

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday August 22, 2013
6:00 p.m.**

SEQR = State Environmental Quality Review
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, Chauncey Mason, Kirk VanAuken, Sandi Aldrich, Gena Lindyburg, Counsel Michael Muller and Zoning Administrator Pamela Kenyon

Absent- John Gaddy

The meeting was called to order at 6:01pm.

Herb Koster asked if there were any changes or corrections to the July 18, 2013 minutes.

RESOLUTION

Motion by Sandi Aldrich to approve the July 18, 2013 minutes as written. **Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

PUBLIC HEARING

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 SD13-02 and V13-03 associated with this project. This item was tabled at the July meeting pending a public hearing.

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. This item was tabled at the July meeting pending a public hearing.

Atty. Jon Lapper presented the project and stated the following;

- That they were looking for the subdivision for the sake of selling the town homes.
- He explained that they have already received their area variances.
- The 10 unit project now has smaller units and are farther from the property boundaries as asked for by the Zoning Board.
- They had looked into the historical aspect and they were looking to put a historical marker on the site with the help of the historical society.
- Mr. Manney wanted to keep the name of the Inn at Bolton.
- They had researched with DOT the placement of a sidewalk, and that it is not feasible to put one there now, the crosswalks that are already there were sufficient, and they would lose a lot of green space if they were added over the wall.

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- They had been contacted by the LGLC about the blasting and how it would affect their building.

Mark Tabor of the LA Group gave an overview of the project and said it was the site of the closed B&B Inn just south of downtown Bolton. He explained that it was 1.5 acres of land that currently had 3 buildings that were to be demolished, and they would be replacing them with 3 new town house buildings which would contain a total of 10 units. He stated that parking would be away from Dula Pond on the back side of the building with 18 service parking spaces and 6 overflow parking spaces with stabilized turf, to incorporate some pervious materials. He stated that the landscape plan was very generous and they maintained shoreline vegetation with high end product. He said that they understand that this is the first thing you see upon entering the town from the south end and they were very sensitive to the streetscape when drawing up these plans. They were very careful to maintain the character of the building. The existing wall will be repaired and they would be replacing the fence on the wall. He explained that they would be utilizing water and sewage services from the municipality. He stated that stormwater would be treated with a series of bio retention areas. He stated that Town Engineer, Tom Nace had signed off on the project and they had followed DEC guidelines and regulations for stormwater. He explained that this project would need a SWPPP which would be regulated by the DEC. He talked about the driveway width currently being 12 ft. – 14 ft and that they propose to widen it to 16ft. – 18ft. He explained that the current width of the driveway at the intersection of Lakeshore Drive is 25' from the utility pole to the curb and 22 ft – 25 ft. is proposed, which is plenty of room for two cars to pass. He understands that currently there is an issue with pulling out into Lakeshore Drive, so they are pulling the retaining wall and fence back to increase the visibility. They would be reducing curb cuts onto Lakeshore Drive by closing one of the existing driveways.

Lake George Waterkeeper, Chris Navitsky from the public, handed out and read his letter in opposition to the Board.

Nancy Williams of the LGLC shared her concerns with the increase of water flow. She also stated she had serious concerns with the temporary water basin that is on the boundary and directed toward the LGLC basement. She also referenced her previously submitted letter and explained her concerns with the ledge that the LGLC basement and fireplace are built on and how it would be impacted by the blasting. She asked if they had any idea if the dam in the back would sustain the blasting and who would be responsible for it if it did not. She requested the Planning Board's assistance in making sure they were not impacted by the blasting and that a surety bond be taken out for any damage they may incur.

Joanne Perillo has a house on the pond and she had concerns as to the effects the project would have on the pond, and she stated that she does not want to see any more degradation of the pond. She was also concerned with the noise pollution during construction.

Atty. Lapper stated that getting through Town Engineer, Tom Nace for stormwater review and design, was no small feat and in fact they do meet town stormwater requirements. The blasting will be done right and it is the property owner's responsibility to ensure blasting is done correctly and that no damage is incurred by their neighbors. In terms of noise, this could be the site of a commercial use instead and of a residential area which would create much more long term noise.

