they are depending on Barry Kincaid and Jeff Tennent to complete this project and he would like to see that as part of the motion to be sure that the project is done right. Barry Kincaid and Jeff Tennent agreed that they would be the ones to complete the project initially and then this covenant would take over as the protection for the area.

Counsel created the following deed covenant: Lot ____ of the Diamond Ridge Subdivision shall be subject to a covenant that shall run with the land. Providing that the filtered view and trees conservatively maintained on the lot at the time of original construction of the principal dwelling shall not be materially or substantially cut or severed from the land. This provision is not intended to prohibit the lot owner from conservative tree trimming or removal of down or diseased trees. In any event that the lot owner desires to materially or substantially alter the filtered view and conservative maintenance of trees on the lot the owners shall be obliged to obtain an approval of the Planning Board. Jeff Tennent agreed that the language was acceptable. Counsel stated that this would be signed by the current owned and recorded in the County Clerk's office.

Sue Wilson asked what the process would be to have them signed. Counsel explained that each of these lot owners would receive one of these covenants to sign with an acknowledgement. Once they are signed they will be recorded at the Warren County Clerk's office. Jeff Tennent stated that it would be similar to what they did with the stormwater maintenance agreements for the shared driveways. Herb Koster asked if they could get all of the lot owners to sign this agreement. Jeff Tennent replied that he could get the 5 parcels with the shared driveways.

Herb Koster stated that Jeff Tennent and Barry Kincaid have proven to them that they can get filtered views and develop land properly. Jeff Tennent stated that it is all a balance to provide what the homeowner is seeking while providing the protection of the land and views.

RESOLUTIONS:

Motion by Donald Roessler to accept application SPR09-17, SPR09-18 and SPR09-19 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 with the following conditions:

1) KLC Property Enhancement, LLC and Fine Home Company are to complete the creation of the filtered view.

2) The applicants agree to adding a deed covenant to run with the land. This covenant will apply to each lot owner and shall be signed, notarized and recorded in the Warren County Clerk's office. **Seconded by John Gaddy. All in Favor. Motion Carried.**

Herb Koster asked if they should have to pay for the application fees since they came in voluntarily. Pam Kenyon stated that they did pay the application fees but it could they could be returned.

Motion by John Gaddy to recommend that the Town Board reimburse application fees for applications SPR09-17, SPR09-18 and SPR09-19. Seconded by Donald Roessler. All in Favor. Motion Carried.

7) SD06-03 MJ REAL ESTATE HOLDINGS, LLC. Represented by the LA Group. Seek to merge those parcels designated as Section 124.00, Block 1, Lots 12 & 13 and Section 123.00, Block 2, Lot 57.1, then subdivide parcel into 7 lots. Zones RL3 & LC45. Property Location: New Vermont Rd. Major Subdivision. Sketch Plan Review. Subject to SEQ. This item was tabled at the May 2009 Planning Board meeting.

Rob Frasier, LA Group, reviewed the conditions of the resolution from the May 2009 PB meeting. With regard to the intermittent stream, the PB wanted the applicant to review the area again and provide an explanation of what they were planning to do. Rob Frasier stated that they will be installing a silt fence along the slope and providing some kind of bank stabilization in the form of boulders and/or gavian baskets. To protect the stream they are developing a stormwater management plan which will include check dams and retention basins.

Rob Frasier stated that they further investigated the location of the cul-de-sac for turn-around up to lot 3 and 4. They have moved the cul-de-sac approximately 1,000 linear feet further into the subdivision. Due to the intermittent stream and location of the wetlands and some of the steeper banks they have chosen the current location. Rob Frasier stated that they have also added 2 hammerheads for turn-arounds for emergency vehicles.

With regard to stormwater engineering, Rob Frasier stated that in reviewing the flow design, it has necessitated them to take closer look at stormwater and the design has been revised and will be in accordance with Section 230-08-001 stormwater discharge.

