

Present: Herb Koster, John Cushing, Henry Caldwell, Gena Lindyberg, John Gaddy, Kirk VanAuken, Alternate Ann Marie Somma, Zoning Administrator, Pamela Kenyon and Counsel, Michael Muller.

Absent: Sandi Aldrich

The meeting was called to order at 6:03pm.

PUBLIC HEARING

1. **SPR15-31 BOLTON LANDING MARINA.** Represented by VanDusen & Steves Land Surveyors. Seeks Type II Site Plan Review to amend previously approved Site Plan Reviews (SPR86-03 & SPR07-24) for a dry stack facility. Specifically, to construct a 35'x 100' boat storage facility. Section 171.19, Block 2, Lot 3, Zone GB5000. Property Location: 4932 Lake Shore Drive. Subject to WCPS and LGPC review. Subject to SEQR. The public hearing remains open from the February 2016 meeting.

Matt Steves from VanDusen & Steves Land Surveyors presented the following:

- Detailed the changes they have made based upon the comments from the Board and the Public.
- He detailed the stormwater trenches and added controls they will implement to help capture the existing runoff from Route 9N.
- They will be adding two new drywells and a stone trench between them.
- They will be cleaning the siltation out of the existing drywell.
- He detailed all the new and existing stormwater controls on the plans.
- Town Engineer, Tom Nace, has reviewed this project.
- They have added screening and plantings on all 3 sides of the building.
- They will be planting 20 white spruce.
- They are open to the Board's recommendations for color schemes.
- They can add planting boxes on the sides of the new building.
- The new forklift they have purchased is the newest and greatest available.
- They can add a backup beeper that has a sensor to eliminate some of the noise.
- They believe the screening, stormwater controls and new back up alarms address everything they possibly can.

Warren Lucas of 12 Congers Point South stated the following:

- He believes the parking does not meet the standards of the permit, he only counts out 53 spaces.
- He showed these on the plan.
- He detailed what he thought the drainage should be for stormwater.
- If they level the area, it does not meet any of the stormwater requirements.
- Zoning Ordinance 200-53 allows an architectural review Board.
- He detailed his suggestions from his submitted document on the stormwater calculations and implements and his thoughts on how they should be done properly.
- He stated his concerns with the noise from the forklifts and detailed the code for them.

Ned Berkowitz of 17 Congers Point South stated the following:

- He believes there needs to be some sense of redress to things that need to be quantified, before they are allowed to move to the point where they are approving something new.
- He would like clarification as to how many parking spaces there are supposed to be on the site.
- There are clearly spots that are marked on the LGPC parking plan that are not parking spots.
- He detailed parking spots on the plan that he believes are not physically possible.
- If the Town could tell him that they had done random audits stating that the marina has not put over 100 boats in the water at any given day or had over the permitted boats on the property, he would be ok with it.
- He does not believe that these issues have been adequately addressed by the Town.
- He detailed the LGPC marina permit and the allowable number of boats in the water.
- The marina he moved next to in 2001 does not exist anymore.
- They are considering a radical change from the intent and format of this marina.
- He read direct quotes from the 2007 minutes to the Board.
- The rulings the Board has made are not being enforced or quantified.
- He has complained frequently about the northern driveway, and the Town is not enforcing the condition of approval for this driveway.
- He believes that until a redress is taken for previous approvals, he does not believe they can act on this application.
- At a minimum, he would like conformation that what the Board has previously ruled on in the past is acted upon.

Allen Stern asked if any elevation studies had been done from the water. Henry Caldwell stated there were views from the road and showed them to Mr. Stern.

John Cushing inquired about the trees that may be removed on the east side of the building that Mr. Lucas had concerns about. Mr. Steves stated they would be adding trees, not removing them.

Warren Lucas handed out more documents to the Board and detailed the parking questions he had. He stated the entire site plan is a joke to him and he would like an engineer to take a look at it and sign off on the project. He explained why he thought it was impossible to put that many parking spots on this site. He has counted 53 spots and they need 124. He spoke about

how many boats were allowed at the marina and stated he would like it to be tracked. He also stated his concerns with the width of the building. He has never seen a site plan like this before.

Brian Allen, owner of The Shack stated the following;

- He is curious as to whether the perc tests had been done at the grade that the building was going to be done.
- What the new grade is going to be and does the perc test go down far enough, because if it does not, it is invalid.
- When you super impose cars on the south side lot, the most you can actually fit is 33, not 63.
- The new building will be eliminating 23 parking spots.
- The LGPC permit states that the current parking, may not be diminished which means this plan may not be approved.
- Bolton, in 2003, did a survey for a Comprehensive Plan and the primary concerns were parking, environmental and the historic preservation of the look of the town, this does not fit with what the residents of Bolton filled out in this survey.

Mr. Steves stated that he appreciates Mr. Lucas's concerns for stormwater and he re-detailed the new stormwater plans to him. He stated they are doing a huge improvement to the site and more than 2 times what is necessary for this site. He stated that Tom Hutchins of Hutchins Engineering and Town Engineer, Tom Nace have both signed off on this plan. He has to trust these two well respected engineers. The Building itself meets all the setbacks. They will not be removing any of the trees to accommodate this building and they will be adding more trees.

