

**TOWN OF BOLTON
PLANNING BOARD
MINUTES
Thursday April 18, 2013**

PB = (Town of Bolton) Planning Board
WCPS = 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, John Gaddy, Chauncey Mason, Kirk VanAuken, Sandi Aldrich, Gena Lindyburg, Counsel Michael Muller and Zoning Administrator Pamela Kenyon

Absent- None

The meeting was called to order at 6:00 pm.

PUBLIC HEARING

1. SPR12-32 GRAMEGNA, JOHN. Seeks Type II Site Plan Review to amend SPR11-28 approved on May 17, 2012 for large gatherings/events for up to 125 people. Specifically to revise the parking plan. Section 213.17, Block 1, Lot 9, Zone RCM1.3. Property Location: 3841 Lake Shore Drive known as Somewhere In Time Bed & Breakfast. Subject to WCPS review. Subject to SEQR. *Note: This public hearing was kept open from the February meeting.*

Bob McNally stated that at the last meeting there was some issue with how the applicant was using the property. He has reviewed the Town records and found that the property was approved for a 4 bedroom bed and breakfast. The applicant is planning to run it as a 4 bedroom B & B. Additionally the applicant will have a person on site who will monitor the use and serve the guests of that property. Breakfast will be served at the property as well. Bob McNally stated that it will be run under all town code requirements, there will be no change in use.

Bob McNally stated that in addition Somewhere in Time had been approved for up to 10 events for up to 125 people. The applicant is willing to concede that number down to 110 people. His application would limit the number of guests at these events which would occur on the shoulder seasons, not the height of the summer. The Pavilion is typically used for these events and meets all town requirements, including parking. Bob McNally stated that there will not be a repeat of problems that occurred last year with people parking on the road. A staff member has been hired to supervise these events as well.

Bob McNally stated that noise will not be an issue, the 10 events occur on the shoulder seasons and not during the summer season. The applicant will follow the amplified sound requirements set forth in the code. There is a new ordinance in the works and the applicant

will conform to that ordinance. Additionally the applicant has installed sound proofing curtains for the south side of the pavilion which will buffer the noise coming from the events. The staff person will be present to be sure that the 10pm curfew is maintained.

Bob McNally stated that the stormwater concerns were addressed by Tom Hutchins who can provide further details. However he reminded the Board that they are present to discuss the application to modify the site plan to allow for additional parking across the right of way. The area that they are proposing will be using permeable pavement which will have no impact on stormwater. Bob McNally stated that Chris Navitsky, Lake George Waterkeeper has worked with the applicant installing rain gardens and things to mitigate stormwater impact.

With regard to the websites, Bob McNally stated that they looked into them and found that some of these sites were from the previous owner and were never taken down. The current owner's websites will be and have been modified to indicate that this is a bed and breakfast with 4 rental units. The additional space in the house will be used for the staff member overseeing the property.

Curt Dybas presented the parking plan. The amount of people at the pavilion is 110 people. The Bed and Breakfast is set up for 4 rooms plus one attendant, which takes up 5 parking places, the carriage house requires 2 spaces and the staff will have 9 spaces. However since the attendant at the B & B will be using one of the B & B spaces so they have an allotment of 10 spaces for staff. Curt Dybas stated that they calculated that 44 spaces would be required for the pavilion events.

With regard to emergency vehicles, Curt Dybas stated that they have 20' of clearance between all driveways, walls and parking areas. All spaces are 10' x 20'. There are 2 designated handicapped parking spaces that are van accessible and have been marked. All spaces are accessible on the property and do not require access off of Diamond Ridge Road and there are no doubled up spaces. Curt Dybas stated that there are 44 compliant spaces on the site and 10 spots are proposed across the driveway with permeable parking.

Bob McNally introduced Carola Demaio, who was hired by the applicant as the full-time employee to oversee the property. Henry Caldwell asked if Carola Demaio will be living on site. Carola Demaio replied yes part time. Bob McNally explained that she will be staying in the carriage house on the nights when there are late night events. The other times she will be living on Long View Lane.

Larry O'Connell stated that he has concerns with parking on south the side. He asked if the land will be re-graded because the Diamond Ridge HOA owns 15' on each side approximately all the way down to 9N and they maintain their stormwater down there. The land on the south side is steep so he is concerned how cars can back out at that angle. Larry O'Connell stated that he noticed that the fence is being moved back 3' closer to Peter Lopicolo's lot. Additionally he notes that the applicant filed a SEQRA short form, which he

thought was to be on the long form. Larry O'Connell stated that he also takes issue with the trailer that has remained on the lot because it is an eyesore. He asked if it could be moved to the northern side of the property to be hidden. He stated that both Judith Tate and Peter LoPiccolo wrote letters that they wanted read into the record.

Melissa Lescault representing Diamond Ridge HOA stated that they are opposed to the current application for revision of the parking plan as well as the occupancy of a transient mobile home. They believe that the applicant is in violation of his original site plan approved for a B & B as the primary use. Given the current activity they feel that the primary use has changed. Melissa Lescault reviewed the history of the 3 approvals from the town. The first was via site plan review for a B & B, the second was from 2011 when the Board approval an accessory structure for a pavilion greater than 1,500 sq. ft to be located on the parcel and the third via site plan review for the pavilion to be used for large gatherings and events of up to 125 people.

