

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday February 18, 2016
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- Sandi Aldrich, Herb Koster, John Cushing, Henry Caldwell, Gena Lindyberg, Zoning Administrator, Pamela Kenyon and Counsel, Michael Muller.

Absent: Alternate Ann Marie Somma, John Gaddy & Kirk VanAuken

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

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. This item was tabled at the January 2016 meeting pending a public hearing.

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

- They have made the minor modifications requested by the Board.
- They have added plantings and he detailed them.
- They submitted a photo rendering from the street view.
- They have removed the pipe that was shown on the previous plans that the Board requested.
- They would like to hear from the public as to anything else they can rectify.

Jim Senese, President of the Congers Point HOA stated that Atty. Phillips would be representing the HOA and he read his letter detailing concerns for the following:

- Safety – due to congestion in the bay with the additional boat traffic.
- Noise – created from the marina activities.
- Stormwater runoff – water careening down the driveway.
- Parking and trailer storage – currently outside boat & trailer storage along with cars in this area.
- Preservation of the existing property lines – the need for mitigation of any infringement to neighboring properties.
- Congers Point members' right to peacefully enjoy their property – consideration for their concerns and protection of their rights as property owners and taxpayers.

Ned Berkowitz of 17 Congers Point stated the following:

- He looked at the 2007 SEQRA revisions and had concerns with the number of boats allowed.
- 191 boats are what are supposed to be on the property and he asked if this has ever been verified or confirmed in the last 20 years.
- He does not believe they have and he believes they exceed this.
- Over time conditions have been chipped away and he fears this will happen again.
- He detailed plans to the Board.
- The marina was supposed to operate from 9am to 6pm and 9am to 9pm on busy days.
- His problem is the marina has become a 24 hour facility.
- The fork lifts do not operate past 6pm or 9pm, but the marina is a fully active functioning marina and it was only supposed to be a dry dock/launch facility.
- People doing overnights or coming in late and are going up and down his driveway making noise all night. He does not want the gate locked as it could cause more problems and it is not reasonable to expect him to have to police this issue.
- The amount of noise coming from the forklifts is so loud that you can't hear anyone talking to you. This is a major concern.
- He does not want more forklift noise on the other side of him. The noise cancellation package, if they exist on the forklifts is not helping.
- He asked the Board if they had a decibel number that is considered too loud in the Town of Bolton for a commercial area, and has it ever been measured.
- He feels between the noise and the existing footprint of the site, it is too congested right now.
- He does not know where they plan on parking the additional cars.
- His issues are noise, parking, congestion, foot traffic and safety.
- He would like to know if the total boats on site have ever been confirmed at 191.

Warren Lucas of 12 Congers Point South stated the following:

- He is on the Board of Directors of the East of Hudson Watershed Corporation and they are responsible for phosphorus mitigation projects in Dutchess County.
- He is very aware of siltation and things going into the lake.
- He detailed on the plans the amount of water running down the driveway into the catch basins and into the lake.
- He does not see any stormwater to mitigate this.
- The noise from the forklifts sound like a construction site.
- These are not electric forklifts and they are always revving them.
- If they are in violation of their site plan, he does not know why they are even allowed to come before the Board, before they corrected these issues.
- He does not understand why there isn't any stormwater.
- The noise down in the front of the water is enough, imagine what it will be like up in front of the restaurant.
- He would like to see screening along the back of the building too, to protect the view shed.
- He would ask the Board to please figure out what can be done about the noise.

Richard Drake of 20 Congers Point stated the following:

- His primary concerns are with operations.
- He would like to find out how they plan on moving the boats between the waterfront and the building.
- The forklifts are extremely noisy.
- The marina, under all other points has been no problem.
- He is very concerned about the impact of a third forklift.
- They are the noisiest when they are moving boats.
- He has measured the sound level from his boundary and it is about 73db with the two of them going at once.
- The EPA has guidelines stating 65 db is the noise level you should have at the boundary line.
- This is not continuous but it is definitely aggravating.
- He spoke to Mr. Parrillo about this and he had indicated that they would put sound attenuating equipment on the forklifts. Mr. Parrillo purchased a new forklift shortly after this, which is bit quieter than the first one.
- He talked to the manufacturer and he is requesting that the marina look into upgrading to improved sound attenuating equipment.
- The beeping is required by law, but there is a device that automatically reduces the volume of the beep based on the ambient noise level.
- The only way to handle the traffic up and down that road, if you're going to put the new building in there, is to go in the back of that building and move the boats down the same path they use now. They would be enclosed and no worse for traffic or noise level to what's there now.
- If this can't be done, he would ask the Board to look at everything that could be done to reduce the impact of the additional forklift.

