

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday June 17, 2010  
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

**Present-** Henry Caldwell, John Gaddy, Chauncey Mason, Sandi Aldrich, Sue Wilson, Counsel Michael Muller, Zoning Administrator Pamela Kenyon

**Absent-** Herb Koster

The public hearing was called to order at 6:06pm

**PUBLIC HEARING**

**1) SPR09-32 INDEPENDENT TOWERS HOLDING, LLC.** Represented by Daniel Schweigard. In accordance with Article XVII, seek Type II Site Plan Review for a telecommunications Tower. Section 139.00, Block 1, Lot 7, Zone RIL3 & LC45. Property Location: 1792 East Schroon River Road, owned by Raymond Hensler. Subject to WCPB and APA review. Subject to SEQR. This item was tabled at the January 21, 2010 meeting pending a public hearing.

Daniel Schweigard provided pictures and plans for the public to view the proposal. He stated that as an update they have been working with the stormwater plans and have met all the requirements for the Town of Bolton. Their APA application is being finalized and will be submitted next week. He stated that they wanted to see what outcome would come from this application and they also had some outstanding items that the APA required. Once they receive APA approval they hope to proceed with the project in August.

There were no comments from the public in attendance.

**RESOLUTION**

**Motion by** Don Roessler to close the public hearing for SPR09-32. **Seconded by** Chauncey Mason. **All in Favor. Motion Carried.**

**REGULAR MEETING**

Henry Caldwell asked if there were any changes or corrections to the May 20, 2010 minutes.

Don Roessler stated that he had one correction; he was present at the May 20, 2010 meeting.

**RESOLUTION:**

**Motion by** Don Roessler to accept the May 20, 2010 Planning Board minutes as corrected. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

1) **SPR09-32 INDEPENDENT TOWERS HOLDING, LLC.** Represented by Daniel Schweigard. In accordance with Article XVII, seek Type II Site Plan Review for a telecommunications Tower. Section 139.00, Block 1, Lot 7, Zone RIL3 & LC45. Property Location: 1792 East Schroon River Road, owned by Raymond Hensler. Subject to WCPB and APA review. Subject to SEQR. This item was tabled at the January 21, 2010 meeting pending additional information on the stormwater controls.

Henry Caldwell requested that the Town be included in any pre-application planning, such as balloon testing for any future cell phone applications. Dan Schweigard stated that he understood and apologized for the oversight, it is just how his company was advised to proceed with this project. He stated that other Towns have indicated the same so they will alter their approach in the future.

Henry Caldwell asked what the construction schedule would be like. Daniel Schweigard stated that the schedule will be rather aggressive. He hopes that construction can begin in August or September. Once they get their permits there will be no delay in getting under construction. The schedule is about 30-45 days from start to finish. The road will take a week to a week and a half to get up to the site and install the foundation. Then the antenna crews come in and hang the antennas and turn it on. Henry Caldwell asked if they will have the stormwater in place before they start the foundation or construction of the tower. Dan Schweigard replied yes; Infinity Engineering, who provided the drawings and stormwater plan will have construction oversight. Since it is a major stormwater project it will need to be inspected by the engineering firm on a weekly basis.

Henry Caldwell asked what happens to the tower if it becomes obsolete. Daniel Schweigard replied that they would remove the above ground features of the tower in its entirety. The subsurface things such as the concrete pad would be covered and seeded. Don Roessler asked if the underground wires would be removed. Daniel Schweigard replied that they would most likely remove the wires due to their value but they would leave the conduits buried. He stated that he does not feel that this will ever be an issue, but in the event that it does they offer a removal bond. This is a standard bond that will cover an estimated price for the removal which is typically between \$30,000-35,000. He stated that they have estimates for the cost of returning this site to its original condition minus the foundation somewhere between \$25,000-35,000.

With regard to the concern that the estimate will not be enough to cover removal years from now, Dan Schweigard stated that their bond company takes that into consideration and adds a small amount of inflation associated with that bond. He stated that in the event that their company is not around to do this removal, if necessary, then the Town can not only cash in this bond for the removal, but they will also have the scrap metal and wires which amount to approximately \$30,000 as well. This bond is issued before the building permit.