With regard to the last condition of showing access to lot 5, Rob Frasier stated that they have indicated the new access on the plan. He stated that they used the most level area of the lot to provide access to this lot.

Sandi Aldrich asked if they were installing the boulders or baskets to stabilize the road or the stream bank. Rob Frasier replied both. They are trying to avoid having any erosion at all. He stated that in order to size the road properly they will have to cut the upper side bank. Sandi Aldrich asked if they will have to do the same for the intermittent stream. Rob Frasier replied possibly and right now, that is the way it has been engineered.

Herb Koster stated that he would like to see some sort of permanent stormwater control for wetland A-3. Rob Frasier agreed. He stated he would also like to see more detail with regard to overall plans for the subdivision as well as stormwater.

RESOLUTION:

Motion by Donald Roessler to approve the sketch plan for application SD06-03 and convert to preliminary plat. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

8) CLAIREVIEW SUBDIVISION. Represented by Atty. Jonathan Lapper. Seeks to discuss/amend the building footprints and locations approved by the Planning Board on October 24, 1985, when approving the Clairview Subdivision under the Cluster provisions. Section 199.04, Block 1, Lots 21 through 41. Zones RL3 & LC25. Subject to SEQR.

Jon Lapper stated that Clairview received final approval in 1985. It went to the ZBA for a density variance to swap density between the RL3 and LC25 zone both of which are located on this property, with 93 acres total. It went before the PB for subdivision as an early cluster subdivision. The minutes at that time were not like they are today and it is all pretty sketchy. The road was constructed many years ago and a number of the houses have been built. However, the most valuable lots with the best views are the 10 lots at the top of the hill. Those were subject under the APA permit and under the PB approval that those lots would be subject to SPR including stormwater when they were going to be developed. When the applicants came in to develop the first house on one of these lots they found these lots were located in the LC25 zone which require 50' side setbacks. These lots are only 100' wide which leaves them with a zero building envelope.

Jon Lapper stated that in meeting with the Town Counsel and Zoning Administrator they came to the conclusion that as a cluster subdivision the PB has the jurisdiction to determine side setbacks. He stated that they are requesting the PB to clarify the setbacks. He feels that at the time it was believed that these lots were going to have setbacks of the RL3 zone, which are 20' side setbacks, but that never made it into the minutes. He stated that they are proposing 20' side setbacks on the 10 lots on the top and the rest of the lots would require a 25' setback, which exceeds the 20' in the zone.

Herb Koster stated that all the setbacks are listed on the approved map and asked if it was necessary for a clarification. Jon Lapper replied that he is looking at a new map. Sandi Aldrich asked if the original map showed house placement. Pam Kenyon replied yes but the buildings were smaller than what is being proposed now.

Sue Wilson asked if they will still need to come back for SPR. Jon Lapper replied only the top 10 lots because they are the only ones visible from the lake. Pam Kenyon replied that they only wanted the upper lots in the original approval but they could ask that all lots come for SPR.

John Gaddy stated that the map does not indicate where the zones are located. Jon Lapper stated that those delineations were no longer necessary because the density variance was granted. John Gaddy stated that he reviewed some of the old maps and there was a difference in where the line was located. Herb Koster stated that in 1985 the APA was still establishing those zones.

Jon Lapper stated that the applicants are asking for the 20' side setbacks on the upper lots because nothing else makes sense on those lots and they are willing to go with the 25' side setbacks on the rest of the lots which is 5' more than what is required. He understands that the upper lots will need SPR and stormwater because they are the most sensitive areas and they have lake view. However, the rest of the lots would only come through if there was greater than 15,000 sq. ft of clearing. Herb Koster stated that he personally does not need to see the lower lots because they are not visible from the lake. However, some of the Board members may want to see all of the lots for SPR. Sandi Aldrich asked if everything in LC25 requires SPR. Pam Kenyon replied that normally yes, but with a cluster the PB can determine whether or not it is necessary. Counsel agreed that with the cluster the PB has the authority to make that determination.