Brian Allen, owner of The Shack stated the following;

- Mr. Berkowitz has hit all the nails on the head.
- OSHA requires a certain amount of noise on the forklifts that can't be mitigated. You can muffle the sound of the propane vehicle but not the beeper due to safety reasons.
- Section 200-65 the code states; will an undesirable change be produced in the character of the neighborhood or a detriment to nearby property be created by granting the variances sought? Bolton is a beautiful community, and then you have this green metal eye sore.
- Mr. Parrillo has had plenty of time to make this building look like anything, but nothing has happened.
- In 2007 at the original Public Hearing, questions were brought up about the ability to put down pervious asphalt in the existing building and parking area.
- There are serious problems with the parking area, it is unlined and has ruts in it, which means there are stormwater issues.
- It is unlined and if cars park strangely you don't have 100 spots which makes them park over here, creating problems for the neighbors, fire department and noise control.
- The docks are being used at night and it is not the problem of the Town of Bolton to police them.

- During the 2007 meeting it was mentioned that security guards would be there on busy days and weekends along with Log Bay day to mitigate the problem of overnight boating and partiers on the dock. This has not happened and Mr. Parrillo has not been a good neighbor.
- With this expansion can we trust him to be a good neighbor and do what is right for the town and the community?
- Many people that use this facility complain that they do not have any room to park, how is he going to add 37 more.
- This will affect the other businesses in the community.
- He sees a detriment to the neighborhood and existing properties.
- He has concerns with stormwater behind the facility.
- There is a small hill in back and the applicant has stated the little swale with gravel they have designed will handle a 100 year rain plan.
- From what we've seen in the last 10 years, a 100 year plan is useless. He wants to know where this water is going to go. He believes it will end up in the lake, and he only sees it as getting much worse.
- The plan shows 8 parking spaces and an increase of 37 boats.
- They can't even accommodate parking for what exists.
- He detailed photos and his concerns with the view.
- This building does not fit within the neighborhood or community.
- He also has concerns with pedestrian safety and the noise from the forklifts.
- He hopes the Board looks very strongly at the stormwater and runoff that will be created and also that exists. He also hopes they consider noise, safety and parking.

Zandy Gabriels stated the following:

- His concern is parking.
- Many complicated legal arrangements between BLM and the Town of Bolton allowing over flow parking in the back parking lot of the Town Hall. He does not know the extent of this use.
- His question is if in this expansion they will be allowing more overflow parking in this area or should they be considering alternatives.
- It is the Board's obligation to insure the town that we have adequate parking and that all residents and potential clients of the establishments throughout the town are taken care of.

Mr. Lucas stated he does not know how this can move forward without first addressing any of the issues that are brought up like parking and stormwater. Assuming this does go forward, there are sound attenuating things that can be placed on the inside of the building cutting down the sound decibels. This is something that should be done in the buildings. He stated the beeping will be heard by everyone walking on the street. He reiterated that the site plan requires that everything is done on his property. Herb Koster stated that in the original application back in the mid 80's, the marina sold this piece of property to the Town and there is a complicated issue as part of the deal, that the marina would be allowed overflow parking on this piece of property. This is not something that the Town just gave them. This was part of the original deal.

Mr. Berkowitz asked if there was a stormwater plan as part of this project. Herb Koster replied yes. Mr. Berkowitz stated the existing site as it exists now has to be one of the greatest sources of unimpeded pollution in the town. Everything is about preventing and mitigating runoff, but the existing catch basins are usually filled with clay like mud and leaves which the water runs out of into the lake. At the end of a rain storm the entire area flowing out 20' to 30' into the lake is a chalky soupy mess. They are looking to enlarge an existing footprint when there are already issues which have remained unaddressed for years. There is homework to be done for the existing issues before they should even contemplate moving forward in his opinion. The beeping noise is not the problem, it is the exhaust of the forklift, and this noise is off the charts. He is assuming that most of the hydraulic lifting is going to be taking place outside of the new building. With the main building a good portion of the retrieval and storage take place inside the building. 100% of the operation of the forklift will be done outdoors.