Counsel Muller read through the SEQR Long Form:

**Part 1**

**Project Name-**

**Lead Agency-** Bolton Landing Planning Board

**Applicant Sponsor-** Independent Towers Holding, LLC

**Action-** Independent Towers Holding, LLC Communication Facility at Riverbank.

**Location-** 1792 East Schroon River Road, Bolton Landing, Warren County, New York

**Description of the Project-**

The proposed project includes construction of an 80' monopole style telecommunications facility to be located on the property owned by Raymond Hensler for the purpose of installation, operation and maintenance of a wireless communication facility. The proposed facility will utilize an existing trail to be improved to a 2,300' x 12' non-impervious gravel access road. In addition to utility run and a 3' drainage erosion control swale along the length of the access road, the wireless equipment will be maintained within a secure fenced compound having a rectangular shape and encompassing approximately 2,750 sq. ft. Utilities including power and telephone service will be routed underground adjacent to the access road and service provisions have been coordinated and verified through local providers.

**A.Site Description-**

1. Land use- forest
2. It is principally forested at 1.02 +/- acres and after completion will represent acres of forest land.
3. Soil Types- Well drained 100%, Moderately well-drained % and poorly drained %.
4. Bedrock outcroppings- depth to bedrock averages 3-5 feet.
5. Slopes- 0-10% 20% of project, 10-15% 60% of the project, 15% > 20% of project
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? No
8. What is the depth of the water table? > 6 feet
9. Is site located over a primary, principal, or sole source aquifer? No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? No
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations? No
13. Is the project site presently used by the community or neighborhood as an open space or recreation area? No
14. Does the present site include scenic views known to be important to the community? No
15. Streams within or contiguous to project area:
  - a. Name of Stream and name of River to which it is tributary- none
16. Lakes, ponds, wetland areas within or contiguous to project area: none
  - b. Size (in acres): There are approximately acres of forested wetlands.
17. Is the site served by existing public utilities? yes
  - a. If **YES**, does sufficient capacity exist to allow connection? Yes
  - b. If **YES**, will improvements be necessary to allow connection? Yes
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617? No
20. Has the site ever been used for the disposal of solid or hazardous wastes? No

## **B. Project Description**

1. Physical dimensions and scale of project
  - a. Total contiguous acreage owned or controlled by project sponsor: 1.02 acres.
  - b. Project acreage to be developed: 1.02 acres initially; 1.02 acres ultimately.
  - c. Project acreage to remain undeveloped: acres.
  - d. Length of project, in miles:
  - e. If the project is an expansion, indicate percent of expansion proposed. %
  - f. Number of off-street parking spaces existing ; proposed
  - g. Maximum vehicular trips generated per hour: 1 per month
  - h. If residential: Number and type of housing units: n/a
  - i. Dimensions (in feet) of largest proposed structure: 80' height; 50' width; 75' length.
  - j. Linear feet of frontage along a public thoroughfare project will occupy is? 0 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? none
3. Will disturbed areas be reclaimed? Yes
  - a. If yes, for what intended purpose is the site being reclaimed? Disturbed soil areas will be grass seeded for aesthetic purposes and erosion protection.
  - b. Will topsoil be stockpiled for reclamation? Yes
  - c. Will upper subsoil be stockpiled for reclamation? Yes
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? Approximately 1.02 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? No
6. If single phase project: Anticipated period of construction: 2 months,
7. If multi-phased:
  - a. Total number of phases anticipated
  - b. Anticipated date of commencement phase 1: Immediately upon approval
  - c. Approximate completion date of final phase:
  - d. Is phase 1 functionally dependent on subsequent phases? No
8. Will blasting occur during construction? No
9. Number of jobs generated: during construction 10 +/-;
10. Number of jobs eliminated by this project: none
11. Will project require relocation of any projects or facilities? No  
If yes, explain:
12. Is surface liquid waste disposal involved? No
  - a. If yes, indicate type of waste (sewage, industrial, etc) and amount
  - b. Name of water body into which effluent will be discharged
13. Is subsurface liquid waste disposal involved? No
14. Will surface area of an existing water body increase or decrease by proposal? No  
If yes, explain:
15. Is project or any portion of project located in a 100 year flood plain? No
16. Will the project generate solid waste? No
  - a. If yes, what is the amount per month?