The 23 parking spots were for boats on trailers, not cars. They will not exceed the 191 boats. They will be accommodating these boats in the new building. The total of boats per day is not going to change.

He understands that the parking is not lined. The applicant has stated they will have a parking attendant for busy weekends to accomplish correct parking for high use days. He stated if they have to do valet parking, they will do it to line the cars up better. As far as the view from the lake, the trees will be blocking the building. He hung up a photo of the current site and stated they would not be touching the fence or existing trees. He then put up a photo with the building superimposed on it, as it would be seen from Route 9N. He stated that they did do the test pits and perc tests at the proper location. They took care of the concerns of the water from Route 9N, which the Board has even stated is not their concern.

John Cushing asked if the setback on the building should be doubled to 30'. Zoning Administrator, Pamela Kenyon stated that they are not doubled for a marina. Atty. Muller stated that this double setback requirement does not apply to a marina, only for boat storage and this is a marina. Mr. Steves stated this is an accepted use associated with a marina.

Mr. Steves stated this is a modest size building for boat storage and they think it fits in there nice. They will put any colors the Board would like.

John Cushing asked about the sound dampening blankets in the building. Mr. Steves stated they still plan to do this.

Herb Koster asked if the client had any plans to remedy the complaints about the cars parked by Mr. Berkowitz house. Dan Behan of Bolton Landing Marina stated that Mr. Berkowitz is correct and they will make more of an effort to educate their customers to stay off that north driveway. Performance Marina uses the driveway too, but they will try harder to keep their patrons off there.

John Cushing asked if they have 124 on-site parking spots. Mr. Behan stated he is not the on-site marina manager, but they have drawings saying they do. They would have to park every single car just right to make it work.

Gena Lindyberg stated she questioned the amount of parking at the last meeting and Mr. Steves said he would verify this on the plans, but she has not seen this. Mr. Steves detailed them on the plan and stated that the 124 includes overflow parking. He detailed the parking on site stating it really allows for 108 to 110 with correct parking.

Ann Marie Somma inquired if the currently approved 124 parking spots included overflow parking in another location. Herb Koster stated that it did, and that the original owners of the Marina owned this Town Hall property and as part of a condition of the sale to the Town, they were allowed overflow parking in the back.

Ned Berkowitz pointed out parking and two-way traffic that he does not think can be attained on the plan. He stated they were nowhere near what was required on the permit. He does not think this means 124 spots only on busy days. He stated he knew that after the fact promises and amends would be made to existing behavior when the applicant wanted to move forward.

Mr. Steves stated that even if you remove those spots in question there is still the overflow parking.

Ginger Allen stated she was concerned with the forklift noises from her deck and the loss of business due to this. She stated that BLM customers complain to them about the availability of parking.

Al Stern stated he does not think industrial complexes fit in with the town or the lake. He thinks they should come up with a design that fits in with the area.

Warren Lucas stated the building is going down 8" and detailed what he thought the correct way the stormwater should be done. He talked about steel buildings that he has put up. He stated that they need an engineer to approve the parking.

Zoning Administrator, Pamela Kenyon stated that they were exempt from stormwater regulations. Herb Koster stated he realized this, the Board had asked the applicant to accommodate the stormwater runoff from Route 9N in the previous meeting and they had done this as a favor to them. Mr. Lucas stated that when you open up a site plan, you look at the

entire site again. Atty. Muller stated that when you look at the entire site plan again you see that the applicant has already covered the impervious surface and they are not creating anymore impervious surface so they are exempt.

Mr. Steves stated if they do a building like a barn they would be over the height limits. He strongly disagrees with the fact that it does not go with the neighborhood, it fits with the other marina building.

RESOLUTION:

Motion by Henry Caldwell to adjourn the Public Hearing for SPR15-31 to be continued at a later date. **Seconded by**, Gena Lindyberg. John Gaddy abstained. **All in Favor. Motion Carried.**

2. **SPR16-05 JUMBO REALTY, LLC. (CAMP WALDEN).** Represented by Peter Loyola of CLA Site. Seeks Type II Site Plan Review for a group camp. Specifically, to discuss condition of approval set forth by the Planning Board on December 17, 2015 when approving SPR15-23. Specifically, the condition reads as follows: “No power boating activities such as skiing, tubing or banana boat rides on Mondays and Fridays.” The applicant is seeking approval to switch out several days from a Monday or Friday to a different day. Section 185.00, Block 1, Lot 32, Zone RCL3, LC25 and LC45. Property Location: 429 Trout Lake Road. Subject to WCPS review. Subject to SEQR.

Mark Bernstein stated the following;

- They did not have time to go through their calendars when they offered to reduce the boat traffic.
- They would like some flexibility with some of these dates.
- They have looked at their scheduling and there are 4 different dates they would like to switch.

Nannette Blanchard a resident of Trout Lake asked what the dates were that they would like flexibility for. Mr. Bernstein stated they would like to switch; Friday July 1st to the Wednesday before that. Friday July 22nd with Wednesday July 20th. Monday July 25th with Wednesday July 27th and Monday August 15th to Wednesday August 17th.

