

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday May 21, 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 6:11PM.

Herb Koster asked if there were any changes or corrections to the April 23, 2009 meeting.

RESOLUTION:

Motion by Donald Roessler to accept the April 23, 2009 Planning Board meeting minutes as written. **Seconded by** Sandi Aldrich. Herb Koster abstained. **All others in Favor. Motion Carried.**

1) SPR09-10 KENZIE PROPERTIES. Represented by Jeff Tennent. Seek Type II Site Plan Review for an advertising sign greater than 4 square feet. Two 23 square foot signs are proposed. Section: 171.15, Block 2, Lots 49 & 51, Zone GB5000. Property Location: 5023 Lake Shore Drive. Subject to WCPB review. Subject to SEQR.

NOTE: Applicant was not present. PB proceeded as follows:

Henry Caldwell asked how long the applicant plans to keep the signs up. Pam Kenyon replied only for the summer season. Don Roessler stated that they could condition the approval to limit the time frame that they are up.

Pam Kenyon stated that the applicant received default approval from the WC PB due to a lack of quorum.

RESOLUTION:

Motion by Donald Roessler to accept application SPR09-10 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) the signs shall only be permitted to be posted from May 1st through November 1st, 2) there shall be no more than two 23 sq. ft. banner signs allowed. **Seconded by** Sue Wilson. **All in Favor. Motion Carried.**

2) SPR09-09 HOOKER, TIMOTHY. 1) Seeks to amend SPR99-04 Type II Site Plan Review for a riding stable approved by the Planning Board on February 25, 1999. Specifically to create an additional 1.29 pasture. Section 184.04, Block 1, Lot 3, Zone RR5. Subject to WCPB review. Subject to SEQR. Property Location: 695 East Schroon River Road. Pasture is partially cleared.

NOTE: *Applicant was not present. The PB proceeded as follows:*

Herb Koster asked if this was for 1.29 acres of additional pasture land. Pam Kenyon replied yes. Herb Koster asked if they can deal with this application. Counsel replied that the application can stand on its own. He stated that they will only reach an impasse if they have a question that cannot be answered. He encouraged them not to act if they felt that it would be a negative outcome.

Henry Caldwell asked if the land was mostly cleared now. Pam Kenyon replied that it mostly pasture and he may have to only cut a few trees. She stated that property has been beautifully maintained. The Board agreed.

RESOLUTION:

Motion by Donald Roessler to accept application SPR09-09 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. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

3) SPR04-36 McCARTHY, ROBERT & CHRISTINE. To discuss revisions to the stormwater controls approved by the Planning Board on November 18, 2004. Section 171.15, Block 1, Lot 38, Zone GB5000. Property Location: 13 Horicon Avenue.

NOTE: *Applicant was not present. The PB proceeded as follows:*

Sandi Aldrich asked if they had any of the revised plans. Pam Kenyon replied that they have all of the plans and complete application. She stated that this proposal is a much safer proposal. John Gaddy agreed but stated that he was concerned about the finished grade of the asphalt. He stated that he wants to be sure that it is pitched towards the 8' diameter dry well. He stated that the applicant will need to raise that significantly because now the pitch is off to the creek. Pam Kenyon stated that one of the engineers raised that same concern.

Herb Koster asked if anyone had any significant questions for the applicant before they proceeded. There were no comments or questions from the Board. He asked John Gaddy to include his concern as a condition.

RESOLUTION:

Motion by John Gaddy to accept stormwater amendment for SPR04-36 as complete, having met the criteria set forth in the code, grant approval for 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 8' diameter dry well shall be installed as shown on the diagram and 2) the finished grade of the asphalt shall be pitched to the proposed 8' diameter dry well. **Seconded by** Chauncey Mason. **All in Favor. Motion Carried.**

4) 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 SEQR. This item was tabled at the August 2006 Planning Board meeting.

Jeff Anthony provided the sketch plan approval with conditions from 2006 and the newly revised sketch plan to comply with both the PB conditions and APA regulations. He stated that the 2006 sketch plan included 7 lots with 2 large lots at the top and then 5 other lots lower. He stated that they proposed an access road which used an old logging road. The conditions of approval were to have the driveway servicing only the upper 2 lots, which were to be retained by the owners of the property. The roadway accessing the lower 5 lots was to be constructed to town road standards. He stated that they have asked for some waivers from the town road standards and the PB have allowed them to build up to 15% for certain stretches of the road and at the intersection with New Vermont Road they had a waiver to approach the site at a steeper gradient.

Jeff Anthony stated that since September 2006 they have been dealing with the APA because they were dealing with an area of resource management which is very important to the APA, but does not coincide with the Town zone lines. He stated that when they presented the project to the APA they had many of the same concerns that the PB had and they were issued a notice of incomplete project application. He stated that they have been dealing with that and working with them to get that complete.

Jeff Anthony stated that the APA was concerned about the location of the 2 houses. The PB wanted them off the ridge line which they changed, but that was not good enough for the APA. The APA was concerned about the distance away from the proposed sewer treatment system. They were proposing to be a few hundred feet away and the APA guidelines suggest 250' maximum from the house. They were also concerned with the visual impact of the 2 houses from the Schroon River Basin, Tongue Mountain Range and Montcalm Point. He stated that the APA was also concerned about sewage disposal and they wanted them to prove to them that they had good soil. They spent about a week testing the areas and found good soil and the APA has confirmed these sites.