Melissa Lescault stated that her common definition of a B & B consists of a house whereby rooms are rented for a price that include breakfast the next morning, normally hosted in a shared dining room with other guests. Staff is regularly present to manage these guests as well as the property. However, based on several websites it is advertised as an event venue. On www.lakegeorgeweddings.com it states that it rents a mansion and a carriage house and the property sleeps between 12-14 people. Nowhere on the website does it advertise for room rentals of the B & B. No breakfast is provided with the rental and there is not on site staff. She stated that there is not a single heading on the website that references a bed and breakfast; the only place it appears is in the name of the establishment itself.

Melissa Lescault stated that the applicant is now claiming that a staff member will be present. The applicant has blamed all of the issues on the fact that they had no staff present. Based on the public record we know that the applicant does not reside here so he will not personally manage the property. Melissa Lescault stated that this is a banquet hall and the staff has been hired is an event planner. They are there to manage the events being hosted not to manage a B & B.

Melissa Lescault stated that the last time the application was before the Board the applicant admitted that the property was not being operated as a B & B but now is claiming otherwise. The applicant based on his own admissions has changed the primary use from the original approval and is in violation of the original permit. The HOA is requesting that the Board deny all applications and ask the applicant to resubmit an application for what he is seeking.

Chris Navitsky, Lake George Waterkeeper, stated that it was referenced that the applicant has worked with him. He stated that he has visited the site and seen a couple of the rain gardens installed however they cannot verify their function and whether drainage was directed to them.

With regard to the use of permeable pavement, Chris Navitsky stated that although they

support the implementation of the permeable pavement where site conditions effectively treat stormwater. They feel the site conditions such as seasonal high ground water and soils may impede the way the permeable pavement should work. It should be noted that there is an existing stormwater basin right next to where they are putting the permeable pavement which has not worked as it was designed to because water does not infiltrate in that area. They feel more information should be provided if they are raising the grade.

Chris Navitsky stated that he has concerns that the stormwater management plan has been segmented. He feels that it should be viewed in its entirety and fall into a major stormwater plan.

With regard to the 15' shoulder raised by Larry O'Connell, Bob McNally stated that it is a 15' ROW and if there is a dispute about the road it is between the neighbors. The entranceway is easy enough to get cars up and down and it will only be used 10 times a year. With regard to the use of the short form, Bob McNally stated that they were instructed to fill out a new short form due to the N/A responses on the previous form. They have submitted that and feel that there is no impact.

With regard to Melissa Lescault's comments about reviewing the change in use, Bob McNally stated that there may have been strays from the path. However the applicant is aware of the fact that he was approved for a B & B and regardless of what may have occurred in the past, it will be used in the future as a 4 bedroom B & B. Carola Demaio is not just there to facilitate the events but she will also oversee the B & B. There will be continental breakfast served and she plans to improve upon that in the future.

With regard to the websites, Bob McNally stated that he is not sure which websites have been looked at but they would be surprised to find that a lot of the websites were from the prior owner and were never taken down. Those sites indicated that the property was used as a wedding venue; the information will be changed.

With regard to parking area on the south side, Tom Hutchins stated that they looked at a number of options. It is an area that they need to utilize for parking and a great place to use permeable parking. The area will not be used in the winter so it will not be sanded or salted. It will only be used a few days a year. The alternatives would be to use a hard surface with a stormwater basin. The cars are parked diagonally because space is an issue but that diagonal layout works and there is adequate space. Tom Hutchins stated that he has reviewed the site and there is separation to seasonal high ground water. He provided details about the permeable pavement installation. He stated that the only water that is going to get to the pavement is the rain water that falls on it.

Bob McNally stated that the applicant has withdrawn his application to use the mobile home as a temporary residence. Henry Caldwell asked it will be removed from the site. Bob McNally stated that he has not discussed that with the applicant but he would presume that he will store it there or somewhere else but it will not be used. Herb Koster asked if the

applicant will need a permit. Counsel Muller replied no not to store it.

Counsel Muller read the following letters:

1. Letter from Faith Miller and Holly Whipple in opposition
2. Email from Peter and Linda LoPiccolo in opposition to the application.
3. Letter from Patricia Taranto in opposition to the application.
4. Email from Linda Lant, in opposition
5. Email from John Gramegna, provided a summary of his long term plan for the property.
6. Jane Bozzone, in opposition.
7. Email from Katherine Mitchell in opposition.
8. Jane Bozzone in opposition.
9. John Dreps, in opposition.
10. Jane Bozzone, in opposition to the new proposed parking plan.
11. Lorraine Gill, in opposition to the project.
12. Alex Jeyschune, in opposition.
13. Email from Lawrence and Carolyn O'Connell.
14. Letter from Judith Tate in opposition.

RESOLUTION

Motion by Gena Lindyberg to close the public hearing SPR12-32. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the February 21, 2013 minutes.

