

Town of Bolton
PLANNING BOARD
Minutes
Thursday July 18, 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, John Gaddy, Chauncey Mason, Kirk VanAuken, Sandi Aldrich, Gena Lindyberg, Counsel Michael Muller and Zoning Administrator Pamela Kenyon

Absent- Donald Roessler

The meeting was called to order at 5:57 pm.

Herb Koster asked if there were any changes or corrections to the June 20, 2013 minutes.

John Gaddy said, page 5, paragraph 6 should read Kirk VanAuken, not Kurt.”

RESOLUTION

Motion by Gena Lindyberg to approve the June 20, 2013 minutes as corrected. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

Herb Koster asked if there were any changes or corrections to the June 27, 2013 minutes.

RESOLUTION

Motion by Gena Lindyberg to approve the June 27, 2013 minutes as written. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

- 1. 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.
- 2. 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.

Atty. Jon Lapper gave an overview on the project and stated that they had already had 3 lengthy meetings on this project. He explained that they had made changes as requested at the previous meetings. He also stated that the Town Engineer, Tom Nace had signed off on the stormwater portion of this project.

Mark Tabor of the LA Group touched on the following points of SPR13-09

- Proposal of 10 town homes in a total of 3 buildings.
- Parking in rear off Evergreen Lane.
- 24 parking spots which equals 2 per unit.
- Existing access to be closed off.

- Stone wall to be retained and improved.
- Units to be serviced by municipal sewer and water.
- Stormwater implementation to eliminate large portion of existing pavement.
- Stormwater runoff from roofs and parking lot to drain to bio retention areas.
- Generous landscaping to be done with buffer plantings.
- Old maple trees to be removed.
- Maintain a historic character to the streetscape.
- Lighting to be only 6, 6 foot residential style fixtures that would be dark sky compliant lighting.

John Michaels explained the architectural aspect of the project touching on the following points

- They had tried to keep the Inn look for this project.
- There would be 2, 3 unit buildings and 1, 4 unit building with front porches for sitting only.
- Entry porches were to be on the back of the buildings.
- They would impose deed restrictions for grills, etc not to be placed on street front porches.
- Full basements for storage.
- The primary target of these townhouses, were “empty nesters”.
- The units were 1900 sq. feet.

Atty. Jon Lapper explained that the units had been reduced 14% from when they were first presented.

Gena Lindyberg asked how far they moved the back units forward. Mark Tabor answered 24 feet per the ZBA’s request.

Kirk VanAuken asked for the original footprint per unit. Mark Tabor replied that it was a total of 2,128 sq. feet reduced to 1,900 sq. feet, not including the basement.

Kirk VanAuken asked what size trees they would be using to replace the maples to be removed. Mark Tabor replied they would be 2.5 – 3 inch caliper trees, which would have a height of roughly 10 to 12 feet.

Kirk VanAuken asked if the property would be managed. Atty. Jon Lapper explained that the property would have a HOA to manage the parking lot and the grounds.

Herb Koster asked who owned the road, and who would be responsible for the maintenance of it. Jeff Anthony responded that it was owned by Mr. Manney, and the 3 property owners in the back had an easement over it. Atty. Lapper explained that the HOA would be responsible for maintaining the road.

Sandi Aldrich inquired as to the types of restrictions in the deeds. Atty. Lapper explained that there would be many standard restrictions to protect everyone and to take care of the property maintenance.

Gena Lindyberg asked about the garbage setup. John Michaels replied that it was to be screened. Henry Caldwell stated that it was up close to the neighbors. Mark Tabor of the LA Group explained that it had a fence enclosure and vegetation. Mark Tabor explained that they chose that area due to its ease of access to the garbage company. Henry Caldwell was concerned with the noise and odor to the neighbors.

Henry Caldwell said he appreciated the fact that they were making the project pleasing to the street, but that the end wall that was 35 feet high was not very nice. Mark Tabor explained that the trees would break it up and they made a conscious effort to make it acceptable.

Henry Caldwell asked if the plan was to take down all the trees on the lot except the few by the pond. Mark Tabor replied yes, they had a lot of dead maples and they would be replanting them.

John Michaels explained they were doing staggered units to break up the façade.