Mr. Lucas inquired about where the new stormwater would be placed. Herb Koster stated it would be the whole length of the north side of the building. Mr. Lucas stated this would be right next to his house. He asked if this was allowed in the side yard setbacks. Herb Koster replied yes. Mr. Lucas asked what they would have 17' behind the building 100' long. John Cushing stated they would be going back 5' and fill in a trench 100' long with stone. The applicant's engineer has stated this will hold the water for the runoff of this building. Mr. Lucas stated this was about 10,000 gallons. He inquired about the rest of the site; it needs to be addressed on the site plan. Herb Koster stated it was being addressed on the site plan, but Mr. Lucas is not an engineer and neither is he so they are not going to reevaluate the design of stormwater. There is an engineer that has designed it and an engineer for the town who inspects it. If they both agree that it is adequate, this is what the Board goes with. He is not going to argue the veracity of the stormwater management. Mr. Lucas stated that if the stormwater is up behind the building and the building is higher than the rest of the lot, all the other stuff that's coming down off this site now is not being addressed. Henry Caldwell stated that a lot of the water is coming off the state road. The State with sovereign immunity is not going to do a damned thing. This puts the town in a tough situation.

Mr. Allen asked; "what about the existing site, was that approved by the Town Engineer and an engineering study showing that his parking lot would handle the water because it is not". Henry Caldwell stated it predates the stormwater regulations. Herb Koster stated that back in 1985 there were no stormwater ordinances with ENCON or the Town of Bolton. He stated that he believes that it had been upgraded in 2007. Mr. Allen stated that he was told it was upgraded at one of the meetings last year, but it is not handling it. His question is if by looking at the engineered plans, if they know the volume of water that is stated on there that will be traveling down the trench. He said the water going right down the driveway has not been mitigated and he questions the engineering that has been done to date, let alone what they are proposing. He stated he looked at the Stewarts in Lake George and they have a huge catch basin cistern in the parking lot that is not close to this size of the new or old building. Herb Koster stated that the deep trench at the Stewarts in Lake George was not stormwater, it was due to leakage from gasoline. Mr. Allen started talking about the Hampton Inn in Lake George. Herb Koster told Mr. Allen he was bringing up tangent issues that have nothing to do with this site.

Mr. Allen asked how many gallons of water the engineer said the trench would hold. John Cushing stated it was in the paperwork. He stated that the Board looks for is what the engineer designed for the new site and that he did a stormwater analysis, dug test pits for it and stated it could handle the runoff. The Town Engineer, Tom Nace double checked this work and agreed this plan would handle it. As far as the existing problem, it is something altogether different. He lives here and he sees what goes on down there and how the water is handled and he doesn't like what he sees either. Mr. Allen stated he worries because the lake is our livelihood in this area and they want to keep people coming to town. Herb Koster stated they are aware of this.

Warren Lucas asked about the plantings behind the building and the likelihood of that happening due to the stormwater controls. Herb Koster stated that there are 17' between the building and Mr. Lucas's property line, so there is possibly room for plantings. Mr. Lucas asked the Board to please look at this. He stated the water coming of the main road is fairly clean; the problem is that it picks up all the silt going down the road. It is all very heavy with phosphates. He would like screening and the detention basin to be moved if they can't fit both.

Atty. Muller read the following:

- Letter from Jason Saris neighboring property owner of Performance Marine, with no objection of the project and reminding the Board that they still plan on constructing the building that was approved from them.
- E-mail from Kirsten Crist and Patrick Lynch in opposition of the project.
- E-mailed letter of many concerns from John Crist.
- E-mail Evelyn Sherman Crist against the project.

Herb Koster stated there were 5 members on the Board tonight, and they would need at least 4 members support for approvals and they had the option to table this.

Mr. Steves stated they have no objections to coming back. He would like to address some of the public concerns tonight, they want to be good neighbors and they would like to get clarification on some things from the neighbors and staff. He would then like to come back with some modifications that may be agreeable to the people that were talking tonight.