RESOLUTION

Motion by Don Roessler to approve the February 21, 2013 minutes as written. **Seconded by** Sandi Aldrich. John Gaddy abstained. **All Others in Favor. Motion Carried.**

2. SPR12-32 GRAMEGNA, JOHN. Seeks Type II Site Plan Review to amend SPR11-28 approved on May 17, 2012 for large gatherings/events for up to 125 people. Specifically to revise the parking plan. Section 213.17, Block 1, Lot 9, Zone RCM1.3. Property Location: 3841 Lake Shore Drive known as Somewhere In Time Bed & Breakfast. Subject to WCPS review. Subject to SEQR. *Note: This item was tabled at the February meeting.*

Don Roessler stated that last time it was discussed that the B & B rented 4-5 rooms however during an event he was going to rent the entire house. He asked if that would change. Bob McNally replied that has changed, when a B & B leases rooms it can do so a room at a time. However, typically when there is a wedding they will rent all 4 rooms to those attending or involved in the event. The applicant will not be renting the entire property. The other rooms will be for staff or the owner. Don Roessler asked if the Carriage house will be rented out. Bob McNally stated that the carriage house is a separate structure and can rent

out 2 units.

Bob McNally stated the pavilion is a place to hold 10 events in the shoulder seasons. There will be no more than ten events. With regard to the assertions about trespassing on lot 1 or other people's property, Lot 1 is not part of this application and there is no intent to park on lot 1. Additionally staff will be present to oversee the parking so that guests will not park on the road.

Herb Koster asked if the applicant is inviting his guests to go down to the lake. Bob McNally stated that B & B guests are allowed but he does not believe that event guests are invited to use the lake property. Herb Koster stated that the Town has restrictions on the amount of people that can use lake access. He wants to be sure that the applicant is aware that the event guests are not allowed to go down there.

Henry Caldwell asked what shoulder season means to the applicant. Bob McNally stated that they would be looking at events in April, May and the first part of June and then after Labor Day.

Gena Lindyberg stated that she is still concerned, she went on a website today and found the property advertised as a house rental and it shows the days that it is blocked off and not available. Bob McNally stated that they are speaking with the website designers to change this information because it is not a house rental. He asked that they take the applicant's word that he is making this change.

Herb Koster asked Counsel for advice about whether the applicant can operate with the shortage of parking spaces that he has right now. Counsel Muller stated that the applicant has the right under site plan review to operate as a B & B. Herb Koster asked if the applicant can still take reservations for weddings and events right now. Counsel Muller explained that this Board did approve the applicant to have events for up to 125 people. It is subject of serious concerns with misrepresentation and admissions of mismanagement. The B & B is the primary use and the accessory use is simply inherent to the operation of the B & B. The reason this is here because the events have become greater than the B & B.

Herb Koster stated that his concern is that there was a misrepresentation regarding the amount of parking the applicant had and why the applicant is asking for the additional 10 spaces. Herb Koster asked if the applicant can still operate while they are deciding on the additional spots. Counsel Muller replied yes from the previous approvals. However he will not be able to operate well or in conformity with Town Codes because he does not have adequate parking.

Counsel Muller further explained how the applicant came about reducing the number of people at the events from 125 to 110, which was due to the calculations from Pam Kenyon. Herb Koster asked if the parking was calculated cumulative. Pam Kenyon replied yes. Herb Koster asked if the B & B can be rented out with the wedding going on. Pam Kenyon

stated that it cannot be operated that way it has to be run as a B & B; the events are there through the B & B. Herb Koster asked if the 110 people were cumulative for the entire property. Curt Dybas replied no. He ran through his calculations for parking as follows: 5 spaces for B & B, 2 for Carriage House, 9 for staff and 28 spaces for the pavilion for a total of 44 spaces.

Herb Koster stated that if it is cumulative then they are back over 125 people. Bob McNally stated that it is possible that someone might rent a room at the B & B on the same night as an event but typically the rooms are rented by one of the guests of the event. Pam Kenyon stated that they cannot have a wedding party going on there and have different people renting the B & B.

Henry Caldwell asked how they are going to enforce something that is impossible to enforce. Counsel Muller stated that the new noise ordinance allows for more enforcement which includes involvement of the police issuing citations. He further explained the new ordinance. With regard to parking violations people should take pictures of the violation so that they can provide proof of ongoing issue and concerns. In terms of trespassing, that has civil aspects to it which makes it difficult to enforce.

Counsel Muller stated that since they closed the public hearing, the clock has started and they have 62 days to make a decision. He offered to provide the Board with recommendations and facts that have been presented so that they can make an informed decision. He urged the board to review them and make changes.

Sandi Aldrich stated that all of her votes were based on the fact that this was presented to be run primarily as a B & B and that weddings were going to be run in conjunction with the B & B. She recommends that they reject all previous approvals already made and tell the applicant to start from the beginning with a plan.

Herb Koster stated that he would prefer to see what Counsel Muller has in the way of recommendations. He is concerned because the applicant came before the Board voluntarily to amend the site plan for the additional spaces on the south side of the road. He was already approved for the spaces but he returned to improve the surface of the parking area and address stormwater. If they rescind all previous approvals they are leaving themselves open for a lawsuit.

Bob McNally stated that would be a very drastic action. The applicant is in business and has events planned for this spring. There is no enforcement proceeding pending and there is no one charging him of a crime or violation of the ordinance. The applicant came to the Board because of the complaints. He reconfigured the parking so that he could get people parking off the roadway. During the process complaints about noise and trespassing came up and the applicant has addressed them as well. He stated that if they make the applicant come back with a new application it is going to look like what is being presented tonight. The applicant has taken the necessary steps to prevent the same problems from last summer to

occur again.