- b. If yes, will an existing solid waste facility be used? No
  - c. If yes, give name ;
  - d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? No
  - e. If yes, explain: recycling of cardboard, glass and plastics
  - 17. Will the project involve the disposal of solid waste? No
  - a. If yes, what is the anticipated rate of disposal?
  - b. If yes, what is the anticipated site life?
  - 18. Will project use herbicides or pesticides? No
  - 19. Will project routinely produce odors (more than one hour per day)? No
  - 20. Will project produce operating noise exceeding the local ambient noise levels? No
  - 21. Will project result in an increase in energy use? Yes
- If yes, indicate type(s); during construction the use of fossil fuels will occur for construction equipment. Post construction the telecommunications facility will be using electricity to power transmission and receiving equipment.
- 22. If water supply is from wells, indicate pumping capacity gallons/minute.
  - 23. Total anticipated water usage per day gallons/day.
  - 24. Does project involve Local, State or Federal funding? No
- If yes, explain:

**25. Approvals Required:**

- Type Submittal Date
- City, Town, Village Board-No
- City, Town, Village Planning Board Yes, Special Use permit, Site Plan Review by the Planning Board
- City, Town Zoning Board-no
- City, County Health Department- No
- Other Local Agencies- No
- Other Regional Agencies
- State Agencies Yes –APA,
- Federal Agencies No

**C. Zoning and Planning Information**

- 1. Does proposed action involve a planning or zoning decision? Yes
- If Yes, indicate decision required: Site Plan Special Use Permit
- 2. What is the zoning classification(s) of the site? RIL3 and LC45, APA land classification is Resource Management.
- 3. What is the maximum potential development of the site if developed as permitted by the present zoning? n/a
- 4. What is the proposed zoning of the site? No proposed changes
- 5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A
- 6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes
- 7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? Rural forested
- 8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes

9. If the proposed action is the subdivision of land, how many lots are proposed?
- a. What is the minimum lot size proposed?
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? No
- a. If yes, is existing capacity sufficient to handle projected demand?
12. Will the proposed action result in the generation of traffic significantly above present levels? No
- a. If yes, is the existing road network adequate to handle the additional traffic.

**Part 2-Project Impacts and Their Magnitude**

**Impact on Land**

- 1) Will the proposed Action result in a physical change to the project site. Yes, it is small.
- 2) Will there be any effect to any unique or unusual land forms found on the site? No.

**Impact on Water**

- 3) Will proposed action affect any water body designated as protected? No.
- 4) Will Proposed Action affect any non-protected existing or new body of water? No.
- 5) Will Proposed Action affect surface or groundwater quality or quantity? No.
- 6) Will Proposed Action alter drainage flow or patterns, or surface water run-off? No.

**Impact on Air**

- 7) Will Proposed Action affect air quality? No.
- 8) Will Proposed Action affect any threatened or endangered species? No.
- 9) Will Proposed Action substantially affect non-threatened or non-endangered species? No.

**Impact on Agricultural Land Resources**

- 10) Will Proposed Action affect agricultural land resources? No.

**Impact on Aesthetic Resources**

- 11) Will Proposed Action affect aesthetic resources?

The applicant provided an addendum for better review of this impact. Counsel read through the addendum and indicated that the Board would need to decide if these impacts are small and moderate or are they potentially large and in need of some revision. The Board agreed that yes there would be impact but it would be small to moderate.

**Impact on Historic and Archaeological Resources**

- 12) Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? No.

**Impact on Open Space and Recreation**

- 13) Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? No.

**Impact on Critical Environmental Areas**

- 14) Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area established pursuant to subdivision 6NYCRR 617.14(g)? No.

**Impact on Transportation**

- 15) Will there be an effect to existing transportation systems? No.

**Impact of Energy**

- 16) Will Proposed Action affect the community's sources of fuel or energy supply? Yes, small to moderate.

**Noise and Odor Impact**

- 17) Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? No.

**Impact on Public Health**

18) Will Proposed Action affect public health and safety? No.

**Impact on Growth and Character of Community or Neighborhood**

19) Will Proposed Action affect the character of the existing community? No.

