

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday February 17, 2011
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, Henry Caldwell, Donald Roessler, Sandi Aldrich, Sue Wilson, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

Absent- Chauncey Mason and John Gaddy

The meeting was called to order at 6:08pm.

Herb Koster stated that they will need to postpone voting on the January 20, 2011 minutes since they lack a voting quorum.

- 1) **SPR10-24 DONNELLY, BONNIE.** Represented by Willie Bea McDonald. Seeks Type II Site Plan Review to replace an existing 2 unit apartment building with a single family dwelling. Section 171.15, Block 2, Lot 42, Zone GB5000. Property Location: 4963 Lake Shore Drive and 4 Stewart Avenue. Subject to WCPB review. Subject to SEQR. *Note: This application is in conjunction with V10-55 and SD10-03.*

Willie Bea McDonald stated that they are presenting the site plan review for lot 2 of the subdivision that was approved last month. She stated that the approval was contingent upon approval of variance request V10-55 which was approved on Tuesday.

Willie Bea McDonald stated that the building will be 29' in height. The house will use earthen tone colors, with cedar shakes and clapboard siding. Any exterior lighting will be downward facing and shielded. She stated that they will also use rain gardens and barrels around the house to assist with stormwater. The applicant plans to possibly include a fence along the driveway and back of the house but it will be a natural or living fence.

Sue Wilson stated that last month when the Town granted approval for Sagbolt's request for a dormitory they added the condition that the applicant use low flow toilets in the new structure and to swap out some fixtures in the hotel. She asked if low flow toilets are the only type of fixtures available now or if they could require it for future development or improvements to structures in the sewer district. Herb Koster stated that he would think that the majority of fixtures sold are low flow. Sue Wilson stated that she thought that they may want to consider allowing only low flow fixtures to any structure within the sewer district. Don Roessler asked if this was a requirement of the Zoning. Pam Kenyon replied no but it could be requested by the Board.

Sandi Aldrich asked when they anticipated the demolition taking place. Bonnie Donnelly replied that she would prefer to have it down before this season and to start construction after the summer. She stated that no work would be done during the season.

Pam Kenyon indicated that WC PB provided default approval.

RESOLUTION

Motion by Don Roessler to accept SPR10-24 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 low flow fixtures are used in the home. 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.**

- 2) **SPR11-01 JUMBO REALTY INC.** Mark Bernstein. Represented by Aaron Vera from CLA Site. Seeks Type II Site Plan Review for a group camp. Specifically to construct a 3,456 sq. ft. two story pavilion with porches. Section 185.00, Block 1, Lot 32, Zones **RCL3**, LC25 & LC45. Property Location: 429 Trout Lake Road known as Camp Walden. Subject to WCPB review. Subject to SEQR.

Peter Loyola stated that they are proposing a pavilion to be used as a multi-purpose building off of the dance studio located on the property. He provided details to the building. He stated that there will be grading of the area to allow for storage on the lower level and the top story will be a multi-use area.

Peter Loyola stated that they will be handling all of their stormwater in a retention basin with no infiltration and a controlled outlet on the pond.

Peter Loyola stated that they are working with the NYS Department of Health for a classification of the building. There has been some discussion of potentially having to do bathrooms in the building if it falls under a certain classification. He stated that they are working with the DOH to make that determination. If they do need bathrooms there is an existing septic system for the Art and Hobby building that they can expand off of. They are exploring the use of bathrooms within 500' of the Pavilion with an annex building for the bathrooms rather than include them within the Pavilion.

Don Roessler asked if there are any plans for outdoor lighting. Mark Bernstein replied no. Peter Loyola indicated that they would have some indoor lighting.

Henry Caldwell commended the applicant for all of their work that they have done to improve and upgrade the property. However, he did suggest adding some plantings in and around the property since so many trees have been taken down. He stated that he understands that a lot of trees needed to be taken down because they were dangerous, but would appreciate having some vegetation put in to slow down the water heading toward

Trout Lake. Peter Loyola stated that they could add some plantings in the stormwater basin area. He stated that they will not be disturbing much vegetation for this project because it was previously disturbed by the previous owner. Mark Bernstein stated that he did not come up with a written planting plan but he does plan to plant some hardwoods, where the big pines used to be, to provide shade around the cabin areas. Henry Caldwell stated that he would appreciate that. Mark Bernstein stated that he loves the Adirondacks and was disappointed to lose the trees in the first place. He had to spend a lot of money to have trees removed but safety comes first.

Peter Loyola stated that the applicant is asking for approval contingent upon the DOH approval or determination. Mark Bernstein stated that if they have to do bathrooms, he hopes to have an annex building. This will not only serve the new Pavilion but could also be used by those on the soccer fields and other areas that currently use the Art and Hobby Building. This annex would be more centrally located for everyone's use. Pam Kenyon stated that if the applicant does need bathrooms and opts for an annex building, he would need DOH approvals. Don Roessler asked how DOH approval would affect this project. Herb Koster replied that it doesn't; they can approve this with the contingency that the applicant receives all other agency approvals. He stated that even if the State makes them put bathrooms inside the Pavilion it really will not change the overall look or design of the project. Pam Kenyon asked if the Board would like to see the applicant back if that ends up happening. Herb Koster replied no, he would be fine with him just going to Pam Kenyon to get a building permit. He stated that he is not interested in looking at a building that is going to house a couple of bathrooms. The applicant will do as he has done in the past and blend the building into what already exists.