Counsel Muller stated that there is no misrepresentation that the applicant can continue to operate as a bed and breakfast. He suggested that the Board stay on task and get this applicant straightened out and back on track.

Herb Koster stated that he would like to see what Counsel Muller's advice before denying. Counsel Muller stated that the PB will have the option to deny the plan, approve the plan or approve the plan with conditions. He stated that if they do deny the application, the applicant's attorney will more than likely file an Article 78 which will go before the judge who will likely remand it back to this Board to work on.

Gena Lindyberg stated that she does not have all the facts because they contradict one another. There are a lot of variables that are out there. Herb Koster agreed and stated that he would like to have legal advice before proceeding any further.

RESOLUTION

Motion by Sandi Aldrich to rescind all previous approvals because they were based on misrepresentation and to have the applicant start over with the Site Plan Review application process. **Seconded by** Henry Caldwell. **Don Roessler, John Gaddy, Herb Koster and Gena Lindyberg opposed. Chauncey Mason abstained. Motion denied.**

Henry Caldwell stated that they have had more letters on this project than any other project out there. He asked if they could condition the approval to have the applicant come back in November to review the season. Counsel Muller stated that they have done that in the past and it could be done again.

Counsel Muller suggested that they review SEQRA because it may bring up additional points that they would like to see addressed by the applicant.

RESOLUTION

Motion by John Gaddy to declare the PB as lead agency for SPR12-32. **Seconded by** Don Roessler. All in Favor. **Motion Carried.**

Counsel Muller reviewed the SEQRA short form.

Project Name: Somewhere in Time Bed and Breakfast
Location: 3841 Lake Shore Drive

Will the proposed action comply with existing zoning or other existing land use restrictions?
No

Present land use: Commercial

Henry Caldwell stated that residential should be added as well.

Counsel stated that the applicant recites Bed and Breakfast, wedding reception and event venue for 10 days annually.

Counsel Muller stated that he is not sure where the 10 days came from because when the applicant got his approval for B & B it was year round and when he was approved for the event venue it was for events associated with the B & B which would be year round.

Herb Koster stated that they will need a definition of “event” with regard to type or amount of people. Counsel Muller stated that the applicant has permission to operate a B & B and events associated with the B & B. The applicant does not have permission to operate this solely as an event venue.

Bob McNally stated that his understanding is that his event permit is associated with the B & B. With regard to the number of events, he is not sure where the number 10 came from but it is the amount of events the applicant is holding himself to a year. Herb Koster stated that since the beginning the applicant has said 10 events so it seems to be self imposed. He stated that he would like to have a description of what an event is. Bob McNally stated that he would get that to the Board.

Does the action involve a permit approval, or funding, now or ultimately from any other governmental agency? No

Does any aspect of the action have a currently valid permit or approval? Yes, Bolton Site Plan approval for B & B and event venue for 10 days.

As a result of proposed action will existing permit/approval require modification? No.

- A. Does the action exceed any Type I threshold in 6 NYCRR, Part 617.4? No.
- B. Will action require coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.4? No
- C. Could the action result in any adverse effect associated with the following:

- 1. Existing air quality, surface or ground water quality/quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion drainage or flooding problems? No. While there were potential effects related to noise and traffic these issues have been adequately mitigated by the applicant and will not be an issue.

Herb Koster stated that he is coming in with this new application promising that what happened last year will not happen again this year. He understands that there were issues in the last year but the applicant was not present to oversee the events occurring at the site and things were not properly handled. He likes to take an applicant’s word.

Gena Lindyberg stated that she is confused as to what the applicant’s word is. Counsel

Muller stated that it appears that the applicant's word is to adhere to a strict parking plan. His representatives have indicated that the applicant intends to run this operation as a B & B and events will be run through the business of the B & B. Counsel Muller stated that these are the types of things that he will be providing them in the way of criteria.

2. Aesthetic, agricultural, archeological, historic or other natural or cultural resources or community or neighborhood character? No there is no adverse impact.

Counsel Muller stated that according to testimony heard tonight that is not the case. So the Board will need to decide how the applicant should deal with these issues and mitigate the effects. Counsel Muller reminded the Board that the applicant will have to comply with the new noise ordinance which will require that every event with any amplified noise will require a noise permit from the TB.

3. Vegetation, fauna, fish, shellfish, wildlife species, habitats, threatened or endangered species? No.

4. Communities existing plans or goals that have been officially adopted or change in use or intensity of use of land or other natural resources? No

Counsel Muller stated that if the applicant stays within the parameters of what he is allowed to do then there will be no adverse impacts.

5. Growth, subsequent development or related activity likely to be induced by the proposed action? No.

6. Long term, short term, cumulative or other effects not identified in the above? No.

7. Other impacts including changes in use in either quantity or type of energy? No.

Counsel Muller stated that Herb Koster raised the concern about the potential of 125 wedding guests going down to the lakeshore. He stated that the Board could limit the activity that is allowed to occur on the shoreline property. Bob McNally stated that the applicant has no intention of holding events or functions at the shoreline and they would agree to restrict or stipulate that condition.

D. Will the project have an impact on the environmental characteristics that cause the establishment of a critical environmental area? No.

