

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday October 21, 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-** Herb Koster, John Gaddy, Donald Roessler, Chauncey Mason, Sandi Aldrich, Sue Wilson, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

**Absent-** Henry Caldwell

The meeting was called to order at 6:07pm.

Herb Koster asked if there were any changes or corrections to the September 16, 2010 minutes.

1) Sandi Aldrich, page 7, 4<sup>th</sup> paragraph, second sentence should read: "They will also have roof *leaders* from the gutters to the retention basins."

**RESOLUTION**

**Motion by** Don Roessler to accept the September 16, 2010 minutes as corrected.

**Seconded by** Sandi Aldrich. John Gaddy abstained. **All Others in Favor. Motion Carried.**

*Note: The microphones and recording device were not working properly for the items 1, 2 and 3 and therefore was not on record. Information provided below was taken from the notes of the Recording Secretary. Please see Zoning Office for more details of final plans or correspondence relating to these applications.*

**1) SPR10-15 JUMBO REALTY, LLC.** Represented by Peter Loyola of CLA Site. Seeks Type II Site Plan Review to relocate an existing ball field allowing for an additional multi-use field. Section 185.00, Block 1, Lot 32, Zone RCL3. Property Location: 429 Trout Lake Road. Subject to WCPB Review. Subject to SEQR. Note: Last heard August 19, 2010 whereby the PB conceptually agreed with plan and requested a storm water plan. To be heard in conjunction with SPR10-17.

**2) SPR10-17 JUMBO REALTY, LLC.** Represented by Peter Loyola of CLA Site. In accordance with Section 125.13C1 of the storm water regulations, seeks Type II SPR for a major storm water project to remove more than 15,000 sq. ft of vegetation, 43,000 is proposed. Section 185.00, Block 1, Lot 32, Zone RCL3. Property Location: 429 Trout Lake Road. Subject to WCPB review. Subject to SEQR.

Peter Loyola stated that since the last meeting Tom Nace has review the storm water plans. Tom Nace requested a few minor changes, which they addressed and he has since granted his approval in a letter dated October 13, 2010.

John Gaddy asked if there would be any lighting on the field for night use. Peter Loyola replied no there is no intent to use the fields at night.

**RESOLUTION:**

**Motion by** Sue Wilson to accept SPR10-17 as complete, waive a public hearing and having found that it meets all the design requirements set forth in the code, grant final approval with the following condition 1) that there will be no lighting of the fields for night use. 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.**

**3) SPR10-16 MANZ, KURT & DONNA** Represented by Barry Kincaid. Seeks PB approval to create a filtered view on Lot 8, Deer Creek Subdivision. Section 200.00, Block 1, Lot 9.8 Zone LC25. Property Location: Off Lakewinds Road, subject to SEQR.

Barry Kincaid stated that he is seeking to create a filtered view of Lake George and the surrounding mountain areas. He stated that he is working with Rich Cipperly to make sure that they are maintaining the integrity of the area.

John Gaddy stated that he hopes these applicants plan to keep more trees than some of the neighboring properties. Barry Kincaid stated that he will be creating a filtered view as he usually does by carefully selecting the trees to be removed and trimmed. John Gaddy stated that he appreciated that Barry Kincaid continues to do this type of work and that he voluntarily comes before the Board in these types of applications.

Barry Kincaid stated that the Lake George Waterkeeper's letter indicated some concern about the stormwater swales being moved; they will not be doing anything with the stormwater swales. If any changes are made to the swales in the future, revised engineered plans will be submitted for review and approval.

**RESOLUTION**

**Motion by** Don Roessler to accept SPR10-16 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented. 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) SPR10-14 TRUBILT, INC.** Represented by Glenn Trudell and Jim Hutchins. Type II Site Plan Review is sought for a single family dwelling located in the LC25 zone. Section 185.00, Block 2, Lot 35.3, Zone LC25. Property Location: Off Coolidge Hill Road and being Lot B of the Alpine View Subdivision. Subject to SEQR. Note: Changes made to SFD previously not reviewed. *Note: Last heard at the September 16, 2010 PB meeting.*

Zach Monroe of Hutchins Engineering represented the applicant. He stated that since the last meeting the applicant has altered the site plan and added 4' of length to the building and converted a screened-in porch to a sunroom. The change in square footage is approximately 130 sq. ft. which did not affect their stormwater calculations.