John Gaddy stated that going back to the file from 1984 there were conditions made at each particular stage. The conditions were in some cases appealed and then changed but the original conditions have carried forward. Counsel agreed.

John Gaddy stated that he is concerned with the visibility of this project on the ridge line. Originally lots 1-5 were shifted to the west of the ridge line. However, over the last 20 years the houses on lots 1-10 have been pushed towards the top. Jon Lapper stated that the applicants have agreed that there will be SPR for each of these lots which will include cutting, filtered views, the exact location of the house and stormwater.

John Gaddy asked if there are proposed sewage locations. Herb Koster stated that even though these are approved building lots, if the stormwater system doesn't fit on it, they will not be able to build on it. He stated that Pam Kenyon reviews the stormwater design to see if it will work or not. John Gaddy stated that he is concerned especially with the upper lots because they are dealing with steep slopes and a lot of rock. Herb Koster stated that they will determine that at the time of SPR. Counsel stated that there is a chance that an unconventional system could work but again that would be determined at the time of SPR. Herb Koster stated that he would rather not get into specifics especially because they are not qualified to do so.

Pam Kenyon asked if the proposal showed the actual size of the buildings. Jon Lapper replied that the plan shows only a conceptual building envelope based on the proposed setbacks. He stated that they would each be reviewed on an individual basis. He stated that all of the lots will be developed by Adirondack Dream Homes, which is Jack and Laddy's son-in-law, Howard Nadler. He has built the 4 homes that are there now and he plans to build the rest.

Herb Koster stated that he didn't have a problem with it as long as the upper lots come back for SPR. John Gaddy stated that he is concerned with the proposed house locations. Jon Lapper stated they do not need to approve the house locations. He stated that they only put them on the plan at the suggestion of Pam Kenyon. In every case they will have to conform to the setbacks. There was some discussion of how to better stagger the homes along the upper lots.

Herb Koster stated that if there are any problems on any of the other lots, Pam Kenyon can send it to the PB for SPR. Pam Kenyon agreed but stated that she has only done that once. Herb Koster stated that normally it does not get passed along unless a major problem arises on the property.

RESOLUTION:

Motion by Donald Roessler to accept application for Claireview Subdivision 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 with the following conditions:

- 1) Lots 1-10 have 20' side setbacks and 50' front and rear setbacks.
- 2) Site Plan Review is required for Lots 1-10.
- 3) Lots 11-17 and 20-26 have 25' side setbacks and 50' front and rear setbacks and Lots 18 and 19 have 50' front and rear setbacks and 50' setback on the side closest to Coolidge Hill and 25' on the east side.
- 4) Major Stormwater will be required of Lots 1-10.

See map entitled "Map of a survey made for Adirondack Dream Homes, dated May 22, 2009. Map prepared by VanDusen and Steves Land Surveyors.

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

John Gaddy asked if it would be possible to compile all of the conditions that have been attached to this project over the historical time so the next time they see this they have it all together. Pam Kenyon replied yes.

9) CONSERVATION PARK BUILDING COMMITTEE. Represented by committee members Kathy Simmes and Kevin Kershaw. Seeks input from the ZBA and PB as it pertains to the demolition and reconstruction of the Conservation Park Building. Section 171.00, Block 1, Lot 9, Zone LC25 & RR5. Property Location: 56 Edgecomb Pond Road.

Kathy Simmes stated that this building was acquired back in 1999 from the Bolton Fish and Game Club. A committee was formed and the Town gave them money so that they could start reconstruction of the Conservation Park. They have worked diligently trying to get this to be a nice usable building. She stated that they have had a kitchen donated to them and they have remodeled the bathrooms as well. However, renovating the rest of the building has lain dormant for a while.

Kathy Simmes stated that they have gone before the TB who are in favor of moving forward with this. They have hired an architect to draw up documents to go out to bid.