E. Is there likely to be controversy related to potential adverse environmental impacts? No.

Counsel Muller stated that to the contrary there has been a tremendous amount of controversy and letters of opposition for this project. The applicant claims to have addressed all of the issues and concerns of the neighbors and HOA and feels that he has mitigated the effects. He stated that remains to be seen, however with restrictions and conditions it is possible.

Part III.-Determination of Significance: Based on the information and analysis above, and any supporting documentation, the proposed action will not result in significant adverse environmental impacts.

Counsel Muller stated that with regard to making a determination, he suggested that the Board hold off until he can provide them with language that takes a hard look at the criteria. Herb Koster stated that they have taken a hard look at it and the applicant is well aware of their concerns. He stated that if an approval is granted it will be with a lot of restrictions and conditions.

Bob McNally stated that Mr. Gramegna wants to work with the board and would like to have the Board give it serious consideration. The applicant had not anticipated the success that he had in the first year. He is serious about making the proper changes to be sure that there are not repeat issues of last year.

RESOLUTION

Motion by John Gaddy to table SPR12-32 pending a statement of facts to be provided by Town Counsel. Seconded by Don Roessler. All in Favor. Motion Carried.

3. SPR13-6 GRAMEGNA, JOHN. In accordance with Section 200-47G2, seeks Type II Site Plan Review to occupy transient mobile home for a period not to exceed 10 days in a calendar year. Section 213.17, Block 1, Lot 9, Zone RCM1.3. Property Location: 3841 Lake Shore Drive known as Somewhere In Time Bed & Breakfast. Subject to WCPS review. Subject to SEQR.

Note: Item SPR13-6 was withdrawn by the applicant.

4. SPR13-03 PERRY, MARK & LINDA. Seeks Type II Site Plan Review for a proposed home occupation, specifically to create an exercise studio for private clients. Section 156.00, Block 1, Lot 13, Zones RL3 & **RM1.3**. Property Location: 121 Federal Hill Road. Subject to WCPS review. Subject to SEQR. *Note: See V13-05 associated with this project.*

John Gaddy asked for a definition of exercise studio. Mark Perry stated that they have a facility with exercise equipment for an individual to go through a full body workout with Linda as their trainer. Henry Caldwell asked if there were any conditions of approval from the ZBA. Mark Perry replied no. Henry Caldwell asked how many people can be trained at one time. Mark Perry replied between 4-6 people.

Sandi Aldrich asked if there was an additional bathroom planned for the space. Mark Perry replied no, there is a port-o-potty on site or the clients can use the house bathroom.

John Gaddy asked if operating hours were set. Mark Perry explained that it is for private clients that make appointments. The hours aren't necessarily set however anticipate to operate between the hours of 6am-11am and then 2-7pm. Herb Koster asked if they would be agreeable to limiting the hours between 6am to 7pm. Mark Perry replied yes. Herb Koster asked if there was enough parking. Mark Perry replied yes. There will be no lighting for signage or added to the exterior. Clients have to make appointments, it is not an open gym facility.

RESOLUTION

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR13-03. Seconded by Don Roessler. All in Favor. Motion Carried.

Motion by John Gaddy to make a negative declaration for SPR13-03 with regard to the SEQRA application. Seconded by Gena Lindyberg. All in Favor. Motion Carried.

Motion by John Gaddy to accept SPR13-03 as complete, waive a public hearing, and 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 with conditions: 1) the hours of operation will be between 6am-7pm, and 2) No more than 6 clients at one time. Seconded by Sandi Aldrich. All in Favor. Motion Carried.

5. V13-07 SAGBOLT, LLC. Represented by Atty. Benjamin Pratt. In accordance with Section 200-93A (other regulations applicable to Planned Unit Developments), seeks area variance (PUD Amendment) for **1)** 10'x 18' entry way on the north end of the main hotel building, **2)** Installation of dormers on the service building, and **3)** installation of new windows and a gable in the Hermitage building. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to WCPS, ZBA, PB, APA and TB review. Subject to SEQR.

Jon Lapper stated that these are 3 minor but important modifications to the Sagamore resort. He gave a brief overview stating that it is a little bit of landscaping, a small addition on the north side of the hotel and some dormers on the hermitage and service buildings. They are mostly architectural improvements that will not have any effect on the lake or the neighbors.

Gena Lindyberg asked if they would be adding any rooms to the hermitage. Jon Lapper replied no.

John Gaddy stated that he would like to condition that any exterior lighting that is removed in demolition and is replaced be downward facing and shielded. Jon Lapper agreed to that condition.

Sandi Aldrich asked for details about the loading dock. Jon Lapper stated that it is an improvement to what already exists and it will not increase the footprint of the existing building.

RESOLUTION

Motion by John Gaddy to make a favorable recommendation of approval of the PUD amendment for V13-07 with the following condition: 1) any and all exterior lighting to be demolished and replaced or added will be dark sky compliant. **Seconded by** Don Roessler. **All in Favor. Motion Carried.**

6. SPR13-04 TOWN OF BOLTON HISTORICAL SOCIETY. Represented by Ed Scheiber, Ted Caldwell and Henry Caldwell. Seeks Type II Site Plan Review for a proposed addition to the museum. Section 171.19, Block 2, Lots 12 & 13. Zone GB5000. Property Location: 4924 Lake Shore Drive.

Note: Henry Caldwell recused himself.