Herb Koster asked how many total dates they were requesting to switch. Mr. Bernstein stated 4 dates they would be switching. He stated that they would be switching them so there would be the same number of days that there was no boating activity.

Ms. Blanchard thanked the Board for listening to their concerns and stated she is concerned with the safety concerns of the number of boats and the use of boats over 50hp on the lake. She stated the noise late at night keeps her up. She can't enjoy the lake for non-motorized activities due to the amount of boats from the camp. They don't want to eliminate Camp Walden but the camp is taking away their rights on the lake. They pay taxes and association fees and adhere to the rules and regulations. The addition of floating activities is slowly creeping into the edge of the lake. She would like to know what Mr. Bernstein's vision is for the future. Mr. Bernstein stated they

had put up a complete site plan for the entire camp at the last meeting and it had been approved by the Board. In terms of the lake he has said he does not plan on adding any additional motor boats for water activities. He stated they have 5 boats which they have not changed in over 5 or 6 years. They do have to rope off the swim area by requirement of the Board of Health. They did make a mistake mooring the sailboats out too far and they will be bringing them in closer this year. They have addressed late night activities and this should help.

Ms. Blanchard stated her safety concerns with cars parking on the sides of the road. She detailed a near miss she had with one of the motor boats from Camp Walden a few years ago. She would like boating addressed and she does not believe the Board has really listened to the concerns of the residents on Trout Lake. Mr. Bernstein stated that safety is their number 1 concern. He stated that he does not always get things right. He stated they will have more attendants on the road to address the parking concern. They do professionally train their drivers on how to correctly drive the boats safely along with pulling campers. Ms. Blanchard stated you cannot live and learn from safety mistakes. Mr. Bernstein stated if you see a reckless boat or van drivers he needs a call right away. He wants them to do this so he can address this immediately. He does not give them a second chance; he needs to take immediate action.

Glen Mosebach asked if they were adding more campers from last year. Mr. Bernstein replied no, he has not built any more accommodations at this time. Mr. Mosebach asked if there would be more added down the road. Mr. Bernstein stated they would have an additional 50. He stated they would not be adding more boats, there is only so much capacity his waterfront will handle.

Dennis Murphy of Trout Lake stated that Camp Walden has always been there and always had noise. These are summer noises they always hear. Camp Walden is permitted to operate as a NYS Children's Camp, not a Group Camp. The Board has asked for a planting plan implemented for about 5 years now. Had the planting plan been implemented 5 years ago when first requested, it would have alleviated several concerns that are now before the Board such as noise, light pollution, drainage and aesthetics. 8 years ago Camp Walden accommodated by permit, about 200 campers, today it is anticipated to have 530 campers for this year. It has been allowed to grow too big too fast. For the last 3 years Camp Walden has docked at least 12 motor boats, at least 50 hp and probably larger. The Board and Camp Walden came to a compromise for boat usage during the 2016 season. This was formulated as the result of public comment of people living on Trout Lake. He and his wife are requesting that this camp be held to what was agreed to for the 2016 season. Mr. Bernstein stated that they have more than 5 motor boats, but only 5 that pull skiers and tubers, etc. They have a pontoon boat for the island, a boat that putts around the sail boats. They have other boats for other things.

Kathleen Tonn of 31 Trout Lake Village Road stated that she would like to see them made to adhere to the compromise that they had made. The changes they are looking for are on the busiest days on the lake and it is too crowded as it is now.

Greg Russell stated that his concern is if Mr. Bernstein has only added one boat, where is the rest of the traffic coming from. Are there too many houses being built on the lake and is Mr. Bernstein liable for all of the traffic on the lake?

Ms. Tonn replied the camp has doubled in size and it seems like they are back every couple of years as this camp gets bigger and bigger. She does not understand why they get so much leeway. The fact of the matter is that most of the homes on the lake are not used during the week.

Dennis Duarte of 589 Trout Lake Road stated his concern are the traffic on the lake and the road and the exceeding of the 40 mph speed limit. The camp has doubled in size and there is a concern here. He likes the peace and quiet of Trout Lake. He is not against the camp he just believes it is growing too fast. Mr. Bernstein stated he has asked the Town Supervisor about getting an automatic speed sign to make it safer coming down the road. He has brought this to the Town's attention and is willing to pay for a significant part of this, but it did not go anywhere. He only needs it for 8 weeks.

Claire Hippele of Acorn Drive thanked Mr. Bernstein for the community invite to the fireworks. She stated her concerns with the unsightliness of the camp at this time from all the clear cutting that has occurred. There are no trees left and it is an unsightly vision, and she is wondering if they will be replanting. She understands that some of the cutting of the trees was for safety issues, but she would like to know when they will be replanting. Mr. Bernstein stated that they will be planting the trees that have been approved on the planting plan. He is unhappy that they had to take the trees down, but now they are replanting. Too many of those trees were hollow, and he was forced to take them down. To many of them came down on their own so for the safety of the campers he took them down.