Mr. Steves said this is not an expansion; this is just another building on the property. The 191 boat maximum or 100 boats allowed in the water will not be changed. The intent for this building is to take many of the boats that are not used on a regular basis and move them up out of the way, which will make the other building function better. They are not asking for more boats than what are currently there. They are actually looking to improve the site. As far as variances are concerned, they are not asking for any. This meets all the setback and building requirements. They have no objection to screening at the back of the building, and will gladly add more as there is ample room. There is about 12' that could easily have some plantings. The beepers are required by OSHA, but they have ordered a brand new forklift and will be removing one. The forklifts will not be driving up and down the road with the boats. They will be pulled out and set on the trailers and driven down to the lake. The stormwater is designed by using the minor project criteria. They were not told of any existing problems when they were presenting this to the Planning Office. They are not saying there aren't any, but when he goes

into a meeting and set up what to do, they abide by the regulations. If someone had stated that there was a problem due to existing stormwater issues, they would have addressed that, but none of that was brought up to them until tonight. They have no problem investigating this issue and see if there is anything they can do to help that situation, but they are also looking at this one building at this time. They are lowering the grade down slightly so they don't have the steep slope coming off that building that is currently there now. They are using the shed roof to slope it to the back. They are lowering it to create a better flow for the vehicle traffic and for the water sheeting off of it. They can look at potential impacts that they can improve upon, they are not increasing any stormwater, but they can take a look at improving any issues that they did not know about. They have no problems with different color schemes and are more than happy to entertain any advice of what they would like. They would like to reiterate that they are not expanding the amount of boats on site; they are just looking to more efficiently use the area to store boats that are not being used frequently.

John Cushing stated this might alleviate the neighbor's fears about the amount of boats and asked Mr. Steves if there were never more than 100 boats launched per day from the facility. Mr. Steves stated this was correct. John Cushing stated that although there are 191 boats, only 100 boats were launched on any given day. They are not adding to it, they are just shifting them around. Mr. Steves agreed and stated they were moving them to create a better flow. He stated different dates showing that on the peak day, it was 83 boats launched. Henry Caldwell asked if this included the boats that were in the water overnight. Mr. Steves stated that 100 boats maximum were all that were allowed out. Henry Caldwell asked what happens when customer number 101 wants his boat, are they going to tell them they can't have it. Mr. Steves said they would be told that they should have come earlier. Ned Berkowitz asked what the methodology of this was. Who did the counting? Unless this is audited by an independent third party, he is there watching things on a July weekend and he would like to know which guy sat there with a clipboard and did it. In addition they are working at the median over the course of an entire month's time so it drags down the average total number. Herb Koster stated that they were not giving them an average, they were telling them that there were no more than 100 boats launched at any day. Mr. Berkowitz asked if they say they launched 50 boats and there are 2 dozen boats in the water how many are launched. Mr. Steves stated that would be 26 boats launched to make a total of 50 boats in the water.

Gena Lindyberg asked about the total of 35 boats in the new building and 182 in the present building. Mr. Steves stated he had not answered this. John Cushing stated that Mr. Parrillo did in last month's meeting. Mr. Parrillo stated he had been incorrect; there are 171 racks in the present building. Gena Lindyberg asked if this means there will be 171 minus 35 in the main building if they are putting 35 in the new building. Herb Koster said there will not more than 191 boats on this site. Henry Caldwell asked if this includes in the water. Mr. Steves stated that this includes in the water. Henry Caldwell asked if this meant 191 in the water and on site. Mr. Parrillo stated they have 4 wet slips so those 4 are included in the 191. Henry Caldwell asked about all the boats that are down there overnight. Mr. Parrillo stated they were part of the 191.

Gena Lindyberg asked if they were going to 206 spots. Mr. Steves stated that would be the total number but they would not be exceeding the 191 boats that are presently allowed. He

stated that this would give them extra room in the extra building. Sandi Aldrich stated they would have extra room in the building that they were not going to utilize. Herb Koster stated they were not asking for 206 boats. Mr. Steves agreed. Gena Lindyberg asked again how many boats they would have total. Sandi Aldrich stated 191.