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Henry Caldwell stated that there would be a lot of noise generated during construction, to which Atty. Lapper agreed. Atty. Lapper replied the goal was to get most of the construction done over the winter months. Atty. Lapper explained that it was an old tired site that needed to be redesigned and it was an expensive well done project.

Mark Tabor clarified the stormwater concerns and stated that the plan has in fact been designed to meet town code. He explained that currently the site had zero stormwater management and the project meets NY State DEC requirements. He also stated that he was happy to move the sediment trap away from the LGLC and the discharge directed away from the LGLC building and toward the street.

Joanne Perillo asked if any sedimentation would be running into the pond from the site during construction and Mark Tabor replied that it would not and they had implemented stormwater controls to make sure this did not happen. Ms. Perillo asked him if the blasting would effect this and he replied no.

Nancy Williams inquired if after the stormwater plan is approved by the Town Engineer could the Planning Board ask for more improvements. Herb Koster explained that the way the ordinance is written now, it is not to decrease or increase the runoff from the property. Nancy Williams said she hoped that they would be using hay bales in combination with the silt fence. Herb Koster stated that even with hay bales and silt fence water discoloration does occur, but that does not mean there are no suspended particles in it. Nancy Williams stated she believes it needs to be checked diligently.

Town Counsel, Michael Muller read a letter from Susan Hausner and her concerns for sidewalks.

Toni Franz asked about the fact that Route 9N is a scenic overlay district. She was wondering what the Planning Board can do to protect the neighborhood after the Zoning Board granted all the variances.

Motion by Henry Caldwell to leave the public hearing open until later in the regular meeting. Seconded by Kirk VanAuken. Donald Roessler and Herb Koster opposed. All others in favor.

Henry Caldwell stated that he believes 8 units would work much better than 10 in such a small area.

REGULAR MEETING

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 SD13-02 and V13-03 associated with this project. This item was tabled at the July meeting pending a public hearing.

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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. This item was tabled at the July meeting pending a public hearing.

Atty. Lapper wanted to address Henry Caldwell's density issues by saying that the utilities were already present and the amount of square footage proposed is very similar to what is in place at this time. He explained the difference is that stormwater controls would be incorporated into it now. He stated that it was a vast improvement to what is at the existing site at this time.

John Michaels stated that this is a commercially zoned piece of property. He explained it would be a shame to waste a piece of property like this that is already set up with utilities. He stated that they did not want to do a slope side development. He also said that they had reduced the units considerably already from 2,200 sq. ft. to 1,800 sq. ft.

Gena Lindyberg asked what was the original proposed building density. Mark Tabor replied that the originally proposed building mass was 1,500 sq. ft. total looking at all the buildings. The current is 1,300 sq. ft. which is equivalent to the removal of 1.5 town house units and represents approximately 15% less building coverage on the site. Gena Lindyberg asked what the sq. footage is now. Mark Tabor replied that currently existing is roughly 9,000 sq. ft. He also stated the building coverage in both zones is less than what is allowed by zoning code.

Atty. Lapper said they had addressed the density with the Zoning Board and the units are 15% smaller than when they had started the project.

Gena Lindyberg inquired about the LGLC request about a blasting. Atty. Lapper explained it was a state requirement to follow a strict protocol.

Henry Caldwell asked if this is what the Town wanted as part of its master plan. Kirk VanAuken stated he agreed with Henry and has his concerns of this town becoming a bedroom community. Atty. Lapper explained that this project could not fix these problems, and it did not preclude families, but the existing B&B did not help this matter in any way.

Henry Caldwell stated that 8 units would allow more parking, less blasting and better stormwater controls. He can foresee people being upset when the trees start coming down and the building is very close to the LGLC. Atty. Lapper explained many of the trees are rotten and ready to come down or are old pine trees. He stated the property is a mess as it stands right now.