Mr. Mosebach asked if Mr. Bernstein would just table this Monday, Friday change and leave it how it is in the spirit of compromise. They feel that the camp just keeps pushing the envelope, and in the spirit of being a good neighbor, he wishes they would table this item for the season. He does not think the lake will handle 50 more campers. He thinks Mr. Bernstein has been a very good neighbor, but he believes he needs to slow down.

Nancy DiDonato of Trout Lake Shores questioned the notification system and if the 500' can be expanded to include people on the entire lake as they are impacted too. She feels that their feelings and concerns were not taken into consideration by the Board. The camp has taken over their lake. They do not have peace and serenity anymore and she really wishes that their voices can be heard. Herb Koster stated if they would like a change to the notifications they would need to go to the Town Board. He explained that if they had written any letters, they would have been read into the record.

Mr. Bernstein stated that they have received the camp building permit but they are probably not going to build the building this or next year. He is not rushing to put up all these buildings as quickly as possible.

Mr. DiDonato stated that at the December meeting, Mr. Bernstein agreed to having no motor boats on Mondays and Fridays. He had asked them what would happen in three years from now if they want more room for more kids. Now they are trying to change the dates again. Are the dates going to change every year? He was under the impression this was permanent.

Mr. Mosback stated he has concerns with the quality of life on the lake now and the deterioration of the lake. He does not believe Camp Walden is doing the right thing by pushing the envelope and wishes they would reconsider it by taking into consideration his neighbor's concerns.

Atty. Muller read the following;

- E-mails in opposition from Mr. Blanchard, Gary Sansung, Susan Briskott & Ross Overberry, Christie Mueller-Vispale, Cindy Seetsma & Judy & David Quisp.

Herb Koster stated that he would like to make a comment on Mr. Sansung's comment that the Board held secret meetings. He stated that the Board has never held secret meetings on any issue. They do not discuss it before or after the meeting and that comment is absolutely not true. Mr. Sansung said he was referring to a private meeting held by the Board after the Public Hearing where they can't speak. Herb Koster stated that was the normal Planning Board meeting, and it is open to the public, you just can't speak at it.

Kate Persons, Minute Taker explained that all minutes are required by law, to be finished exactly 14 days from the date of the meeting, and they are. It is up to the interested party, to contact the Planning Office to get a copy of these minutes.

- Letter in opposition from Lynn Butterworth & John Rendinaro.

Mark Bernstein stated at this time, based on the letters and comments, he would like to reduce his request down to two days. Friday July 22nd and Monday August 15th.

Kathleen Tonn reiterated that those are the busiest days of the whole summer and she believes the dates should stay the same.

Karl Peterson of 42 Rainbow Drive stated he understands what everyone is saying here but they are just here tonight about trading a couple of days. He is impressed with Mr. Bernstein giving up two days a week. Is the town going to regulate the amount of boats on the lake in all these big Associations? Is this about potential or because the camp is using 5 boats for 6 hours a day. Realistically what is happening, are we going to regulate everything. Quite honestly, Mr. Bernstein's boaters are not the only problem on the lake. Mr. Bernstein has done everything that the Board asked and more. Mr. Bernstein wants it to be a beautiful place and he volunteered the 4 days. Herb Koster stated that the Board had been asking for a plan from the camp for the past 5 years and had just received it.

Gary Sansung stated his wife had been coming to Trout Lake for over 50 years. There has been a drastic increase of boat traffic coming from the camp since he has been there for the last 6 years. This camp has grown too quickly and must be looked at more carefully. His property is being devalued due to the increased activity. He welcomed the Board to come to his house when camp is in session.

RESOLUTION:

Motion by Henry Caldwell to close the Public Hearing for SPR16-05. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

REGULAR MEETING

RESOLUTION:

Herb Koster asked if there were any changes or corrections to the March 17, 2016 minutes.

Motion by Gena Lindyberg to accept the March 17, 2016 minutes as presented. **Seconded by,** John Cushing. **All in Favor. Motion Carried.**

1. **SPR15-31 BOLTON LANDING MARINA.** Represented by VanDusen & Steves Land Surveyors. Seeks Type II Site Plan Review to amend previously approved Site Plan Reviews (SPR86-03 & SPR07-24) for a dry stack facility. Specifically, to construct a 35'x 100' boat storage facility. Section 171.19, Block 2, Lot 3, Zone GB5000. Property Location: 4932 Lake Shore Drive. Subject to WCPS and LGPC review. Subject to SEQR. The public hearing remains open from the February 2016 meeting.

Matt Steves from VanDusen & Steves Land Surveyors presented the following:

- He reiterated that they have added more stormwater capacity as requested by the Board.
- They have supplied additional renderings of the proposed building.
- They comply with all setbacks and height requirements and they are not looking for any variances.
- This is an active marina and they are trying to be good neighbors and they are listening to comments.
- This is a Business Zone and has been a marina long before the homes were there.

John Cushing asked about the forklifts. Mr. Behan stated they had sold the oldest model of the two forklifts and they are replacing this with the new updated model. John Cushing asked if this meant they would have two forklifts. Mr. Behan replied they would eventually have 3 with one that would stay up at the new building. John Cushing asked if the old forklifts could be upgraded to the 4F. Mr. Behan stated he did not believe so. John Cushing asked when they would be getting the new one to replace the old one. Mr. Behan stated he believed it would be within the next few weeks. John Cushing asked if it was feasible to put a sensor in to eliminate all back up noise and use a person to help back it up. Mr. Behan stated OSHA law states the backup sensor cannot be disabled. Herb Koster asked if the forklift at the new facility would be staying up there and not going up and down the road. Mr. Behan said that was correct.