Frank Parrillo stated he takes offense to Ned Berkowitz questioning their honesty. They keep charts every day of the people who have their boats launched. For Ned to get up and question the integrity of his employees and himself is uncalled for.

John Cushing asked if there was a restriction on the 100 boat a day set years ago. Mr. Steves replied that the 191 and 100 was set years ago, and they were not asking for this to change. This is for better utilization of the current space. This means that the boats that are not used much are not being moved out of the way all the time. They are trying to improve the site, this is not an expansion. The building does not exceed any of the Town's setback and height requirements.

Herb Koster asked if they could look into resolving the existing stormwater issues because there is language in the ordinance that when you add on to something, the Board is entitled to ask for additional stormwater to make up for what was not in the ordinance in 1985 or 1986, the Board would like to see it. Mr. Steves stated they would gladly take a look at it. He stated they had not known coming in that there was an issue, now they do so they will take a look.

Henry Caldwell asked if this was considered a minor stormwater. Matt Steves replied yes. Henry Caldwell asked if this was segmentation. Atty. Muller replied no, actually this whole site either in its oldest development preexists the implementation of stormwater regulations and in this new version they are basically putting an impervious surface on top of an impervious surface. That is that crushed stone is already defined as impervious, so the expectation as a matter of the law is the applicant does not have to do anything. It may be a reasonable request of the Planning Board to ask that the applicant to do something, but it is not strictly required by the stormwater regulations. Mr. Steves stated they were abiding by the regulations that are in place. Herb Koster asked if they would be willing to look into straightening out the problem that is there now. Mr. Steves replied absolutely, but he would stress that they will take a look at any issues that exist from there site. If there are issues that may be from the State highway that is something they probably can't address it.

Sandi Aldrich asked if the setbacks for boat storage would be twice the allowed in the GB5000. Zoning Administrator, Pamela Kenyon stated this was correct for commercial boat storage. Sandi Aldrich asked if these plans were. Gena Lindyberg stated they would have to be 30' back. Mr. Steves replied he would have to confirm this.

Frank Parrillo stated they are down to one forklift and have ordered a new one from Wiggins, which is supposed to be the latest and greatest along with the quietest. These are diesel machines and are tier 4. This will be delivered in April. Gena Lindyberg asked if this means that there will be one forklift in the new building and one in the present building. Mr. Parrillo stated no there would be two in the existing building and they would have a much smaller forklift and possibly electric with noise eliminators.

John Cushing asked if they had looked at sound muffling devices for the inside of the buildings. Mr. Steves stated they would definitely take a look into this. He said they were here to get these comments and they will come back with some of these addressed. Obviously they have the stormwater, noise, additional plantings and potential problems from the existing stormwater.

Gena Lindyberg stated that there was a condition in 2007 that there are to be 124 parking spaces provided on site and she stated that there are fewer than 100 on the plan. Mr. Steves stated that this was the architect's plan so he would verify the number. Gena Lindyberg stated in order to move forward she believes it would have to be verified that there will 124 spaces without counting overflow parking.

Henry Caldwell stated he would like to keep the public hearing open and anyone that would like to speak on something that have not already, would have a chance to do so.

Herb Koster asked if there was a possibility that the building would have to be moved. Zoning Administrator, Pamela Kenyon stated that she did not believe so, but Mr. Steves would confirm it.

Herb Koster asked that there be additional plantings shown on the new plans. He asked if anyone had any objections or suggestions to the colors that are being presented. Brian Allen asked if they could make the building look like something else. He stated that you could make it look like anything and fit in with the architecture of the existing downtown area. By design this could be made to look like it fits in with the aesthetics of the community, not by color but by design of the building. Frank Parrillo stated that when they come back they will have a few different renderings of this building, it does not matter to them what the color is.

RESOLUTION:

Motion by Henry Caldwell to keep the Public Hearing for SPR15-31 open. Seconded by, Sandi Aldrich. All in Favor. Motion Carried.

Herb Koster asked if there were any changes or corrections to the January 21, 2016 minutes.