Sue Wilson asked if this should be reviewed by Tom Nace. Pam Kenyon stated that she received a letter from Jim Hutchins indicating that this would have no effect on stormwater. Zach Monroe stated that he talked to Tom Nace who indicated that he personally does not feel that it would change the stormwater, but it would ultimately be up to the Town to decide if they wanted it reviewed.

John Gaddy stated that with regard to the October 18<sup>th</sup> letter from the Lake George Waterkeeper, he states that perc tests were don't in the areas where the on-site waste water treatment facility is proposed and he feels that it does not meet the fill system requirements. John Gaddy stated that it does raise some concern having been on the site and finding that there is a lot of ledge up there. He stated that he would be more comfortable if Tom Nace reviewed this change. Pam Kenyon stated that Tom Nace has already reviewed this application and found that the soils were able to handle such a system. She stated that she was not at the last meeting but these applicants are not back on the agenda for stormwater. John Gaddy stated that he was not at the meeting and was looking for a copy of the letter. Herb Koster stated that he is sure that they have a letter from Tom Nace.

Don Roessler asked if the color or any materials being used for the structure would be changed. Glenn Trudell stated that nothing of that nature has changed on the plan. He stated that the materials and lighting will be the same as indicated at the last meeting.

Sandi Aldrich stated that the Waterkeeper also suggested that the applicant have some of grass lined catchment basins be rain gardens. Glen Trudell stated that they had not considered that but as far as landscaping for the client they intended on doing a natural gradient around the site with seeding. They do not have a planting plan as of yet, but rain gardens would be something they would consider. He stated that the intent is to leave the site as natural as possible.

## **RESOLUTION**

**Motion by** Don Roessler to accept SPR10-14 as complete, waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following condition: 1) that any exterior lighting be downward facing and shielded. 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.**

5) Herb Koster reviewed the proposed changes to Local Law #4 for an amendment to Local Law Chapter 150 Town of Bolton Land Subdivision Regulations adding to Article 4 “General requirements and design standards Section 150-17H Exterior Façade and Outdoor Lighting Design Considerations.”

Herb Koster reviewed the proposal that Counsel Muller drafted. He stated that these changes would affect subdivisions and consideration of Major Stormwater Management permits in the instance where conditions are imposed pertaining to the color of exterior siding and the magnitude and direction of exterior lighting. It is requested by the Planning Board that consideration be given to enacting a general standard of expectation to be specified within the existing code an ordinance until such time as a more detailed rule or regulation can be developed. Proposed for consideration is the addition of a new section 150-17H to Article 4 of the Town of Bolton Subdivision Regulations stated as follows: Section 150-17H Exterior Façade and Outdoor Lighting Design Considerations:

1) In those instances where the applicants approval may be conditioned upon particular types, styles or colors of indication that structures should be in earthen tones. Such term shall be understood to mean that exterior facades including walls, roofs, areas, decks, fencing and all other extensions appurtenant to a structure shall be in a muted earthen tone shade of brown, gray, muted green. Colors constituting light, bright, pastel and reflective materials shall be avoided.

2) In those instances where the applicants approval may be conditioned upon a particular type, style or manner of exterior lighting in muted, shaded or downwardly directed artificial lighting, such terms shall be understood to mean that outdoor lighting shall be located upon the exterior façade of a structure in such a manner and by such design that the projection of light from the fixtures shall be downward and shielded. Spotlights, overhead lights and fixtures design to project and direct light in an upward or outward direction or intended to artificially illuminate the façade of the structure shall be avoided.

Herb Koster stated that this is something that he raised and he is concerned with this wording. He stated that he would rather work with what they had before. He feels that this provision seems to have left out other possible color choices that would be appropriate. Counsel Muller stated that they could put whatever colors they wanted in there. Herb Koster stated that he feels that they are backing themselves into a corner. He

stated that an applicant could present something really beautiful but it doesn't fit the color scheme allowed and someone could put a stop to the project because of it. Counsel Muller agreed that it could create a problem, but it could be resolved with a variance. Herb Koster stated that he did not want to get into that situation. Counsel Muller stated that in this version it is more lenient because it does indicate that these restrictions would only apply in the instance of when an applicants approval is conditioned upon a particular style or color.

