

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday March 19, 2009**

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

REGULAR MEETING

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

Absent: None

Herb Koster opened the meeting at 6:08 PM.

Herb Koster asked if there were any changes or corrections to the February 26, 2009 meeting.

RESOLUTION:

Motion by Sue Wilson to accept the February 26, 2009 Planning Board meeting minutes as written. Seconded by Donald Roessler. Chauncey Mason abstained. **All others in Favor. Motion Carried.**

1) SPR09-02 RODEN, HILDA. Represented by Andy Roden and Mark Bernstein. Seeks Type II Site Plan Review for a group camp. Section 185.19, Block 1, Lot 13, Zone RCL3. Property Location: Trout Lake. Subject to WCPB and SEQR review.

Andy Roden stated his mother has the only island on Trout Lake which has a residence that he grew up in, which won't be a part of the request. He stated Camp Walden has asked to rent the use of the back 2 acres of the island for a camping program he runs for the kids. He stated that it would just be tents.

With regard to impact, Andy Roden stated that it would be minimal because the kids are never unsupervised and lights out is by 10 or 11 pm. He stated that they have a summer resort next door to the property, so if they were loud it would be a problem for them and they wouldn't allow it. He stated that there are no platforms or construction that will be done. They want to keep it as close to natural as they can. The only trees that they will remove will be dead or fallen and minimal brush.

Don Roessler asked what type of bathroom facilities they will have. Andy Roden replied that there is an outhouse there now, which he re-built, but since it falls under the campground rules the Health Department is going to inspect it to be sure that it complies.

Don Roessler asked how many campers will be on the island at any given time. Andy Roden replied that the camp is only run for 8 weeks with 15-25 campers at a time.

Henry Caldwell asked if Andy Roden would be the one to decide if a tree goes or not because Mark Bernstein has seemed to have had a heavy hand in cutting at Camp Walden. Andy Roden replied yes he would decide. Henry Caldwell asked if he would be installing the dock for them. Andy Roden replied yes they had a dock on the other side of the cove for them last year and will do the same this year.

John Gaddy stated that he would like to see a quiet time established for neighboring properties across the lake. Andy Roden stated that it is only young kids that will be supervised. He stated that they ran the program last summer not thinking that they needed Site Plan Review, since it was only tents and no construction. He stated that over the summer there were no complaints, but Pam Kenyon received some complaints in January from an adjoining resort. He stated that when he contacted this person they could not tell him what time of the night it was. He stated that he has some adjoining property that is closest to the shore that is right there and he has talked to some of the owners there and some of their renters and they said that there really was no noise.

Sue Wilson asked what the proximity was of the person who complained because she is uphill from the island and she didn't hear anything. Andy Roden stated that they are on Nelly Lane by the Trout Lake Village Association but they never said a word to him, Mark Bernstein or Pam Kenyon until January. He thinks that these people are used to it being so quiet in the evening, but at 7 or 8pm the kids will be sitting by the campfire. Sue Wilson stated that she did not hear anything last year.

Sandi Aldrich asked if there will be any swimming off the island. Andy Roden replied yes in the cove and the Counselors are all lifeguard certified.

Don Roessler asked if Mark Bernstein would have a problem with quiet hours beginning at 10pm. Andy Roden replied that he did not feel that would be a problem because he thinks he already has that at Camp Walden.

Henry Caldwell stated that he would like the applicant to return in a year just to review it and be sure that there were no problems with the neighbors.

Pam Kenyon stated that there was no WC Impact. She also stated that the Health Department is already involved so they will handle the swimming and bathroom facilities. Sue Wilson asked if approval should be contingent upon all other approvals. Pam Kenyon replied that they do not get involved in that and the other agencies will handle those other areas. John Gaddy asked who coordinates all of it. Pam Kenyon replied that Mark Bernstein is already coordinating with the Health Department. Don Roessler stated that the Health Department will be on top of this and if something isn't right they will require them to fix it or they will shut them down.

RESOLUTION:

Motion by Donald Roessler to accept SPR09-02 application as complete, waive a public hearing and having met the criteria set forth in the code, grant approval with the following conditions: 1) that quiet hours begin at 10:00pm and 2) the applicant is to return in January 2010 for review. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

2) SD09-02 GIBEAULT, JILL & LaFOUNTAIN, JOY & MARANVILLE, JOHN, JEFF & JUDY. Represented by Jeff Tennent. Seeks to 1) divide into two lots that parcel designated as Section 156.00, Block 1, Lot 50 (66); and 2) create a lot line adjustment between those parcels designated as 156.00, Block 1, Lots 50 and 52. Property Location: Valley Woods Road. Subject to SEQR.

Jeff Tennent stated that in 2000 Joyce Maranville, who originally owned the property, wanted to give Joy La Fountain a piece of the property that was around the house area. She hired a survey company to do the work and somehow a deed got filed in the County in 2000 which created a subdivision of the property without the maps being filed or going before the PB. The maps were never really finished either. In 2007 a correction deed was done, which is indicated on the map, correcting the 2000 deed because it did not even have the house on the parcel. He stated that the County should have kicked this back as soon as it got it because it created a subdivision that had not been approved. He assumes that Mrs. Maranville didn't realize the procedures and she had hired a firm to handle it who also did not do it right.