Gena Lindyberg questioned whether the word enhanced should be a part of the motion for SPR15-29. Zoning Administrator, Pamela Kenyon asked what it said. Gena Lindyberg stated the sentence said; Gena Lindyberg asked if they wanted to word it restore or enhanced, and the Board agreed on enhanced. She said the motion did not include this in the conditions of the motion. Zoning Administrator, Pamela Kenyon asked where she wanted it. Herb Koster said she wanted it in the motion, it was stated before the motion was made. Atty. Muller said put it in the motion then. Sandi Aldrich questioned if John Gaddy had stated it in his motion. Zoning Administrator, Pamela Kenyon said if it had been a part of the motion made by John Gaddy it would have been in it. Gena Lindyberg asked if they could put it in the motion now. Herb Koster asked if the clarification before the motion was ok as it is. Atty. Muller replied yes. Sandi Aldrich asked if this meant they would not have to change anything. Zoning Administrator, Pamela Kenyon replied correct.

RESOLUTION:

Motion by Sandi Aldrich to accept the January 21, 2016 minutes as presented. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

REGULAR MEETING

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. This item was tabled at the January 2016 meeting pending a public hearing.

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

- Stated they would be coming back with a slightly different plan after hearing all the questions and concerns from the Public Hearing.
- He asked the Board if they had any more questions.

Henry Caldwell stated the stormwater running down that road is a big issue. He said he would like to see who has the right of way to use that road on the north side at the next meeting. He stated this is important for dealing with the stormwater. He also would like the original approvals and conditions that were done back in the 80's. He said this was an unusual situation because a lot of the residential properties are worth more than the commercial properties. The Planning Board is supposed to also protect property values. Congers Point is in the GB5000 which is a commercial zoning. He does not understand why attorneys have never told their clients at closings in this area that they are in the GB5000 zone. This is a commercial district and it puts the Planning Board in an awkward position, because all these residential properties in Congers Point are in a commercial zone. This is a very unusual situation.

Herb Caldwell asked if they would be able to do anything for noise on the inside. Mr. Steves stated that he believes they can and he would find out more information on this. Henry Caldwell stated it was hard to understand the fact that they are adding a new building and more storage but they would not be adding boats, so they would not need more parking. Mr. Steves stated that was correct, he stated that there are 20 boats on trailers stored in that spot already which take up more room than 30 in a stackable situation.

Gena Lindyberg asked that they come back with the 124 parking spaces depicted on the site plan and the setbacks for boat storage. Mr. Steves agreed and said also a copy of all approvals, a list of people that access the right of way, stormwater, plantings, parking and changes to the building façade and sound barriers.

Gena Lindyberg inquired about the hours of operation. Herb Koster stated that they had already been set in 2007. Dan Behan stated he believes it needs to be closed by 9:00pm unless there

was an emergency. He does not believe there was a start time; they generally do not open until 9:00am. Herb Koster asked what they did for people that wanted to go fishing in the morning. Mr. Behan replied that they put the boats in the night before. He stated the building up on the hill will give them the ability to modify the racks to accommodate the boats that are now being made with the higher radar arches, ski racks and etc.

Gena Lindyberg asked if there was any supervision for boats are tied up late at night. Mr. Behan asked if she was referring to security guards, then yes they had hired them for about 1.5 to 2 months when they were told by neighbors that people were coming in and using their docks, and this seemed to curb that problem. He stated that they educate their boaters that they need to be quiet as there are neighbors. He stated that they believe they addressed the issue and do not use security guards any longer. Gena Lindyberg inquired if they still educated each person that comes in to their business. Mr. Behan replied that they do, but they will also make more of an effort. Herb Koster stated that a lot of this problem was alleviated when the Town of Bolton extended its docks.

Atty. Muller suggested that the Board go through the total analysis of all the past history with the benchmark of 2007, which would be all the relevant information. Herb Koster asked if they could skip the part before that. Atty. Muller stated in 2007 they went through all of this and tweaked each item. Henry Caldwell agreed that this was fair.

RESOLUTION:

Motion by Henry Caldwell to table SPR15- 31 pending additional information. Seconded by, Sandi Aldrich. All in Favor. Motion Carried.

2. **SPR16-01 TAITEL, ANDREW & FRANCINE.** Represented by Hutchins Engineering. For the construction of a proposed 2 ½ story multi-use accessory building, seek Type II Site Plan Review for an accessory structure greater than 1,500 square feet of floor space. 4,089 square feet is proposed. Section 200.07, Block 1, Lot 9, Zone RM1.3. Property Location: 12 Lapham Road. Subject to WCPS review. Subject to SEQR.