Ned Berkowitz asked how many forklift operators they would have. Mr. Behan stated that they have 2 primary operators and maybe as a worst case scenario, it was possible that they would have 3 forklifts operating at one time.

Gena Lindyberg asked about approvals from the LGPC. Mr. Behan stated that would be the next step after they go through the town.

Ann Marie Somma inquired if there was a size restriction on the boats at the facility. Mr. Behan stated 30' inside the building and 35' or 36' in the lake.

Henry Caldwell stated this property was residential first and then the marina went in. Bolton Landing is kind of unique because there are private properties that are worth a lot more than the commercial properties, and they are trying to protect the rights of the private property owners as well as the commercial property owners. He said he appreciated the stormwater work they have been doing, even though they did not have to, because this will really help with the water coming down Route 9N. He appreciates the way they are trying to make the building look better but he does not have any great ideas on how to do this. Mr. Steves detailed some ways they could achieve this, but said they were very limited due to the height requirements. Henry Caldwell asked if they were taking the height right to the 35'. Mr. Steves said it would be 34' at the highest.

Henry Caldwell said that the road on the north side has become like a through way even though it is not. Herb Koster stated that it had started out with a gate there when it was originally passed, and does not know what the solution is. Kirk VanAuken asked if the ingress to the business should be on the south side and if there was signage indicating this. Mr. Behan replied yes it was the primary entrance and he stated they will make more of an effort to educate their customers and stress that they use the south side entrance. Frank Parillo stated that there is a sign on the north side stating that they will be closing the gate at 8pm or 9pm. They will make more of an effort to close the gate each night. He stated Performance Marine uses this road more than the marina does and it is not all their customers. Performance Marine has the right of way to use this road along with Mr. Berkowitz.

Herb Koster asked about the existing stormwater basin. Mr. Steves stated it was completely silted over, and it will be cleaned out and inspected by an engineer to determine if it must be replaced. Mr. Parillo stated they will put 3 new dry wells in if they are needed. Herb Koster asked if the rain garden on the north side would stay the same. Mr. Steves replied that was correct.

Kirk VanAuken asked if the boats on the trailers in that area were currently trailered down to be deposited in the lake and if this would be basically the same process. Mr. Steves replied this was correct and this allows them to store the boats not generally used out of the other building. The forklift will stay up at the new building. This would alleviate moving a bunch of trailers to get to a boat to be brought down to the lake.

Ann Marie Somma stated she appreciated the stormwater improvements that they have added, but she would like to see an improvement to the looks of the building. It looks like a giant oversized shipping container. She feels this building will improve what is there now, but she would like a little better curb side appeal. Mr. Steves stated that he was not the architect, but he could talk to him and see what they can do, and detailed some different ideas they could do to improve it. Herb Koster asked about gables on the front of the building. Mr. Steves stated that

they could look into it. Mr. Parillo stated that when you are sitting on the deck of the Shack you are going to see Jason's boats; so you will only see part of this building. He stated the only difference in the operation is that these boats that are here now, will be in a building and they will be able to access them much quicker.

Mr. Steves stated that the white spruce trees they are planting will be about 5' to 6' tall when they go in and they grow very fast. In 2 to 3 years they will be 8' to 10'. He said they are agreeable to any changes; they just need to know what the Board wants. Henry Caldwell stated he would like to see some type of a gabled end. Mr. Steves detailed the way they could incorporate this. He asked the Board what colors they were looking for. Henry Caldwell stated he would like dark earth tones.

Mr. Parillo stated if they could gain the Board's approval tonight subject to this Board accepting the architectural look of the building, it would be fantastic. If they decided they don't like the look, they will have to go back to the drawing board. Mr. Steves stated this is step 1 after they obtain approvals from the town, they have to go to the LGPC. The LGPC will not look at this until they receive approvals from the Town of Bolton.

John Cushing asked about the eve trench on the back of shed roof versus capturing the water in gutters and putting them into a down spout. Mr. Steves stated that there are pros and cons to both ways and he detailed them to the Board.

Herb Koster asked for a different kind of siding to be presented at the next meeting. Mr. Steves stated that he is sure that there are a couple of ways they can break this up.

Herb Koster stated he understands there is really not too much you can do to the front. Ann Marie Somma stated she is not as concerned with the front as much as she is the street view. Mr. Steves detailed some of the things he could do to help this. He asked to have all the Boards' concerns tonight so they can be addressed at the next meeting. Herb Koster stated they are looking to dress the building up a little to make it fit in better. Mr. Steves stated he would send it to the architect to do this.

Ann Marie Somma asked about lighting. Mr. Steves stated it would be a dark sky compliant light and its cover can come in any color that the Board would like. He stated this was also a LED low throw light.

Herb Koster stated he did not feel they can accommodate the request for approval tonight, they still have a Public Hearing open.