Henry Caldwell inquired how much blasting would be done. Mark Tabor stated the majority of the blasting would occur for the 4 unit building, and some blasting to be done on the first 2 units in front. Henry Caldwell expressed his concern at the amount of blasting they would be doing.

Sandi Aldrich asked if the current building had a basement. John Michaels replied no. Herb Koster asked if the elevations of the basement floor were below the pond. Mark Tabor answered that it was a couple of feet above. Herb Koster wanted to know if they had considered possible basement pump out as part of their overall storm water plan, to which Mark Tabor answered no they had not.

Gena Lindyberg inquired where the entrance to the basement would be. John Michaels replied that it would be outside toward the parking lot area similar to a bilco door.

Gena Lindyberg asked if the project had an alternate dumpster plan if the neighbors had a concern with the present location. Mark Tabor replied no, but they could certainly entertain it and mitigate the concerns.

Henry Caldwell expressed his concerns about notification of neighbors. Pam Kenyon explained they had been notified twice previously for the variance meeting, but this was not a public hearing.

Herb Koster asked who owned the road to the north of the property off of 9N. Pam Kenyon replied that it was on the Garden Center property. Mark Tabor explained that the survey shows the road, and they have the ability to widen it up to 25 feet.

Henry Caldwell asked if they had checked into the historical importance of this property. Jeff Anthony replied that the building was not on the historical register, and he had been on the property with different engineers who had all stated that the buildings were structurally unsound. He stated they were attempting to design a modern version with the historical character. Henry Caldwell stressed that this was indeed an important historical site and stated that he would like to see the historical aspects of this building be acknowledged and not brushed aside. Atty. John Lapper reiterated that the home was not on any historical register and that the buildings were in such disrepair that they could not be saved. John Michaels stated that they were trying to utilize and incorporate any of the things they find on the property into this project.

Herb Koster asked if they would be willing to incorporate the Tanner name into the project. John Michaels answered absolutely. Henry Caldwell explained that it was possibly one of the oldest structures in town. Gena Lindyberg stated that anything that they find unique to the property, it would be greatly appreciated if they donated it to town due to its historical value.

Kirk VanAuken asked if it would be possible for the owners to turn the units into rentals or if the HOA would have a stipulation to prevent or prohibit this. John Michaels replied they were not designed for this, but they were not going to tell people how they could use the property. Herb Koster said as he understood it, this was not a legally enforceable item to be put in the HOA. Town Counsel Muller agreed.

Gena Lindyberg asked what the construction schedule would be. John Michaels replied they would put the road in, in the fall and construct up to 6 units over the winter. Gena Lindyberg asked if there would be any summer construction. John Michaels replied no. Henry Caldwell inquired as to which units they would construct first. John Michaels replied they were waiting for the Atty. General's office at this time so they had no clear time schedule. He stated if they did not build this winter they would start the last one next fall.

Henry Caldwell asked if they would be dredging Dula Pond, he suggested it would be a good time while they were doing all the demolition. Mark Tabor replied that it was not something they were planning on, and it would be a significant expense. Gena Lindyberg inquired as to how much of Dula Pond they owned. Mark Tabor replied 1 acre to the center line.

Sandi Aldrich asked if the utility pole in the parking area would be removed. Mark Tabor replied yes, the plan was that the utilities would be moved underground.

Herb Koster asked if they had any thoughts on changing from commercial to residential. Atty. Lapper explained that was not a desirable piece of property for commercial, and the neighbors would be upset with a commercial business there. Mark Tabor stated it was mainly residential surrounding this property.

Henry Caldwell stated he would like a public hearing on this project.

Town Counsel Muller brought up section 150-17C2(a) pertaining to roadway width. He stated that the Planning Board must make a determination as to the width. Herb Koster asked the applicants what width they were proposing. Atty. Jon Lapper replied 18 feet. Mark Tabor explained that it was widened to 18 feet at the front to allow 2 vehicles to pass easily, then it narrows to 16 feet and gradually tapers down to 14 feet in the rear location. He explained that they were trying to balance stormwater and impervious areas and to not push units back, closer to the pond. Herb Koster asked if they would consider widening it at Route 9N. Mark Tabor replied that due to the utility pole and the Garden Center, 18 feet was as wide as it could be at this time. Herb Koster said he was under the impression they had said 28 feet. Atty. Lapper explained that the utility company had an easement. Henry Caldwell thought the fire department may have a problem with this. Mark Tabor stated that the north side had no restrictions and that it was 25 feet and paved.