Tom Hutchins of Hutchins Engineering presented the following:

- They own property at 12 Lapham Road which is on the east side of fish point.
- They propose to construct a multi-use accessory structure.
- One of the uses is to store their power boat and two small sail boats.
- There are to be no lifts.
- There will be a workshop and storage area on one floor and a 1500 sq. ft. guest living space on the other, with a kitchenette, bedroom and bath.
- The third floor will be a smaller studio.
- The building will be located directly behind the house which is more than 100' from the lake.
- The access is across a shared right of way driveway.
- The building will be very well screened from the lake and Fish Point Road.
- They are not paving up to the doors or parking vehicles in there.
- It is intended to look like a barn with a dormered roof.
- It will be colored to match the existing house.

- Waste water was upgraded last summer and this additional use was taken into consideration when they did this and there is still capacity for one more bedroom someday.
- This system has been installed and is done.

Herb Koster inquired about the kitchenette and stated you were not allowed to have one. Zoning Administrator, Pamela Kenyon stated you were not allowed to have a stove. Mr. Hutchins stated that the floorplan shows a bathroom, bedroom and living room, he was mistaken.

Gena Lindyberg asked where the studio would be located. Mr. Hutchins detailed it on the plan stating it was on the third floor.

Henry Caldwell asked how many houses were on the right of way. Mr. Hutchins replied he believes two.

Henry Caldwell asked if there was any public controversy over this project with the neighbors. Mr. Hutchins replied no.

Gena Lindyberg asked about a neighboring parcel on the plan. Mr. Hutchins stated that it belonged to the Hoopes. Gena Lindyberg asked if that would be the closest neighbor. Mr. Hutchins replied it was.

RESOLUTION:

Motion by John Cushing to declare the Bolton Planning Board as lead agency for SPR16-01. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Cushing to accept SPR16-01as 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; all lighting is to be dark sky compliant. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

3. **SPR16-02 HENSLER, JACK & DORIS.** Represented by Chris Gabriels. Seeks Type II Site Plan Review for 1) Commercial boat storage greater than 2,500 square feet not visible from the public right-of-way; and 2) Indoor boat maintenance facility involving more than 2,500 square feet not visible from the public right-of-way. Type I Site Plan Review is also sought for a land use within ¼ mile of the Schroon River. Section 139.00, Block 1, Lot 76.1, Zone RIL3. Property Location: East Schroon River Road. Subject to WCPS, APA and LGPC review. Subject to SEQR. See V16-04 associated with this project.

Chris Gabriels presented the following;

- He wanted to clarify that the boat maintenance building was not in excess of 2,500 square feet. Gena Lindyberg asked about the boat storage. Mr. Gabriels stated the boat

storage was granted a variance on 2/15/2016.

- East Schroon River Road is residential low density commercial with limited road frontage.
- There is a fair amount of flat area that includes all the improvements to date, which he showed on the plan.
- The majority of the lot is heavily wooded and fairly steep.
- They are looking to repurpose these improvements for something more suitable for today.
- They would like to tidy up the existing saw log area and turn it into an outdoor boat storage area which requires no variances.
- He detailed the whole area on the plans to the Board.
- They will use the existing sawmill building, clean up the siding and close up the gable entry ways and possibly redo the roof. This is what they received the variance for.
- They would use this for boat storage.
- He detailed some of the issues on the site plan.
- They would use the footprint from the old farmhouse that was most recently used for wood storage and rebuild it for a boat maintenance building.

Herb Koster asked what kind of maintenance they would be doing in this building. Mr. Gabriels stated it would be whatever they think to prudent to do.

Gena Lindyberg asked about the intent to sell if the approvals are received. Mr. Gabriels stated it was a retired couple who own it and their son suffers from major medical trauma as a result of an accident. They are facing financial issues.