Kirk VanAuken asked if they would be open to changing the color of the existing building to match the new building. Mr. Parillo stated that the only problem with that is the siding on the club house is vinyl siding and they can't paint that.

RESOLUTION:

Motion by Henry Caldwell to table SPR15-31 pending further information. Seconded by, John Cushing. John Gaddy recused himself. All in Favor. Motion Carried.

2. **SPR16-05 JUMBO REALTY, LLC. (CAMP WALDEN).** Represented by Peter Loyola of CLA Site. Seeks Type II Site Plan Review for a group camp. Specifically, to discuss condition of approval set forth by the Planning Board on December 17, 2015 when approving SPR15-23. Specifically, the condition reads as follows: “No power boating activities such as skiing, tubing or banana boat rides on Mondays and Fridays.” The applicant is seeking approval to switch out several days from a Monday or Friday to a different day. Section 185.00, Block 1, Lot 32, Zone RCL3, LC25 and LC45. Property Location: 429 Trout Lake Road. Subject to WCPS review. Subject to SEQR.

Henry Caldwell stated that the Planning Board is probably at fault for not having a Public Hearing sooner as the camp began to grow. He explained that Mr. Bernstein was the one that made the concession to delete two boat days on the lake which he thinks is a major concession. He believes Monday and Fridays are two good days to do this, but now after Mr. Bernstein has thought about it, he is interested in switching two days. Henry Caldwell said he would be inclined to try switching out Friday, July 22nd to Wednesday, July 20th and Monday August, 15th to Wednesday, August 17th for a year and have them come back in a year to see how it worked.

Kirk VanAuken stated that he has an issue with this, if they start making changes here it becomes more of a burden to the rest of the community. If you give them Mondays and Fridays, they would have something set in stone. This change becomes more of a burden for the community. He would like to keep the agreement as is for this year. He understands that it is a hardship on their end but he believes this would be better suited for the community. They can revisit it next year. Mr. Bernstein stated he does not understand why people think the amount of boating has changed in the last 5 years, he has only added one boat for skiing since he bought the camp. Kirk VanAuken replied he understood, they are out from 8am or 9am to 6pm, but it is not a very big lake.

Herb Koster stated that he is not familiar with the camp, but if they had less campers six or seven years ago, with the same amount of boats, there obviously must be an increase of use with all the added campers.

Kirk VanAuken stated that it was a testament that your business has grown and you are doing a good job of it, but it is also a fact that the lake does not get bigger. Mr. Bernstein stated he thought if he had offered Fridays only before he feels it would have been a nice concession, but he went ahead and offered both Fridays and Mondays, because that is what he thought he could do, but he sees now that this has a significant impact to his program. He believes the Board would have accepted just Fridays if that is what he had said. Ann Marie Somma stated that she remembers that the Board really put them on the spot and Mr. Bernstein offered these dates as a response to the neighbors' concerns and she supports changing these two days.

John Cushing asked what the eight 50 minute sessions were on the lake. Mr. Bernstein replied they were not 8 boats they were eight periods or sessions.

John Gaddy asked if there could be 5 ski boats running at the same time. Mr. Bernstein replied yes.

John Cushing asked if they were using only 5 boats for skiers. Mr. Bernstein replied this was correct. John Cushing asked if they may have banana boats going out on top of the 5. Mr. Bernstein replied no. John Cushing asked if all the other boats could be on the lake at the same time. Mr. Bernstein replied in theory this could be true, but not probable.

Motion by Ann Marie Somma to amend the previous condition; “No power boating activities such as skiing, tubing or banana boat rides on Mondays and Fridays.” to allow for the change of the following dates: Friday July 22nd to Wednesday, July 20th and Monday, August 15th to Wednesday, August 17th. **Seconded by,** Henry Caldwell. John Cushing, Herb Koster, Kirk VanAuken & Gena Lindyberg opposed. **All others in Favor. Motion to Deny the Request Carried.**

3. **SPR16-07 ROSS, VERONICA.** Seeks Type II Site Plan Review for an Agricultural Use, specifically to create a plant nursery. Section 171.06, Block 1, Lot 18, Zone RL3. Property Location: 162 Valley Woods Road. Subject to WCPS Review.

Patrick & Veronica Ross presented the following;

- They would like to build a greenhouse.
- One of the reasons they are here is due to the fact that about 6 weeks ago they learned that the Lazy River Farms, where Veronica worked, was closing.
- She felt torn because she had made commitments to many clients.
- They are basically interested in putting up a greenhouse.
- Their primary objective is to grow plant material to supply to businesses that are a little bit unique in design.
- They are proposing an 18' x 32' greenhouse that would be 12' high.
- In the years to follow they would like to have the option to add on to the greenhouse.

Herb Koster advised the applicant not to get into adding more than what was on the application before the Board.

- Most of the material they get is in the plug form.
- They do not anticipate any tractor trailer deliveries.
- They have purchased a 14' x 7' trailer they would use for picking up and returning material to clients.
- They will not be using any insecticides, pesticides or herbicides.
- They do not plan on additional lighting at this time, but if they did it would be dark sky compliant.
- They are not planning to put up a sign, but they do understand the regulations.
- They are planning on clients by appointment only, it is not a retail area.