Sue Wilson asked if they would only apply it when they wanted to use it. Counsel Muller replied that it would only be applied when they wanted to use it and it would not be required. Herb Koster stated that they really only wanted this for the view from the lake but  $\frac{3}{4}$  of the Town is not visible from the lake and this would not apply. Counsel Muller stated that there is flexibility with this because they only enforce it when they want to apply the condition.

Counsel Muller asked if the Board could define an earthen tone so that when they do condition an approval they have some sort of definition or standard set in place for the applicants to follow. John Gaddy stated that he agreed that the definition would work better and that it would mostly apply to homes that would be visible from the lake. He agrees with the non-reflective colors shall be avoided. Counsel Muller stated that they will have a section of law will only apply when they chose to apply it, but he needs to know what it is they want to apply.

The Board further discussed colors that would encompass the definition of earthen tones. They agreed that they want non-reflective siding. Counsel Muller stated that he will pull some samples from other ordinances for their review. Pam Kenyon stated that she likes that this will be used as a definition in which it can be applied when necessary.

With regard to the lighting, John Gaddy stated that one thing that he would like to see is that the illuminating element "shall be covered". He stated that a perfect example is the Town docks and pier, there is plenty of light and they don't have the elements sticking out. Herb Koster stated that they have to be cautious because there is a safety issue especially with stairs. He stated that he feels that as long as the light is downward it will not illuminate the sky. There are design and safety factors to consider and they cannot limit this to a particular standard or company. John Gaddy stated that there are more than 40 companies out there that provide this type of design and most lighting stores have these items in stock. Herb Koster stated that they cannot get into specifics.

Don Roessler stated that at his motel he has issues because often times they cannot get power in the place that light is needed so he would need to project the light for safety. This section of the code would prohibit him from doing so.

John Gaddy stated that the designs coming before them are not well planned in terms of lighting. He stated that there is so much technology and designs available these days and it is pretty standard. He understands that they cannot compromise safety but he does feel that clever engineering can work on this and it is available. Herb Koster stated that he understands but now instead of only using one light, applicants will have to use more lights to ensure public safety.

John Gaddy stated they approved the docks at Lagoon Manor, which they conditioned with downward facing shielded lighting. He stated that shortly thereafter he was out on the lake and found that they did not use downward facing shielded lighting after all. Herb Koster stated that even though an applicant decided not to do it, it is no longer the PB's responsibility, it now has to do with enforcement which they do not do. John Gaddy stated that when they have the availability to put in standard design without a significant difference in price, he does not feel that it would be unreasonable to require this.

Sue Wilson asked if they could address lighting in a definition as well and only apply it when necessary. Herb Koster stated that it is difficult to make the definition and verbalize it. For him it comes down to common sense. Sue Wilson stated that there is definitely confusion as to what the Board feels is downward facing and shielded. Herb Koster stated that is the problem with defining it, because there is a difference in opinion. He stated that they should be dealing with common sense and what situation is presented. They should deal with each application on an individual basis.

Counsel Muller stated that there is no timeline for this; they can continue to work on the definitions. Sue Wilson stated that she thought that they had a public hearing coming up. Counsel Muller stated that it could be delayed. He stated that he would like to get more information or a consensus from the Board. Counsel Muller suggested that whatever they use as a definition they will add a sentence at the end of the definition that will say that safety considerations shall prevail and this section is not intended to prohibit appropriate pedestrian or vehicular lighting required for personal or public safety.

John Gaddy stated that he would be willing to show some examples of what he is looking for. Herb Koster stated that he has looked at the samples that he is suggesting and feels that it is too specific and he cannot go along with it. He also stated that he does not feel that lighting should be brought into storm water management SPR. Counsel Muller agreed.

Counsel Muller stated that he will try to place it both the colors and lighting in a definitional section and they can apply them when necessary for subdivision and site plan review.

The meeting was adjourned at 6:55pm

Minutes respectfully submitted by Kristen MacEwan