Town Counsel Muller explained that this was a major subdivision so there will be a recreation fee. John Gaddy asked if 10 units meant 10 lots. Town Counsel Muller replied yes and there would be a \$400 recreation fee per unit.

Sandi Aldrich stated that if there was a public hearing, she would like to see rough draft of HOA.

Herb Koster asked for a motion.

RESOLUTION

Motion by Henry Caldwell to schedule a public hearing for SPR13-09 & SD13-02 for the August 22, 2013 Planning Board meeting. **Seconded by** Sandi Aldrich. **All in favor. Motion Carried.**

3. SPR13-13 JUMBO REALTY, LLC. (CAMP WALDEN). Represented by Peter Loyola of CLA Site. Seeks Type II Site Plan Review to 1) amend approvals for a group camp. Specifically for the expansion of the existing lodge/admin. building, improved parking area, reconfiguration of the previously approved fire pit area, and 2) a major stormwater project involving more than 15,000 square feet of land disturbance. 60,985 square feet is proposed. Section 185.00, Block 1, Lot 32, Zone **RCL3**, LC25 and LC45. Subject to WCPS review. Subject to SEQR.

Herb Koster stated he wanted a master plan on this property as they were segmenting their plans. Mark Bernstein said that they had been doing everything they had received permits for. Herb Koster replied they needed an overall master plan. Peter Loyola stated that at the next meeting they would provide a site plan along with a master plan.

Peter Loyola of CLA Site described the new application touching on the following:

- He detailed the improvements to the project.
- He explained the septic pump station.
- He stated that Town Engineer, Tom Nace had signed off on the stormwater aspect of this project.
- He explained that the gravel parking area was going to be paved.
- He also touched on the retaining wall.

Sandi Aldrich inquired if they had already improved the administration building. Peter Loyola answered yes and explained he is referring to administrative building 2 which was a separate building.

John Gaddy stated he would like all the lighting to be changed to downward facing and shielded. Mark Bernstein replied that all the poles would be removed and replaced with underground wiring and lighting changed to dark sky compliant.

Kirk VanAuken asked if it was an expansion or a tear down. Peter Loyola said they were tearing down and rebuilding with an expansion. Kirk VanAuken asked if it was going to be twice the size of the existing building. Kirk VanAuken stated it was not an expansion but a tear down and rebuild of a building twice the size.

Pam Kenyon asked how high the building would be, and Peter Loyola said 35 feet.

Henry Caldwell asked if it would be a log building and Mark Bernstein replied yes.

Kirk VanAuken inquired about tree removal. Mark Bernstein said they took down a bunch of dangerous pines and they would be planting. John Gaddy stated that many trees had been removed. Mark Bernstein said that the Town of Bolton had removed them to widen the road. Peter Loyola said they would be implementing major plantings soon, he explained that they

integrated more and more plantings as they go on. He explained that they would also be planting evergreens to hide the structures.

John Gaddy asked if the elevation of the first floor of the proposed lodge is about 30 feet above the roadway. Peter Loyola replied it was approximately 20 feet.

Kirk VanAuken asked what the purpose of the lodge was. Mark Bernstein stated that the bottom was to be a canteen/snack center and the main level would be used for offices, with an owners apartment above that.

Henry Caldwell inquired about the many telephones. Mr. Bernstein replied that the campers were not allowed cell phones on the premises.

John Gaddy asked if all stormwater issues had been adequately addressed. Pam Kenyon replied yes.

No County Impact.

RESOLUTION

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR13-13.
Seconded by Henry Caldwell. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR13-13 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 the following conditions:

1. A 5 year master plan be presented to the Planning Board for the entire site within 6 months.
2. All lighting from the roadway to the lake, become dark sky compliant.
3. All lighting on the lodge to be downward facing and dark sky compliant.

Seconded by Sandi Aldrich. **All in Favor. Motion Carried.**

4. SPR13-20 MUZANTE III, FRED. For a proposed garage with storage, seeks Type II Site Plan Review for an accessory structure greater than 1,500 square feet of floor space. Approximately 1,843 square feet is proposed. Section 186.14, Block 1, Lot 8, Zone RL3. Property Location: 958 Trout Lake Road. Subject to WCPS review. Subject to SEQR.