Gena Lindyberg asked about the sidewalk. Atty. Lapper explained that it would take away a lot of green space and that the cross walks function fine right now.

Don Roessler asked where the nearest fire hydrant was. Mark Tabor replied across the street. Don Roessler asked if they had plans to put a hydrant on the site. Mark Tabor stated that they had plans initially to locate one on the property but when they met with water department, they had many problems with the potential to do that. Don Roessler asked what size the proposed

water main was going to the property. Mark Tabor said that it would be 2" copper coming across the main underneath Lakeshore Drive. Herb Koster asked what size line they would need for the fire company. Rueben Ellsworth said a 6 or 8 inch line. Don Roessler asked if they would have to dig up or bore underneath Route 9N. Mark Tabor explained they would be happy to do it, but they had a negative reaction from the Town of Bolton Water Department. Atty. Lapper explained that they were always willing to put one in and they would certainly agree to this.

Kirk VanAuken asked if they would update their plans for the stormwater controls and hay bales with weekly inspections. Mark Tabor explained they had already planned for this.

Gena Lindyberg inquired about any historical items to be found during demolition. Atty. Lapper said that was not a problem and they would be happy to give back to the community. Anthony Manney stated that they had already let community members go through the buildings and take what they wanted and to have anyone interested contact John Michaels.

Don Roessler mentioned that the fire company would be using the buildings for smoke training before they were demolished if the project is approved.

Atty. Lapper stated that the trees along the street could be bumped up from 3" to 4" caliper trees.

Henry Caldwell asked about subdivision lines. Mark Tabor answered the footprint of the building and you own the land under your unit and the rest is common area maintained by the association.

Don Roessler asked if they would be done by spring. John Michaels stated ideally by spring the site work would be done. Herb Koster asked if stormwater would be done by then. Mark Tabor said some of it would be done by then.

Sandi Aldrich asked how many cubic yards would be taken out from blasting. Mark Tabor answered that he was not sure. Herb Koster asked the deepest depth they would have to blast was. Rueben Ellsworth said approximately 8 ft. at the deepest area.

Gena Lindyberg asked if they would be using mainly native plants in their planting plan. Mark Tabor said yes.

Henry Caldwell asked where the construction entrance would be. Mark Tabor replied on Evergreen Lane and a possible secondary entrance may be used at the existing driveway.

Henry Caldwell asked what the hours for blasting and drilling would be. Donald Roessler read the past requirements for this.

Donald Roessler asked about the construction schedule. John Michaels replied one building at a time.

Sandi Aldrich asked if the siding and colors would be the same. John Michaels said the 6 units on the street would be the same, but the building on Dula Pond would be more earth tones. Henry Caldwell asked what kind of siding would be used for the street side units. John Michaels replied cement board.

Herb Koster asked if they could put the planting species to be used on the plans.

The Board members discussed the proposed conditions of approvals they would like to put on the project.

Herb Koster asked if they planned on taking down a tree that was shown on the plan as staying. Mark Tabor replied they would be saving any trees that they could. Herb Koster stated that the trees look like they are in excellent shape when driving by, but upon closer inspection they are not. Henry Caldwell asked about the trees along Dula Pond. Sandi Aldrich asked if they would be replacing any trees that do not survive initial planting.

Henry Caldwell said he would vote against 10 units. John Michaels stated if they were not going to approve 10 units, it would not be economically feasible for them to build them correctly. This was an opportunity to use this property right.

Town Counsel, Michael Muller stated that it was a major subdivision and they needed to give consideration to the recreation fee. Herb Koster asked if it was by living units or by lots. Pamela Kenyon replied it was by unit. Town Counsel, Michael Muller explained that it does not get applied to common ground.

Herb Koster turned it back to the public hearing.

Toni Franz talked about scenic travel corridors and the attraction to Bolton because of its small town rural character. She thinks fewer units would be better for the project. John Michaels explained that they have less coverage than allowed by code in both zones for this project with a conforming stormwater plan.