Henry Caldwell, member of the Board of trustees for the Bolton Historical Society introduced the project. The building and grounds are owned by the Town and in the last 40 years they have worked closely with the Town. This project does not trigger any kind of site plan review but they wanted to get input from the PB.

Ed Schieber stated that the Historical Society has been working on a proposed addition for about a year and half. That precipitated a fundraising exercise that has been going on for the past 2 years. They rapidly realized that their plan as proposed was not going to allow them to get there; they needed something more simple and achievable. They have since revised the plan and hired Rueben Caldwell to come up with a proposal for expansion. He is proposing a post and beam open structure concept that will allow for maximum flexibility within the space to move around displays. He provided a drawing depicting the proposed expansion. They are hoping to create an inviting addition that will encourage visitors to come in as well as enhance what they are currently doing.

Ed Schieber stated that they have authorized Rueben Caldwell to go ahead with getting an engineering package together so they can get an estimate on cost. Rueben has estimated the cost to be about \$500,000-600,000.

With regard to stormwater, Ed Schieber stated that they have spoken to Chris Navitsky to come to the site to address the run-off. He stated that their run-off problem is one that is shared by the Library so hopefully they can help that as well.

Ed Schieber stated to date they have collected a little over \$100,000. There is also a new organization called the Friends of the Historical Society who are helping with the fundraising. They held a fundraiser called the "Sip and See" behind the museum in the

location of the proposed addition and raised good money there.

Ed Schieber stated that the addition will help them with their space and storage problems. Additionally, it will be an improvement and enhancement to the park.

Bill Gates stated that last summer they had over 5,500 people come through the museum. The people came from varied locations so it is a popular destination. He also commented that this year is Warren County's bi-centennial celebration year.

RESOLUTION

Motion by Don Roessler to support SPR13-04 for the proposed addition for the Bolton Historical Society. **Seconded by Sandi Aldrich. All in Favor. Motion Carried.**

7. SD13-01 FIGUEROA, HEIDI. Seeks to divide into two lots that parcel designated as Section 171.19, Block 1, Lot 60. Zone RM1.3. Property Location: 14A & 14B Evergreen Lane. Minor Subdivision. Sketch Plan Review. Subject to SEQR. *See V13-12 associated with this project.*

John Gaddy asked if there will be any change in the exterior or the footprint. Heidi Figueroa replied no. Gena Lindyberg asked if this will no longer be considered a duplex. Heidi Figueroa replied no, these will be considered attached single family dwellings.

RESOLUTIONS

Motion by Don Roessler to declare the Bolton Planning Board as lead agency for SD13-01. **Seconded by John Gaddy. All in Favor. Motion Carried.**

Motion by Don Roessler to to accept SD13-01 as complete, waive a public hearing, and 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 Sandi Aldrich. All in Favor. Motion Carried.**

8. V13-13 BROOK HILL DEVELOPMENT. Represented by the LA group. In accordance with Section 200-93A (other regulations applicable to Planned Unit Developments), seeks area variance (PUD Amendment) for the conversion of a five unit townhouse to a three unit townhouse (Building 900). Section 157.05, Block 1, Lot 88.4, Zone PUD. Property Location: Lagoon Manor PUD. Subject to WCPS review. Subject to SEQR. *See SPR13-13 & V13-14 associated with this project.*

Mark Tabor stated that the applicant is seeking a positive recommendation to the TB for this PUD amendment. The site was originally approved in 1987 for a conversion of what was an existing motel to a 6 unit town home structure. After additional exploration of the building and site they found that it could not support the 6 units. In 2004 they came back to amend the PUD to tear down the motel and construct a 5 unit townhouse structure. When that was

approved a stormwater, planting plan, grading plan were approved and the architecture was to be consistent with the Lagoon Manor development. In 2006 the existing motel building was taken down and removed however the new structure was never constructed. Due to the market demand and additional exploration of the site they are again before the Board to amend the PUD to take this from a 5 unit to a 3 unit townhouse structure.

Mark Tabor stated that the new structure will be substantially built within the existing footprint of the previously approved structure. It is within the 75' shoreline setback. They taken the previously approved stormwater plan and improved it. He provided further details.

Mark Tabor stated that there has been correspondence with Tom Nace who has granted his approval of the project. They have a full planting and grading plan which is similar to what was proposed before. The sewer and water for the project are as previously proposed and approve; they will tie into the existing system for the PUD. The system was designed to handle this building as well. The architecture will be compatible to what is existing on site but more detailed and refined. They will use natural stone and earthen tone colors.

Mark Tabor stated that this proposal is substantially similar to what was previously approved, the use is compatible with the PUD, there are no additional environmental impacts and they have reduced the size of the building to better fit the site. This is consistent with the PUD and it is an improvement over the previous amendment.

Don Roessler asked if the number of bedrooms would be less or equal to the 5 unit structure. Mark Tabor replied that he thought that it would be equal.

John Gaddy asked about the height of the ridge line. Mark Tabor replied the lake side is 35' from the walkout basement to the ridge of the roof. Originally the building was approved at 42' plus 5' for the grade, bringing it to 47'. The new proposal is 35' plus 6' for grade, so it would be a total of 41'.

Gena Lindyberg stated that there are 9 abandoned buildings on the property. Jeff Anthony stated that those 9 buildings are on another parcel across 9N and was not ever part of the PUD development plan.