Fred Muzante asked the board if they had any questions. Herb Koster suggested he present his plan first. Mr. Muzante then explained his need for a garage for storage. He also described his stormwater plan for the project.

Gena Lindyberg asked about the difference in acreage. Mr. Muzante explained that each of the 2 parcels were approximately 3 acres.

John Gaddy asked about the base line for the proposed septic, and why no bathrooms were presented. Mr. Muzante explained that the engineer had not come up with an adequate plan yet, and the septic tank would be done at a later date.

Henry Caldwell inquired about the stormwater. Mr. Muzante stated he had 370 feet. Pam Kenyon explained that she had been to the site and it was fine and she had no problems with it.

Sandi Aldrich asked if the structure would be visible from any roads or the lake. Mr. Muzante replied no.

No County Impact.

RESOLUTIONS

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR13-20.
Seconded by Henry Caldwell. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR13-20 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 the following condition: 1. All exterior lighting be downward facing and dark sky compliant. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

5. SPR13-21 PERSONS, BARRY. Represented by Mark Roden. Seeks Type II Site Plan Review for a contractor's office up to 500 square feet with equipment storage not visible from the public right-of-way. Section 185.00, Block 1, Lot 59.2, Zone RL3. Property Location: 691 Trout Lake Road. Subject to WCPS review. Subject to SEQR.

Mark Roden explained the project request in detail. He showed the 5 lots that Mr. Persons owned in that area, and explained that Mr. Persons would like to sell the house by the pond. He also explained that Mr. Persons wanted to keep the contractor's office for his place of business and merge it to the vacant lot.

Herb Koster asked if there were any questions.

RESOLUTION

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR13-21.
Seconded by Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Henry Caldwell to accept SPR13-21 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** John Gaddy. **All in Favor. Motion Carried.**

6. SPR13-22 MUZANTE, CLIFFORD & MICHELE. Represented by Schraver Construction. For a proposed garage, recreation room, small bath, and kitchen, seek Type II Site Plan Review for an accessory structure greater than 1,500 square feet of floor space. Approximately 2,029 square feet is proposed. Section 186.00, Block 1, Lot 24, Zone RL3. Property Location: 25 Mountain Drive. Subject to WCPS review. Subject to SEQR. **NOTE: Kitchens are not allowed.**

Mr. Schraver explained that the purpose of the garage was to be used for:

- storage
- boat storage
- recreation room to be upstairs.
- the kitchen was not a real kitchen, but an area to store snacks and have a sink for clean up.

Herb Koster asked what designates a kitchen by code. Pam Kenyon replied a stove.

Sandi Aldrich inquired why they did not access the building from existing driveway. Mr. Schraver explained that the applicant wanted a second driveway, and that Winchip Engineering was designing a septic system and stormwater for this project.

Sandi Aldrich asked if they were putting in a second septic system. Mr. Schraver answered yes.

Sandi Aldrich asked if it would be visible from the lake. Mr. Schraver replied no.

Henry Caldwell asked if Pam Kenyon would be reviewing the stormwater, to which she replied yes and also that it was a minor stormwater project and being designed by an engineer.

John Gaddy requested that all exterior lighting be downward facing and shielded.

Herb Koster asked if there were any more questions.

No County Impact

RESOLUTION

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR13-22.

Seconded by Henry Caldwell. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR13-22 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 the following conditions:

1. All exterior lighting be downward facing and dark sky compliant.
2. No stove to be installed.

Seconded by Sandi Aldrich. **All in Favor. Motion Carried.**

7. SD13-05 MOWERY, BRUCE & STARR and MOWERY, BRUCE JR. Represented by the LA Group. Seeks to divide into 7 Lots that parcel designated as Section 199.04, Block 1, Lot 11, Zone RL3 & LC25. Property Location: 442 Coolidge Hill Road. Major Subdivision. Sketch Plan Review. Subject to SEQR.

Jeff Anthony of the LA Group gave an overview of the project touching on the following:

- The parcel was 31 acres and zoned RL3/RR25.
- It was to be divided into 7 lots.
- 1 lot has an existing home on it.
- They were just looking for comments as it was just sketch plan review.