- Their present driveway they have is sufficient to accommodate them. They do have another area on the property for parking.
- This greenhouse would have limited visibility.
- It will not be a detriment to the area, as there are already agricultural uses in the vicinity.

John Gaddy asked if they had purchased the greenhouse yet. Mr. Ross stated they would be picking it up next week. John Gaddy inquired about the size allowed for a greenhouse. Zoning Administrator, Pamela Kenyon stated that the applicant was here for an agricultural use, which allows for the bigger greenhouse.

John Cushing asked if there were neighbors to the north near the 30' separation to the property line. Mr. Ross stated there was one that was currently building along the property line. John Cushing asked how far away this would be. Mr. Ross stated over 100' away.

Ann Marie Somma stated that she had no doubt that the service they are looking to provide will benefit the community. She asked if they would be growing any invasive species. Ms. Ross replied absolutely not. She asked if the intent was to retain clients and not to sell the product from the home. Ms. Ross replied this was correct, they are welcome to come by to see what their plants look like but it is not a retail facility.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-07.
Seconded by Henry Caldwell. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR16-07 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following condition; 1) Any exterior lighting is to be downward facing and shielded. **Seconded by**, Gena Lindyberg. **All in Favor. Motion Carried.**

4. **SD16-01 CURREN, FLORIENE.** Represented by Julie Curren. Pursuant to Section 200-55A & B – Gifts, Devices & Inheritances, seek to divide into 2 lots that parcel designated as Section 185.00, Block 2, Lot 24, Zone RCL3, RL3 & LC25. Property Location: 763 Coolidge Hill Road. Minor Subdivision. Sketch Plan Review. Subject to SEQR.

Julie Curren presented the following;

- This is a 1.25-acre piece of property that her mother would like to give her to build a home.
- It is in the middle of a 50-acre lot owned by the family on Coolidge Hill.

Henry Caldwell asked if lot 2 was the one they wanted to build on. Ms. Curren replied yes. She stated they own the property on both sides of the road.

Henry Caldwell asked if there is a trailer on lot 2. Ms. Curren replied yes, they would be removing it at a later date. She explained that her Mom uses it as a rental income property at this time. They did a 30' easement for access around this so as not to disturb anything that was grandfathered. They would do an easement through her Mom's property and the camp would have an easement through that. Herb Koster asked if the road is pre-existing. Ms. Curren replied yes since 1951 and it is an access to Sportman's Paradise.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD16-01.
Seconded by Kirk VanAuken. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SD16-01 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 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**, Kirk VanAuken. **All in Favor. Motion Carried.**

5. **V15-45 FOY, EDWARD.** Represented by Joseph Haines. The applicant is seeking an advisory opinion from the Planning Board. For a proposed 4-unit townhouse project on individual lots, seeks area variances for the following. 1) Townhouse units. Density: 20,000 square feet is required for each parcel, 3,457 square feet is proposed for Lot 1, 1,880 square feet is proposed for Lot 2, 1,898 square feet is proposed for Lot 3 and 3,975 square feet is proposed for Lot 4. Lot Width: 50' is required. 31'11" is proposed for Lot 1, 18'8" is proposed for Lots 2 & 3 and 37'4" is proposed for Lot 4. Lot Depth: 100' is required: 98'5" is proposed for Lot 1 and 91'1" is proposed for Lot 4. Front Yard Setbacks: 30' is required. 22' is proposed from Lake Shore Drive for Lots 1, 2, and 3 and 14'2" is proposed for Lot 4. 12'5" is proposed from Norowal Road for Lot 4. Side Setbacks: A total of 20' is required for each lot. 8' is proposed from the exterior lot line on Lot 1, 0' is proposed for all interior lot lines. Lot coverage: 40% is allowed: 42.3 % is proposed for Lot 2 and 41.9% is proposed for Lot 3. 2) Retaining Wall: Side Setbacks. A total of 20' is required, 2'4" is proposed on Lot 1. Rear Setback: 15' is required, 3' is proposed for Lots 1 & 2. Section 171.15, Block 3, Lot 28, Zone GB5000. Property Location: 4992 Lake Shore Drive. Subject to WCPS review. NOTE: Type II Site Plan Review approval is required for single family dwellings and Subdivision approval is required for a 4lot subdivision but has yet been applied for. This item was tabled at the December 2015 meeting.

****This application was tabled at the applicant's request****

6. **SPR16-08 O'KEEFE, ROBERT (The Huddle Restaurant).** Represented by Al Stern. Seeks Type II Site Plan Review for a commercial structure greater than 3,500 square feet. 3,371 square feet exists. 4,126 square feet is proposed. Section 171.15, Block 1, Lot 59, Zone GB5000. Property Location: 4947 Lake Shore Drive. Subject to WCPS review. See V16-15 associated with this project. To be heard only if a successful variance is granted.