Nancy Williams stated the LGLC spent considerable amount of money on the LGLC building and the stormwater and she still has concerns with the blasting and if they have a 100 year storm hit what happens if the pond gives way 6 months later who does she go to? She asked why blast at all. Herb Koster said she was going on hypotheticals and explained that New York State had many laws for blasting. John Michaels showed where the blasting was being done. Donald Roessler stated he had blasting done by the same contractor at his property with no problems and it was very close to other buildings. Henry Caldwell said this is why he thinks 8 units is better.

Joann Perillo prefers they only do 6 to 8 units as traffic is already dangerous and she is concerned with her property and her quality of life as a neighbor.

Art Franz stated that the way he understands it, they would be moving the stormwater infiltration between the edge of the property and unit 3 away from the LGLC into the area they are blasting.

Mark Tabor said it was a temporary sedimentary trap and it was being moved to the driveway during construction, and not where they would be blasting.

RESOLUTION:

Motion by Gena Lindyberg to close the public hearing on SPR13-09 and SD13-02. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Donald Roessler to declare the Bolton Planning Board as lead agency for SPR13-09 and to accept SPR13-09 as complete, having closed the public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions:

- 1) Temporary stormwater basin to be redirected away from LGLC building.
- 2) The proposed 4" water main to be upgraded to a 6" water main with a hydrant installed.
- 3) All lighting is to be dark sky compliant.
- 4) Silt fence with hay bales be maintained and checked weekly for stormwater.
- 5) Construction to only occur Monday – Friday 8am to 5pm. No work Saturday or Sunday
- 6) Blasting & Drilling will only occur Monday – Friday 8am to 5pm, Saturday 9am to 5pm.
- 7) Historical plaque to be placed on property as discussed.
- 8) The proposed 3" caliper trees be replaced with 4" caliper trees along the streetscape and native plants used.

This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Gena Lindyberg. Kirk VanAuken and Henry Caldwell opposed. **All others in Favor. Motion Carried.**

RESOLUTION

Motion by Donald Roessler to declare the Bolton PB as lead agency for SD13-06. **Seconded by** Sandi Aldrich. Kirk VanAuken opposed. **All others in Favor. Motion Carried.**

Board took a 5 minute break.

Motion by Donald Roessler to accept SD13-02 as complete, having met the criteria set forth in the code, approve the sketch plan as presented, convert it to final plat and approve the final plat with the following conditions:

- 1) A \$400.00 Recreation fee be paid on each unit when the certificate of compliance is issued.
- 2) The proposed deed covenant be complied with.

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. Kirk VanAuken and Henry Caldwell opposed. **All others in Favor. Motion Carried.**

SD13-06 LUDWIG, JAMES. Represented by Stafford, Carr & McNally, PC. Seeks to divide into 2 lots that parcel designated as Section 185.00, Block 2, Lot 34, Zones **RL3** and LC25. Property Location: Coolidge Hill Road. Minor Subdivision. Sketch Plan Review. Subject to SEQR.

Tom Knapp of Stafford, Carr and McNally presented the application explaining the parcel has no easements or restrictions. He stated they currently had an application in to the A.P.A. for review.

Herb Koster asked if the A.P.A. would be flagging the wetlands. Atty. Knapp was not sure, but stated that the applicants surveyor has. Sandi Aldrich asked if the only wetland was on lot 2 and Atty. Knapp replied yes.

Sandi Aldrich asked if the seasonal cabin would be staying to which he replied yes. Gena Lindyberg inquired if there was septic or water to this seasonal cabin and Atty. Knapp answered no.

Herb Koster asked about the National Grid right of way. Kirk VanAuken replied the applicant could go through any place they wanted to as part of their deed.