20) Is there, or is there likely to be, public controversy related to potential adverse environment impacts? No

Counsel Muller stated that the PB needs to declare themselves as lead agency and make a determination with respect to the impacts. Based upon the answers it seems that the project would not result in any large or important impacts and will not have a significant impact on the environment and a negative declaration is declared.

Sue Wilson stated that Herb Koster considered conditioning this approval with the rescinding of the Dixon Hill approval. Dan Schweigard stated that at the last meeting he indicated that his company is not interested in do that because the two sites are separate and apart from one another and can act independently. Don Roessler asked if they will be used by the same carrier. Dan Schweigard replied AT & T was slated to use both, but AT & T decided on another location in Warrensburg. Therefore they would like to leave this approval alone in the event that they can get another carrier on this site.

**RESOLUTION**

**Motion by** Don Roessler to approve SPR09-32 as complete, having held a public hearing and having met the criteria set forth in the code, grant final 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) that a \$35,000 bond is issued to the Town for removal of the tower if it is ever considered obsolete. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

**Motion by** John Gaddy that based on the letter dated April 29, 2010 Job #50212 from Nace Engineering, find that SPR09-32 meets the design requirements set forth in the code and grant final approval of the stormwater plan. 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.**

John Gaddy stated that this is the first time that he has ever seen the visual impact addendum. He asked if this is required. Counsel Muller replied that they can require it of any applicant but in this case the applicant took the initiative here because it is usually an issue.

**2) SPR10-10 CANTRELL, ELLEN.** Represented by Kevin Kershaw. As conditions of approval set forth by the PB on November 16, 2000 when approving the Christmas Tree Subdivision (SD00-10), seeks Type II Site Plan Review to construct a single family dwelling. Specifically the conditions read as follows: 1) There is to be no blasting or vegetative cutting prior to site plan review approval, 2) There is to be no building permits issued prior to site plan review approval. Section 156.00, Block 1, Lot 20.3, Zone RM1.3. Property Location: Federal Hill Road- Lot 3. Subject to WCPC review. Subject to SEQR.

*SPR10-10 was tabled at the applicant's request.*

**3) SD10-01 PIKE, ROBERT.** Represented by Van Dusen & Steves. Seeks to amend previously approved plat (SD04-03) approved by the PB on April 21, 2004. Specifically to divide into 3 lots that parcel designated as Section 140.00, Block 1, Lot 32.1, Zone RL3. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

Matt Steves stated that this property is located on the north side of Sawmill Hill Road. This proposal is to amend a previously approved subdivision with a minor subdivision on this property. All of the lots are approximately 15 acres in size with 600' of road frontage. The property is fairly steep so accommodating wider lots on the road and large lots is one of the only ways to work on this property as they did the configuration before with the other parcels that Mr. Pike owns and would like to do a 3 lot subdivision on the remaining parcel.

Sandi Aldrich asked if the Maxim property was originally part of this property. Robert Pike replied yes but it was taken out before they applied for the subdivision. Matt Steves stated that was quite a few years ago that it was taken out. Pam Kenyon stated that it was in 2004. Sandi Aldrich asked if this was still considered a minor subdivision. Pam Kenyon replied yes she did include the Maxim lot, so that is a total of 4 which is still considered a minor subdivision.

Don Roessler asked if the applicant would be agreeable to no further subdivision of the lots. Robert Pike replied that he would not like to put that condition on the approval because the individual buying a lot may want to further subdivide someday. Pam Kenyon stated that the lots are located in RL3 zone. Henry Caldwell added that they would have to come before the PB for review anyway. Matt Steves agreed that if that it would trigger a major subdivision.

## **RESOLUTION**

**Motion by** Don Roessler to accept SD10-01 as complete, waive a public hearing and having met the criteria set forth in the code, grant final 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** John Gaddy. **All in Favor. Motion Carried.**

**4) SD10-02 WATERHOUSE, LAWRENCE.** Represented by Van Dusen & Steves. Seeks to divide into 4 lots that parcel designated as Section 140.00, Block 1, Lot 59, Zones RL3 & LC25. Sketch Plan Review. Minor Subdivision. Subject to SEQR.