Al Stern presented the following;

- They are proposing an outdoor terrace for dining.
- It is timber frame structure.
- It is approximately 720 sq. ft. with an attached 48 sq. ft. planter.
- They plan on removing the existing wooden planter abutting the sidewalk and placing the new one approximately 3' further back.
- He detailed the site plan to the Board detailing these changes.
- The new structure will accommodate 40 additional seats.
- The interior will be lit and they understand the lighting concerns of the town regarding light pollution.
- The new structure will collect all the rain runoff into a gutter and contain that in a chamber system underneath the concrete floor of the terrace area.
- They tried to keep the rustic theme with a stone knee wall.
- They will have plantings for natural screening between the columns.

John Gaddy asked how the retaining wall has moved closer to the building, then what exists. Mr. Stern replied that it will be pulled back about 2.5' to 3' and it will be go from 90 sq. ft. to basically 48 sq. ft.

Gena Lindyberg asked if the existing outside tables on Route 9N would remain. Mr. Stern replied yes. Mr. Stern stated there were no services such as plumbing within the structure.

Gena Lindyberg asked how many parking spaces they would be giving up. Mr. Stern replied 3. Gena Lindyberg stated the code says they should have one space for every 4 seats. Mr. Stern replied this was correct, they had discussed this at the ZBA meeting and this is basically a village urban area and most businesses have remote or off street parking. It is a problem that they all deal with. Henry Caldwell stated most places do *not* have off street parking. Mr. Stern replied correct, that was a slip.

Ann Marie Somma asked about the deed restrictions of the easement to the north side. Zoning Administrator, Pamela Kenyon stated it was on the site plan. Mr. Stern stated the new structure does not protrude further than the bumpers of the cars that currently park in this area. He detailed it on the plans and stated it will take up less space than the 3 cars did.

Henry Caldwell asked about the ease of access to the stormwater retention area and if they would be able to get at it. Mr. Stern stated he could get them information on this, it had not been completely designed yet. He stated some systems do not need to be maintained. Henry Caldwell stated that over the years leaves and debris will get in there.

Herb Koster inquired about the storm tech system.

Henry Caldwell inquired about rooftop dining. Mr. O'Keefe stated he was discouraged from going this way. Mr. Stern stated that the existing roof structure would probably not support it.

Mr. Stern stated that he thinks this compliments the theme and the life style in Bolton. He thinks it interacts with the street well.

Henry Caldwell asked if the airlock would stay. Mr. Stern replied no, it would be removed, and detailed this on the plans.

Ann Marie Somma stated she is struggling with the deed and asked for clarification. Mr. Stern stated that they would not be encroaching on the easement. Herb Koster stated that the Town has a 10' easement over it. Zoning Administrator, Pamela Kenyon detailed it on the plans for her.

Mr. Stern said the wood deck would be exposed from the inside, and the roof would match the color of the existing roof.

Ann Marie Somma asked if they anticipated outdoor music in the future. Mr. O'Keefe stated it would only be radio music at this time with a couple of speakers.

Gena Lindyberg asked if they would be willing to give up the existing outside tables. Mr. O'Keefe stated that without a true main entrance he believes that these tables make it a nice draw and more inviting. He is afraid that by removing them the building will not be as inviting to people walking by. He stated that although they are proposing 40 outside, they are eliminating some seating on the inside, so it is not a true 40 seats being added. Gena Lindyberg asked how many seats they would be removing. Mr. O'Keefe stated about 10 seats. He said this makes about 35 additional seasonal seats.

Herb Koster asked if they needed to have Tom Nace check the stormwater. Zoning Administrator, Pamela Kenyon stated that she did not believe so for this particular application.

Gena Lindyberg asked how many tables they had total right now. Mr. O'Keefe stated there were 55 seats inside including the bar.

Mr. Stern stated that it does create concerns with parking and some of the parking issue are alleviated by the Sagamore guests using the shuttle buses.

RESOLUTION:

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR16-08. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

Motion by Henry Caldwell to accept SPR16-08 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions; 1) All exterior lighting is to be dark sky compliant. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

7. **SPR16-09 BURKE, SUSAN.** Represented by Cornelius Burke. Seeks Type II Site Plan Review, specifically to discuss condition of approval when approving SD05-11 (Mayfair Subdivision). The condition reads as follows. House locations are restricted to the proposed 30'x 50' building envelope for each lot. The applicant is seeking approval to build in a different location on Lot 6. Section 186.14, Block 1, Lot 60.6, Zone RCH5000. Property Location: Lot 6 of the Mayfair Subdivision. Subject to WCPS review. Subject to SEQR.

Tom Burke presented the following;

- They are looking to move the envelope to the side due to the mature trees in the back of the property allowing the proposed house to fit without removing them.
- This will allow the structure to face the cul-de-sac allowing for a better curb appeal.

Ann Marie Somma stated they were building a tiny home. Mr. Burke replied it is only half the size or less of the 1,500' of the building envelope.

Herb Koster stated he did not see any problem with anything else on this site.

John Gaddy stated he would like all exterior lighting to be downward facing and shielded.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-09. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR16-09 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions; 1) All exterior lighting is to be downward facing and shielded.

Seconded by, Gena Lindyberg. **All in Favor. Motion Carried.**

The meeting was adjourned at 10:14.

Minutes respectfully submitted by Kate Persons.