Pam Kenyon asked for some clarification of the planting plan for the stormwater. Peter Loyola stated that they will use a variety of deciduous trees and plantings; items that are typically found in this area. They will comply with DEC standards for the stormwater ponds. Pam Kenyon asked if they will be planted before she signs off on the project. Peter Loyola replied yes.

RESOLUTION

Motion by Don Roessler to accept SPR11-01 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(s): 1) the applicant will add some plantings to this project and said plantings will be installed before a Certificate of Occupancy is issued, 2) if any exterior lighting is to be added to this building the applicant will use downward facing and shielded fixtures, and 3) this approval is contingent upon NYS Department of Health approval. This motion includes 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) **SD10-02 THE ROCKS – NORTH BOLTON ROAD. Waterhouse, Lawrence.**
Represented by VanDusen & Steves. Seeks to divide into 4 lots that parcel

designated as Section 140.00, Block 1, Lot 59, Zones RL3 & LC25. Property Location: 200 North Bolton Road. Final Plat. Minor Subdivision. Subject to SEQ. This item was tabled at the September 2010 meeting pending additional information and is in conjunction with SPR10-12.

- 4) **SPR10-12 THE ROCKS – NORTH BOLTON ROAD. Waterhouse, Lawrence.** Represented by VanDusen & Steves and Hutchins Engineering. In accordance with Section 125.13C1 of the stormwater regulations, seeks Type II Site Plan Review to remove more than 15,000 square feet of vegetation. 2.6 acres is proposed. Section 140.00, Block 1, Lot 59, Zones RL3 & LC25. Property Location: 200 North Bolton Road. This application is in conjunction with SD10-02. The Warren County Planning Board determined no county impact. Subject to SEQ. This item was tabled at the September 2010 meeting pending additional information.

Note: These items were heard together.

Lucas Dobie explained the history of the project. He stated that they were trying to tie up some loose ends with regard to the easements and maintenance of the shared driveway area. Since September they prepared a major APA permit application and have received their first round of a notice of incomplete application. He stated that the applicants are asking for subdivision and stormwater management approval. The Town Engineer has already signed off on the stormwater.

Lucas Dobie gave a brief overview. The project is for a subdivision of approximately 17 acres on the North Bolton Road. The easterly property line is the center of Indian Brook. They are seeking 4 lots with an approximately 800' x 20' gravel driveway. Presently there is a house on the northerly edge of the property which will be demolished before lot 4 is developed. He stated that the applicants have indicated that they would like to have this road in by early summer if they receive APA approval and construct the first house on lot 2. He stated that the house for lot 2 will actually have a smaller footprint than shown. They like to show a larger footprint to give them enough room to work and design for a worse case scenario. Lucas Dobie stated that the majority of the property is located in the RL3 zone with a little bit in LC25. The lots range from 2.4 acres in the front lots to 5.2 and 7 acres in the back lots.

Lucas Dobie stated, as per the Board's request, they have enhanced the driveway radii connections to the main shared drive to allow for better access and maneuverability for the emergency vehicles. They have increased that to 25' radii. They have also provided driveway easement and maintenance language. Herb Koster asked if this agreement will go to the AG's office. Lucas Dobie replied no, it will be filed with the deed since they are not creating a homeowners association.

With regard to the APA comments, Lucas Dobie stated that they are looking for more details and wanted to have a site visit of the property in the spring. They also are seeking a sign-off from the Historic Preservation, which they received last week. Sue Wilson

asked if they had any concerns with the subdivision of the wetlands. Lucas Dobie replied that they seemed to like the project. He stated that since the new regulations have come out, anything near a wetland requires a permit so that may have helped.

With regard to the deeded roadway, Herb Koster stated that he asked if someone could kick it back to the Town to solve their problems. Counsel Muller replied that the applicant has a proposed declaration of common driveway and maintenance and it is well done. He stated that there is always a possibility that it could happen but he feels that it would be highly unlikely in this case. The agreement clearly establishes this as a private right and the Town has no responsibility.

Chris Navitsky, Lake George Waterkeeper stated that they find the project to be well planned and thought out. The applicants have kept buffers to the stream and wetlands. However, they were seeking some clarification of the dimensions on the flag lots. According to code the frontage on flag lots would have to equal the width of the right of way on North Bolton Road. He stated that those lots are 25' in width going back and he thought that they would have to equal what the width of North Bolton Road. Counsel Muller reviewed the Code. He stated that the Code only shows a drawing but there is no language that backs it up. Herb Koster asked if they have the right to waive that. Counsel Muller replied yes especially when there is ambiguity, it is ruled favorable to the applicant. Herb Koster stated that the PB is concerned with disturbance and should not be following that drawing. Counsel Muller agreed. He stated that they should work to clean up this section code, but in the meantime this is favorable to the applicant.

RESOLUTION

Motion by Don Roessler to accept SD10-02 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** Sue Wilson. **All in Favor. Motion Carried.**

RESOLUTION

Motion by Sue Wilson to accept SPR10-12 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** Henry Caldwell. **All in Favor. Motion Carried.**

The meeting was adjourned at 6:45pm.

Minutes respectfully submitted by Kristen MacEwan.