Jeff Anthony stated that after reaching this point with the APA, they started working towards negotiation on the points of their notice of incomplete project application, whereby creating this new proposal. This plan has a few things: 1) There are 3 lots in the resource management zone. All are large lots with at least 40 acres and the homes are

clustered at the end of the roadway which is currently there and does not go further up the hillside. The APA has been recently been wrestling with the development idea of single family homes in resource management. The APA has suggested that the lots need to be very large lots or the houses have to be clustered. The APA has bought into their idea of clustering even with large lots. 2) The APA was also concerned about extending the driveway up the hillside because they felt this was habitat fragmentation. So they have moved the houses to the lower location which eliminated the need to extend the driveway. Coincidentally, this location was the best soils for septic disposal so this satisfied their concern over the distance between the homes and septic.

Jeff Anthony stated that outside the resource management zone the APA does not claim jurisdiction and it falls under the Town of Bolton. He stated that this zone is RL3 and they have created 4 lots all meeting the 3 acres in size. He stated that they have only complete preliminary soil tests in this area and they will need to do further testing before they return back to the PB.

Jeff Anthony stated that they also changed the roadway to only be used for the 4 lots in the RL3 zone and the driveway will only serve the other 3 lots which is not something the PB approved before. He stated that if the PB is concerned with that, they could move the cul-de-sac to encompass the first of the 3 back lots and then only use the private driveway to service 2 lots.

Jeff Anthony stated that they have worked with the APA for approximately 2 ½ years and they have gotten to a point where their notice of incomplete project application has almost been exhausted by the new proposal. He stated that they have not submitted a final or formal presentation or application to the APA because they wanted to come before the PB for sketch plan review of the new proposal.

John Gaddy stated that he is pleased to see the houses coming down off the top. He asked if the beginning roadway will be moved away from the stream. Rob Fraiser stated no because they are trying to minimize the amount of cut there. He stated that they will address the steep drop off in their plans. Jeff Anthony stated that if they don't build this section of road to town standards, it will be built to driveway standards with fewer disturbances and grading. John Gaddy stated that he is also concerned that they still have some steep terrain in reaching the back 2 lots. Rob Fraiser agreed but stated that he still thinks that they will meet the limits of the grade. John Gaddy stated that he would be happier if the driveway would only service 2 houses. Jeff Anthony stated that the applicant is willing to extend that road built to town standards further up to access the next lot if the PB should desire it. Herb Koster asked if that location would be as ideal for a cul-de-sac. Jeff Anthony replied that the lower location is already cleared and he would have to do some research to see where they could best locate the cul-de-sac if moved.

Sandi Aldrich asked if any of the 3 houses up top will be visible from Lake George. Jeff Anthony replied no. Sandi Aldrich asked if they would be visible from the Schroon River Valley. Jeff Anthony replied no.

Henry Caldwell asked how far the driveway would be from the cul-de-sac to the last house. Jeff Anthony replied 2,600 feet. Herb Koster asked if they would be installing hammerheads for emergency vehicle turn-around. Jeff Anthony replied yes, it was required in the last approval and they intend to do that. Herb Koster stated that if they can find an appropriate area for moving the cul-de-sac it would improve the project. However, if it means more disturbance then he would rather see the cul-de-sac in the proposed location. Jeff Anthony replied that he would look into a different location and they will provide details at the next meeting. Don Roessler stated that he would like to see a hammerhead or turnaround before the first house on the driveway and then another one at the end, by the last house so that they will be able to get in a better position for fire and emergency services. Jeff Anthony stated that would be acceptable. Don Roessler asked how wide the driveway was. Jeff Anthony replied 16 feet. Herb Koster asked if that would be wide enough. Don Roessler replied yes.

Jeff Anthony stated that they wanted to come back to the Town for sketch plan review before moving forward with the final application to the APA. John Gaddy stated that it was an improved plan. Sandi Aldrich agreed. John Gaddy stated that he would like to see more details on how they intend to protect the stream and how they intend to access lot 5.

John Gaddy stated that he noticed a stream crossing to get to lot 3 and asked if they will be using a bridge or culvert. Jeff Anthony replied that it is not considered an APA regulated stream or wetland, but it will be an Army Corp wetland and they will need to receive a permit from them. He stated that this will be either a culvert crossing or bridge crossing.

Herb Koster asked if the APA flagged the wetlands. Rob Fraiser stated that they had the wetlands flagged when they had the jurisdictional determination done by the APA. Herb Koster stated that normally they like to keep the wetlands all on one lot but that is difficult because there are 4 different wetlands. Jeff Anthony stated that even if they did keep the wetlands on one lot it still would have been APA jurisdictional because they are dealing with development in the resource management zone.

Jeff Anthony summarized the PB concerns and suggestions and stated that they would include them in their next presentation.

RESOLUTION:

Motion by John Gaddy to accept the revised sketch plan for application SD06-03 with the following conditions: 1) applicant will show consideration for the edge of the road along the wetland and stream corridor, 2) try to find a better location for the cul-de-sac and show that location on the plan, 3) provide for additional hammerheads or cul-de-sacs along the roadway for the fire department access, 4) re-confirm the road and stormwater engineering and 5) show detail of the roadway accessing lot 5. **Seconded by** Donald Roessler. **All in Favor. Motion Carried.**

John Gaddy stated that he wanted to bring up two issues. With regard to the Palazzo subdivision on Trout Lake Road, John Gaddy stated that on his last site visit in the fall he found the cul-de-sac to be considerably undersized. Pam Kenyon replied that she has talked to Jim Palazzo about this issue but she has been a little lax in getting back up there for follow-up. She stated that she will follow-up with him again.

With regard to the Christmas Tree subdivision, John Gaddy stated that one of the considerations for approval was protection of the lady slippers. He stated that lady slippers are blooming now and he is not sure if they have checked the inventory. He stated that there was also a stipulation for downward facing, shielded lighting, and none of the houses have that. He asked that they follow-up on this as well.

The meeting was adjourned at 6:55 pm.

Minutes respectfully submitted by Kristen MacEwan