Matt Steves gave an overview of the project. The property is on the east side of North Bolton Road. The applicant is proposing a 4 lot subdivision for a family compound. It has an existing house on the northwest corner of the property near the road. That will eventually be re-built back into a compliant location, but it will be used as a staging area as they do construction on the other lots. Matt Steves stated that the first house to be built would be for the caretaker of the property, Steve Cronquist, so the intention is to keep this property in the family. They did create 2 flag shaped parcels in the back with a 50' access out to North Bolton Road with a shared driveway.

Matt Steves stated that Hutchins Engineering has done full topography and test pits on every lot to insure that they have chosen the best possible location for the homes. They have also done a clearing plan and a complete stormwater design. There is a stream that is at the bottom of the

parcel and this is up on the hill with a steep bank dropping down 40-50' and at the bottom of that which are associated with some wetlands on the property. He stated that they have flagged the wetlands but the APA will on the site July 7<sup>th</sup> for their review and confirmation of the wetlands so that they can make sure that they are incorporating the proper setbacks.

Matt Steves stated that the applicant would like to have a shared driveway because it is a family compound and they would like to eliminate as many curb cuts in the road as possible to keep it as rural in character as they can. Henry Caldwell stated that it looks like they have some steep grades to deal with. Matt Steves stated that it is not too severe and based upon Hutchins Engineering's plans the grades are 4.5-5% for the entire driveway which works to their benefit to create these small stormwater areas on either side of the driveway.

Pam Kenyon asked how much land disturbance will be for the driveway. Matt Steves stated that it would be approximately 20,000 sq. ft. Pam Kenyon stated that this would be a major stormwater project and the Board would need to decide if this is considered a shared driveway or a road. She stated that typically they only allow 3 lots to share a driveway. Matt Steves stated that the applicant was already aware that the project would be considered under the major stormwater. He also stated that it was the preference of the applicant to have a shared driveway but understood that it was up to the PB. He stated that they already have the stormwater plan because as soon as they can gain approval the applicant wants to get the driveway in and stormwater set to begin the next phase of construction. He stated that he knows that this is just sketch plan approval but once this is approved they will be quickly re-applying for subdivision and site plan next month.

Pam Kenyon stated that there is a garage currently on the property that does not meet the setback. Matt Steves stated that none of the current buildings meet the road setbacks. However, they are proposing that those structures will be removed once construction of the other lots is complete. Pam Kenyon asked if the garage would be removed immediately after he gets approval for the project. Matt Steves stated that it is up to the PB but they would like to immediately remove that garage but use the other building as a staging area for construction of the other lots. He stated that if the PB wants them to comply with a timeline for the project the applicant has no objection to that.

There was further discussion of the shared driveway. Matt Steves stated that he understands that 3 lots can share one driveway and if they are requesting the 4<sup>th</sup> they would need a waiver from the PB for that. Henry Caldwell stated that they appreciate the shared driveway but they will have to be sure that these lots are accessible for emergency vehicles. Matt Steves stated that he understood and they are planning on a turn-around. He stated that this shared driveway would be a deeded easement for each parcel. Henry Caldwell asked how Don Roessler felt about the shared driveway for emergency vehicle access. Don Roessler replied that he was fine with it as long as it is wide enough and can provide an area for turn-around in a fairly flat area. Matt Steves stated that he will be sure to provide that information and more details on the next set of plans. Henry Caldwell asked if the Board would be agreeable to having this considered a shared driveway. The Board agreed that it would be best to treat this as a shared driveway.

## **RESOLUTION**

**Motion by** John Gaddy to accept SD10-02 as a complete sketch plan with the acceptance of the shared driveway to access the four lots with the provisions that the access road is engineered to allow for adequate room for emergency vehicles and equipment on site. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

Henry Caldwell asked if Counsel Muller could provide some details regarding the TB decision for Rolf Ronning. Counsel Muller replied that Mr. Ronning did go before the TB at their last meeting. He stated that the TB is in complete agreement with the PB and no leniency was allowed. The TB wants him to pay the money he owes and to clear up the violation prior to moving forward with his presentation.

The meeting was adjourned at 7:12pm.

Minutes respectfully submitted by Kristen MacEwan.