Sandi Aldrich asked what was planned for the basement level of the structure. Mark Tabor replied that it will partially be for mechanical equipment and part storage space.

Gena Lindyberg asked about the septic system. Jeff Anthony explained that it is part of a community wastewater system. It is part of the original PUD.

Henry Caldwell asked about the visual impact from the lake. Jeff Anthony described that there is a buffer of trees and vegetation between the structure and the lake, so it will be filtered. Additionally, the proposed building is going to use browns and natural stone.

RESOLUTION:

Motion by John Gaddy to make a favorable recommendation of approval for V13-13 PUD amendment as presented. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

9. SPR13-08 BROOK HILL DEVELOPMENT. Represented by the LA group. Seeks Type II Site Plan Review for a major stormwater project involving more than 15,000 square feet of land disturbance. 20,500 square feet is proposed. Section 157.05, Block 1, Lot 88.4, Zone PUD. Property Location: Lagoon Manor PUD. Subject to WCPS review. Subject to SEQR. See V13-13 & V13.14 associated with this project. *See V13-13 & V13-14 associated with this project. For discussion purposes only as Town Engineer Tom Nace has not reviewed and signed off on the project.*

Mark Tabor stated that the stormwater plan has not changed in any way. The only thing that Tom Nace asked for was an additional test pit to show separation to ground water so that additional data is to be added to their report.

There was no WC impact.

RESOLUTIONS

Motion by John Gaddy to declare Bolton Planning Board as lead agency for SPR13-08. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR13-08 as complete, waive a public hearing, and 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** Don Roessler. **All in Favor. Motion Carried.**

10. SPR13-09 BOLTON CROSS, LLC. Represented by the LA group. Seeks Type II Site Plan Review for 1) a proposed 10 unit townhouse project and 2) a major stormwater project involving more than 15,000 square feet of land disturbance. 60,985 square feet is proposed. Section 171.19, Block 1, Lot 55. Zones RM1.3 & GB5000. Property Location: 4913 Lake Shore Drive. Subject to WCPS review. Subject to SEQR. *See SPR13-02 and V13-03 associated with this project. For discussion purposes only as Town Engineer Tom Nace has not reviewed and signed off on the project and variances have not been granted.*

11. SD13-02 BOLTON CROSS, LLC. Represented by the LA group. Seeks to divide into 11 lots (10 townhouses and 1 common lot) that parcel designated as Section 171.19, Block 1, Lot 55. Zones RM1.3 & GB5000. Property Location: 4913 Lake Shore Drive. Major Subdivision. Sketch Plan Review. Subject to SEQR. *See SPR13-09 and V13-03 associated with this project. For discussion purposes only as Town Engineer Tom Nace has not reviewed and signed off on the project and variances have not been granted.*

Note: Items SPR13-09 and SD13-02 were been tabled at the applicant's request.

12. SPR13-10 DANIELS, JOHN & CONSTANCE. Represented by the LA group. Seeks Type II Site Plan Review for a major stormwater project involving more than 15,000 square feet of land disturbance. 25,000 square feet is proposed. Section 213.05, Block 1, Lot 9, Zone RM1.3. Property Location: 4110 Lake Shore Drive. Subject to WCPS review. Subject to SEQ. *Note: This is a conversion of a minor stormwater project to a major.*

Mark Tabor provided a brief history of the proposal. Originally in 2010 this project went before the ZBA to put additions on an existing house. It was a pre-existing non-conforming structure that they were adding onto. At that time the project was considered to a minor stormwater project. The project was approved and the variances were granted.

Mark Tabor stated that subsequently the building went under construction and the applicants approached them to make some additional changes to the land surrounding the structure that were not part of the original approval. They returned to the planning office and the variances and permits were amended to reflect the changes. He provided further details as to what was proposed. As part of that proposal they intend to remove an additional 4,700 sq. ft of impervious surface. Even though they decreased the stormwater calculations they left the stormwater devices sized the same. That project is ongoing.

Mark Tabor stated that the applicants' daughter is now getting married and would like to have her wedding reception on the property. The applicants are seeking to remove some trees and expand the lawn area. They would like to create a flat surface to put a tent up in this area to host the reception. They will have to disturb an additional 10,000 sq. ft up there but it will just entail removing 12 trees, bringing in some fill and re-sodding the area. There will be no impervious area added. The tent will only be there for the reception only.

Mark Tabor stated that they meet all of the stormwater criteria for a major stormwater project and Tom Nace has signed off on the proposal. They have removed enough impervious surface prior that nothing additional needed to be done.

John Gaddy asked if there was any plan to replant trees after the event. Mark Tabor replied no, they have a significant buffer and they planned to leave this as an open lawn area.

RESOLUTIONS

Motion by John Gaddy to declare the Bolton PB as lead agency for SPR13-10. Seconded by Don Roessler. All in Favor. Motion Carried.

Motion by John Gaddy to accept SPR13-10 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQ. 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.

13. SPR13-11 FENELON, DAVID & KIMBERLY. Represented by Hutchins Engineering. Seeks to amend previously approved stormwater project for the Cobblestone subdivision. Specifically re-route and fill in portion of existing drainage way of Lot 10. Section 171.07, Block 1, Lot 62, Zone RL3. Property Location: Lot 10 of the Cobblestone Subdivision. Subject to WCPS review. Subject to SEQR.