RESOLUTION

Motion by Henry Caldwell to declare the Bolton PB as lead agency for SD13-06. **Seconded by** Donald Roessler. **All in Favor. Motion Carried.**

Motion by Henry Caldwell to accept SD13-06 as complete, waive the public hearing, having met the criteria set forth in the code, approve the sketch plan as presented, convert it to final plat and approve the final plat. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Kirk VanAuken. **All in Favor. Motion Carried.**

SPR13-23 LAKE GEORGE LAND CONSERVANCY. Represented by Warren Rosenthal. Seeks Type II Site Plan Review for a proposed sign kiosk greater than 4 square feet. 24.75 square feet is proposed for the sign board. Section 171.19, Block 1, Lot 53.12, Zone RM13. Property Location: 4905 Lake Shore Drive. Subject to WCPS review. Subject to SEQR.

Nancy Williams the Executive Director of the LGLC handed out letters to the Board. She explained that they have lots of street traffic for trail maps, but they are closed on weekends and they believe a 2 sided kiosk would be very helpful to weekend hikers. She said they are proposing to place it 35 ft. back from the road opposite from the building. She said they would be using it to hold various brochures and maps.

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Don Roessler asked if the kiosk pictured in the handout was the same size as they are proposing, and Ms. Williams replied yes. Don Roessler asked if it would have a roof and she replied yes.

Sandi Aldrich asked if it would have lighting. Ms. Williams replied no lighting.

No County Impact

RESOLUTION

Motion by Donald Roessler to declare the Bolton Planning Board as lead agency for SPR13-23. **Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by Donald Roessler to accept SPR13-23 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented with the following condition: 1) There is to be no lighting on the kiosk. 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.**

SD13-07 FOUR HORICON AVENUE, LLC. Represented by Atty. Jon Lapper. Seeks to divide into 2 lots that parcel designated as Section 171.15, Block 2, Lot 36, Zone GB5000. Property Location: 4 Horicon Avenue. Minor Subdivision. Sketch Plan Review. Subject to SEQR. See V13-28 associated with this project. To be heard only if a successful variance is granted.

Atty. Lapper presented the project outlining the following items.

- The goal was to change absolutely nothing, except drawing a lot line.
- The property may need to be sold due to illness.
- Cross easements to be granted for maintenance if necessary.

Herb Koster asked if they had agreed to easements. Atty. Lapper replied yes.

RESOLUTION

Motion by Donald Roessler to declare the Bolton PB as lead agency for SD13-07. **Seconded by** Henry Caldwell. **All in Favor. Motion Carried.**

Motion by Donald Roessler to accept SD13-07 as complete, waive a public hearing, having met the criteria set forth in the code, approve the sketch plan as presented, convert it to final plat and approve the final plat. 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.**

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SPR13-24 COOLIDGE LANE ROAD IMPROVEMENTS. Represented by the LA Group. Seek Type II Site Plan Review for a major stormwater project involving more than 15,000 square feet of land disturbance. 21,000 square feet is proposed. Section 199.12, Block 1, Lots 11 – 14 & 16 – 18, Zone RL3. Property Location: Lake Winds Subdivision off Coolidge Hill Road. Subject to WCPS review. Subject to SEQR.

Doug Heller of the LA Group presented the project and went through the following items.

- It is a 2,000 ft. gravel road 12 ft.
- There are numerous pot holes, and it is very wet in the spring.
- They propose to pull up existing gravel for the first 1500 feet, put down structural fabric, and re-gravel with an under drain on the south side.
- They have received approvals from Town Engineer, Tom Nace.
- They had drainage issues.
- They were not going to add any more impervious areas or widen the road.

Sandi Aldrich asked if there were wetlands near #23. Mr. Heller replied yes. Sandi Aldrich asked if they would be directing any stormwater into it and Mr. Heller replied no.

Gena Lindyberg asked about a letter that Sue Hausner submitted to the board. Herb Koster stated this was a civil matter that the Board did not get involved with.

No County Impact

RESOLUTION

Motion by Donald Roessler to declare the Bolton Planning Board as lead agency for SPR13-24. **Seconded by** Henry Caldwell . **All in Favor. Motion Carried.**

Motion by Donald Roessler to accept SPR13-24 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.**

The meeting was adjourned at 9:45pm.

Minutes respectfully submitted by Kate Persons.