Kevin Kershaw provided a survey of the existing building and stated there is an existing septic tank that is 10 years old. It is a pump tank which is south of the cabin down by the road. The septic system is designed for 65 people.

Kevin Kershaw stated that they are proposing to take down the existing building and replace it in the exact location as exists now. He stated that they are not going any closer to the pond or the road. The proposal is to build a new building that will accommodate 86 people. The proposed building will remain in the exact footprint of the existing building with the exception of a 3' covered porch on the front and a ground level patio on the south side which would increase the possible capacity to 150 people. The patio will allow increased use to the outdoors and facility. The patio will be built up with 2 retaining walls, stepped up 2' in height, to build it up to ground level. The doors leading out onto the patio will be double doors which will allow for open air but also provide for an additional fire exit.

There will be 2 handicapped parking spaces in the front of the building. The bathrooms, walkways and entries will also all meet ADA standards. There will be a 3' covered entrance with handicapped access.

Kevin Kershaw stated that the height of the building will be roughly 22'. Sandi Aldich asked how that compares with what is there now. Kevin Kershaw replied that it is close to what now exists. They have not decided what siding they want to use for the building. However, it will be earth tone. Kathy Simmes stated that the lighting will be downward facing and shielded.

Henry Caldwell asked if they are doing a patio instead of a deck because of the setbacks from the pond. Kevin Kershaw replied yes. In addition a deck would require maintenance and it would be a more permanent area to allow for more room.

Henry Caldwell asked why they are choosing to go with the same footprint. Kevin Kershaw replied so that they don't encroach on the pond or the roadway. Additionally it would increase the requirements for construction.

Kevin Kershaw stated that they are hoping to re-use the existing cabinetry and appliances from the kitchen, since they are in great condition. However the amount re-used will depend on the configuration. Supervisor Simmes stated that they will also try to re-use the bathroom fixtures and stalls as well. Kevin Kershaw stated that they intend to save as much as they can from the existing building for the new building.

Henry Caldwell asked about the energy efficiency of the building. Kevin Kershaw replied that they will be using 2' x 6' headwalls, with super insulation. He stated that although it has not been blue printed yet, it will be a high energy efficient building.

Henry Caldwell asked what type of heating system will be used. Kevin Kershaw replied hot air because they would like to do air conditioning as well.

Don Roessler asked if they would have the building heated all winter. Kevin Kershaw replied yes because they will have the water on. Don Roessler asked if they decide to shut down for the winter would they set up the pipes to have the capability to drain. Kevin Kershaw replied that he thinks that is standard procedure now.

Herb Koster asked if there is any stormwater planned for the building. Kevin Kershaw replied that none has been planned but it could be added. Herb Koster asked if they could add this to their plan and design especially since they hold everyone to the same standard. Kevin Kershaw stated that he would sit down with Pam Kenyon to further discuss some stormwater management for the property. Pam Kenyon stated that they may have some issues with the close proximity to ground water. Herb Koster stated that he is not concerned if meets the regulations as long as they attempt to dissipate the water and treat it. There was further discussion of handling the stormwater. Kevin Kershaw stated that he would somehow incorporate stormwater management into the plan.

Pam Kenyon asked them to explain some potential clearing of trees on the north side of the building. Kevin Kershaw stated that they may need to trim a few trees or take a tree down because they are about 15' from the side of the building. Sandi Aldrich stated that they are not substantial trees. Kevin Kershaw agreed.

Sandi Aldrich asked if they have considered adding solar panels to the roof. Kevin Kershaw stated that they have not gotten that far into the planning but they could look into a NYSERTA grant.

Henry Caldwell stated that the building is much better looking. The Board agreed. Kevin Kershaw stated that they have been working on a plan for this building for 10 years and it is a much needed change.

The meeting was adjourned at 8:49pm.

Minutes respectfully submitted by Kristen MacEwan.