Tom Hutchins presented the proposal. The applicants plan to build their house over the next few years and become permanent residents of Bolton. At this time they are not proposing to construct the house. When they have finalized the plan they will come back to the PB for Site Plan Review. They are seeking 2 modifications to the lot as it exists. First there is a reservoir building that is in disrepair and the applicants would like to get rid of it. Additionally they would like to modify the previous house location that was shown on the subdivision plan. He stated that the location was back on the narrow part of the lot and is a difficult house location. Additionally the waste water system was proposed further up the hill behind the house. The applicants would like to prep the site to build the house closer to Cobblestone Court. However in order to do that they need to re-route the drainage ditch. He provided further details.

Herb Koster asked if this was a natural drainage ditch. Tom Hutchins replied that it has been there for quite some time. However, he has talked to DEC who has not classified this as a stream. It is an intermittent drainage ditch. Tom Nace has requested that they make some upgrades to the existing roadside ditch which they intend to do.

Henry Caldwell stated that he is concerned that this is a babbling brook rather than a drainage ditch. He stated that they would not have put a reservoir building there if it was not a regular water source.

Howard Levy neighboring property owner stated that when it rains the water runs over the road and down the steep embankment. He is concerned that this proposal is moving the stream closer to his property and he does not want to end up with more water on his property. Tom Hutchins stated that he is upgrading the drainage ditch along the road and making it wider to better accommodate the flow of water so that it should assist with the overflow across the road.

Pam Kenyon stated that when this parcel is developed it will come back to the Board for major stormwater project. Sandi Aldrich asked if they can address this stream movement at a later date if they have evidence that moving this stream has not worked. Counsel Muller replied yes.

John Gaddy asked if the parcel to the north has been developed. Tom Hutchins replied no it is vacant. John Gaddy asked if the movement of the drainage will impact the development of that lot. Tom Hutchins replied no that will be accessed higher on Cobblestone Court and the house location is shown higher up. John Gaddy asked if there is potential for that house site to be moved as well. Tom Hutchins stated that lot is uphill from this property so there

shouldn't be any problems.

Chris Navitsky, Lake George Waterkeeper stated that they have spoken with Tom Hutchins. They do feel that it is a stream. They also feel that it is being run too linear. With the recent storm events we don't do a good job of moving streams. If they are to move it at all it should have more sweeps instead of the sharp turns. Herb Koster agreed that they are increasing the velocity going down the hill. Chris Navitsky also suggested that they line the drainage ditch with more natural materials instead of the rip-rap. He indicated that they have offered to work with the applicants.

Tom Hutchins stated that their intent is to get the run off to the existing ditch but they can make it more natural and sweeping. He provided details of how that can be accomplished.

Tom Hutchins asked if Chris Navitsky could touch on his opinion of the movement of the house site. Chris Navitsky replied that they felt that the stream was not really considered in the prior application. He supports moving the house down the hill a bit because it makes more sense. It is narrow and steep and they would have to pump uphill to the waste water system. Additionally, the original house site would have created more disturbance.

Don Roessler asked about the future driveway access. Tom Hutchins provided details. Henry Caldwell asked if they could just create a bridge or culvert for the stream as it exists now. Tom Hutchins replied that could be another option. However it will depend on the owners' intent.

Don Roessler asked where the septic will go. Tom Hutchins stated that it would be low but that it yet to be determined.

Pam Kenyon stated that she thinks they may have to determine if this is a stream or not. Herb Koster stated that they have always relied on DEC. Pam Kenyon stated that she has concerns because she has seen pictures and it seems to be more significant.

Tom Hutchins stated that this is an approved subdivision with this stream already located on the parcel. Additionally, DEC provided documentation that indicates that it is not a stream. Henry Caldwell stated that this used to be a water reservoir so it was used year round. Tom Hutchins stated that it was excavated pretty deep so it is certainly a ground water source. Herb Koster stated that his only concern is that Cobblestone stormwater has failed in other areas in the past. There was further discussion of providing a more natural base and to create a more natural flow.

John Gaddy stated that it seems that the location of the house will not require movement of the stream; it is mainly for the proposed garage. Tom Hutchins replied that the stream would not necessarily need to be moved. However it is the owners desire to move the ditch and provide a better layout to work with because they have not decided on a final house design. John Gaddy stated that it is the Board's desire to not make something any worse.

Herb Koster stated that they could approve removal of the building and wait on the movement of the stream until the applicant has a better idea of the house design. David Fenelon stated that their thought was that when they have the excavator in to remove the building they would prefer to save a little money and have this work done at the same time. Sandi Aldrich stated that they will need an excavator when they construct the house as well so it could be done at that time.

Henry Caldwell stated that he would like to see the applicant come back with a proposal to soften up the stream. Herb Koster stated that he does not want the applicant to re-work the stream details only to come back and not receive approval. He asked for a consensus of the board. The Board agreed that if the applicant could soften up the bends and use more natural materials they would look favorably upon the application.

RESOLUTION

Motion by Sandi Aldrich to table SPR13-11 pending further information. **Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

The meeting was adjourned at 9:57pm.

Minutes respectfully submitted by Kristen MacEwan.