Jeff Tennent stated that they are trying to fix this because it was left to the family when Joyce Maranville passed away. He got involved to help the family split it up between the remaining members of the family as Joyce had wanted. He stated that they are fixing the fact that no map was filed with the County showing this parcel of property and until the 2007 deed was filed you never saw it on a tax map because the whole process wasn't right. So the County held it in the back office until something came in because nothing jives.

Jeff Tennent stated that they are also seeking to do a lot line adjustment for an adjoining piece and creating the separate parcel across the road which will be given to Jeff Maranville. Herb Koster stated that parcel 156-1-58 looks like it is land locked and asked if they would have access to that property over the applicants' property. Jeff Tennent replied that it is not land locked and it has a private shared driveway, none of which is on this property.

Henry Caldwell asked if parcel 1 was part of the Fisher Act. Judy Maranville stated that the small parcel was not part of the Fisher Act but the remainder was under the Fisher Act. Jeff Tennent stated that the Fisher Act was created to reduce taxes as long as they didn't sell any of the timber on the property and if they did they would have to take that money and pay it back to the tax departments. Judy Maranville stated that her mother did have the property logged from time to time. Pam Kenyon asked if it was still under the

Fisher Act. Judy Maranville replied that it was but was not sure if it still is. Herb Koster stated that if they had the lot lines wrong it could have been where the Fisher Act came into play with part of the property in it and part out. Jeff Tennent agreed and stated that it made things confusing because the original deed was incorrect and the lines to reflect that deed didn't make sense at all. It didn't even have the house on the parcel they were trying to create and then it was defined as the Fisher Act as the smaller piece but in actuality is was the opposite piece and the house still sat on the large piece and the lot didn't even encompass it.

Counsel stated that the large parcel on last year's tax bill was still under the Fisher Act. Henry Caldwell asked if it will remain under the Fisher Act. Jeff Tennent replied that they have not discussed that issue yet, they are just trying to fix this problem first. Herb Koster asked if they can approve a subdivision even if it is under the Fisher Act. Counsel replied yes. Herb Koster stated that it will be the applicant's responsibility to straighten out any tax issues later. Counsel agreed.

RESOLUTION:

Motion by Donald Roessler to accept SD09-02 application as complete, waive a public hearing and having met the criteria set forth in the code, grant approval for 1) the two lot subdivision of that parcel designated as Section 156.00, Block 1, Lot 50(66) and 2) a lot line adjustment between those parcels designated as 156.00, Block 1, Lots 50 and 52. This motion includes a SEQOR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

John Gaddy asked Jeff Tennent if he could explain where they were at with the Moonlight Management and the tree re-planting plan. He stated that looking at his notes from 2007 Jeff had indicated that he had hoped to be back into this project shortly and if he goes back to March 28, 2002 he had ordered 1500 pine trees and it has been 7 years now and wanted to know when they would be planted. Jeff Tennent stated that there are many of scotch pines on the hill. John Gaddy asked how many. Jeff Tennent replied that he was not sure. Herb Koster asked why he changed it to scotch pine. Jeff Tennent replied that it got changed by Stan Konenig based on the recommendation of the WC Soil and Water Conservation because they are heartier since the hill was quite dry. He stated that he has the paper work to prove it. He stated that as he was working on the project Stan Konenig would inspect the project. At his last inspection of the mine Stan stated that he did not want to go up there and dig. He recommended leaving it alone and not plant anymore trees because it has reclaimed and re-grown and doing quite well by itself with the trees that are still surviving. He stated that he then got in touch with Chris LaComb who is the attorney that put the stipulation on for the State of getting that changed based on Stan Konenig's and Bill Lupo's input. He stated that he has full documentation of all of this communication between all of the parties and will keep him up to date with any and all changes.

3) BOLTON WATER DISTRICT. Seeks to divide into two lots that parcel designated as Section 155.00, Block 1, Lot 44, Zones RL3, RR5, LC25 and LC45. Property Location: Edgecomb Pond Road. Subject to SEQR.

Supervisor Simmes stated that the Water District has contract to sell 2 parcels of Water District Land, one of which requires a subdivision. She indicated that parcel on a map. Henry Caldwell asked if there needs to be a public hearing. Supervisor Simmes replied that there have been 2 public hearings at the TB meetings. Henry Caldwell asked if any of the neighbors had any issues. Supervisor Simmes replied that she received some calls but none seemed to have a problem with it and there were no negative comments made at the public hearings. She stated that she sent a letter to all individuals in the Water District for their comments.

RESOLUTION:

Motion by Donald Roessler to accept the Bolton Water District application as complete, acknowledging the fact that there have been two public hearings on this project by the Town Board and having met the criteria set forth in the code, grant approval. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

The meeting was adjourned at 6:37 pm.

Minutes respectfully submitted by Kristen MacEwan.