- They were proposing some modifications due to wetlands.
- They were no longer proposing 1 road and cul de sac.
- They modified some lot lines for septic setbacks.
- They had done test pits,
- Changed plans to 2 shared driveways as opposed to the 1 common road proposed.

Herb Koster asked if they had talked to the A.P.A. Jeff Anthony replied they had not and it was not necessary.

Sandi Aldrich inquired if the driveway and septic were crossing wetlands. Jeff Anthony said yes.

John Gaddy asked about the visibility from the lake and keeping it shielded. Jeff Anthony replied that they would be submitting a filtered view cutting plan prepared by Barry Kincaid.

Jeff Anthony inquired what they were looking for in driveway widths. Pam Kenyon asked if the home at the end lot was 50 feet from right away, and expressed Planning Board's need to make a decision as to whether they were driveways or roads. Town Counsel Muller explained that the Planning Board had discretion on the road. Herb Koster stated he preferred driveways and that they should be at least 18 feet plus the shoulders.

Herb Koster asked if there would be 1 or 2 separate HOA's. Jeff Anthony said he believed one. Bruce Mowery Sr. explained the HOA and that as owners they would be part owners until all the lots were sold. Mr. Mowery also explained the merits of building envelopes to be filed.

Herb Koster stated he would like to reserve comment until he received further information.

RESOLUTION:

Motion by Henry Caldwell to request that the project have 2 shared driveways with the width of 18 feet each. **Seconded by John Gaddy. All in Favor. Motion Carried.**

Motion by Henry Caldwell to table the application pending additional information and redesign. **Seconded by John Gaddy. All in Favor. Motion Carried.**

- 8. SPR13-16 F.R. SMITH & SONS.** Represented by Chris Gabriels and Jarrett Engineers. Seeks Type II Site Plan Review for 1) Commercial boat storage not visible from the public right-of-way; and 2) a major stormwater project involving more than 15,000 square feet of land disturbance. 70,851 square feet is proposed. Section 171.00, Block 1, Lot 10, Zones **RR5** and LC45. Subject to PB, LGPC, WCPS, DEC and APA review. *Notes: See SPR87-08 approved by the PB on 4/30/87 for commercial boat storage. Wetlands exist on this parcel.* This item is on the agenda for discussion purposes only.

Sandi Aldrich recused herself.

Herb Koster reiterated that this item was for discussion only.

Chris Gabriels stated he wanted to go over the project and answer any questions with hopes of receiving approvals at next month's meeting. He explained the following:

- It was 3 separate buildings.
- The variance for this project had been approved.
- They were going through the LGPC and DEC
- They were increasing the setbacks from the lake for the boat washing station.

Henry Caldwell asked about the 11 page letter from A.P.A. Chris Gabriels replied that he had never received that letter. Pam Kenyon stated they had been cited with violations. Chris Gabriels stated that he believed that all issues had been addressed. Herb Koster stated that they must satisfy the A.P.A.

Town Counsel Muller asked if they had solved the problem of the unfiled permit. Chris Gabriels replied yes.

Herb Koster asked about the setbacks. Pam Kenyon said they had received variances. Town Counsel Muller stated that they run with the land. Chris Gabriels explained that they had received all their permits.

Henry Caldwell inquired about the boat washing station. Chris Gabriels explained that they were going through the Lake George Park Commission.

Scott Andersen said it would be a combination of indoor and outdoor use for 125+ or – boats.

Henry Caldwell stated that he was confused by the letter stating 135 to 185 boats. Scott Andersen explained that this included all 3 sites.

Henry Caldwell expressed the need for plantings, specifically evergreens to screen from the neighbors. Scott Andersen replied it was fairly screened now. Henry Caldwell stated that the roadside was most visible. Scott Andersen stated they would maintain the plantings that they had and allow for continual growth.

Henry Caldwell asked if they would need to drill a well. Scott Andersen replied yes.

Scott Andersen said the intent of the boat wash station was to clean dirty boats further away from the lake. Henry Caldwell asked how many boats were to be washed at this site and when it was to be done. Scott Andersen replied that it would be done in the fall at a rate of 8 to 12 boats per day. Henry Caldwell inquired if they planned on shrink wrapping at this site and Scott Andersen replied yes.

Herb Koster asked if there were any more questions.

Meeting Adjourned at 10:15 pm

Minutes respectfully submitted by Katie Persons