Henry Caldwell stated the outside storage looked pretty well screened and inquired about the inside storage. Mr. Gabriels stated he doubts that they would notice what was in the building and he believes that the intention of the regulation was that a casual passerby would not notice the boat storage. He does not believe they will notice the boat storage in that building, there will be no changes to the outside of this existing structure. The other building will be using the existing footprint and square footage. They are replacing an old farmhouse with a barn. They will be using the same siding and green roof. The activities of the boat maintenance will be in the back. Henry Caldwell asked how you would get around not being visible from the right of way. Mr. Gabriels stated they would have to look at the intention of it and look at the building itself. This is not a Bolton Landing Marina building; it's not a metal eyesore. It is not an industrial quanza hut, nor is it the typical boat storage building that was in place when the regulation was put in place which was a roof on a bunch of 6x6 sticks. The existing building's usage will be screened from the casual passerby. Zoning Administrator, Pamela Kenyon stated that it had to be screened. Atty. Muller agreed and stated that it can be screened if they make it a requirement; it is a building that could be seen, but will not be seen if buffered by some required planting. Mr. Gabriels stated the only added issue here is that the mill is an existing building and the activities within it are screened, the building itself is not. Sandi Aldrich asked Henry Caldwell to clarify if he was talking about the indoor or outdoor boat storage. Henry Caldwell stated he talking about the sawmill building which would be indoor storage. Herb Koster asked if this was just under a change of commercial usage. Atty. Muller stated that was what he thought but the Zoning Administrator construed it as requiring site plan review. Zoning Administrator, Pamela Kenyon said she did because site plan is required for commercial boat storage and a boat maintenance facility in this zone.

Sandi Aldrich stated to be clear; she would like to see the outside storage area to be screened. Mr. Gabriels stated that it already is, and he detailed it on the plan. Sandi Aldrich asked if any portion of the outside boat storage is visible from the Northway. Mr. Gabriels stated he did not believe so; the existing shrubbery is high enough to block it.

Gena Lindyberg stated that the regulations state that the indoor boat maintenance facility will not be visible from the right of way. Mr. Gabriels stated it presently would be.

Henry Caldwell asked if a Public Hearing was necessary and if there was any public concern at the ZBA meeting. Atty. Muller replied that there was not. Zoning Administrator, Pamela Kenyon said that was a Public Hearing.

Sandi Aldrich asked if there would be any quick launch. Mr. Gabriels replied that there would not. Gena Lindyberg stated that should be one of the conditions of approval.

Herb Koster asked if their intent was to leave the section that the ZBA said they could leave. Mr. Gabriels replied yes. Zoning Administrator, Pamela Kenyon inquired about what they were allowed to leave. Mr. Gabriels stated that they were approved to leave the existing building as is, as opposed to removing 28' of the building to comply with setbacks.

John Cushing inquired about the number of boats proposed for storage. Mr. Gabriels replied somewhere between 50 and 100. Gena Lindyberg asked if this was indoor or outdoor. Mr. Gabriels replied it was total. Gena Lindyberg inquired how many would be stored in the building. Mr. Gabriels replied he would guess about 20 or 25 but he really does not know.

Herb Koster asked if the client was willing to do additional screening. Mr. Gabriels replied limited. Herb Koster asked what limited meant. Mr. Gabriels replied not to the extent that F.R. Smith was asked to do on Edgecomb Pond property, probably more in the lines with what Mr. Huck was asked to do for his. Henry Caldwell stated that the sawmill building was not right on the road.

Gena Lindyberg asked to be shown on the plan where the outdoor boat storage was proposed and far back from the road it would be. Mr. Gabriels detailed it on the map.

Henry Caldwell asked for the number and size of trees they would find acceptable. Mr. Gabriels stated that they would let the Board decide if they got that far, they simply wanted to talk about the differences of the existing building that was being repurposed and that the activities within the building would be well screened. The building itself blends in and is not easily identifiable as boat storage, so in a sense it is reasonably screened.

Sandi Aldrich stated the maintenance building looks pretty well screened from the north side, but she is wondering if there is any way to mitigate things from the south. Mr. Gabriels stated the driveway was fairly tight to the building but there looked like there was some room. John Cushing asked how close the nearest neighbors were to this facility. Mr. Gabriels detailed them on the plans.

Gena Lindyberg asked what the parcel was that was to be conveyed. Mr. Gabriels he believes at one time it was one piece and he has the feeling something was built across the line after it was sectioned and it was probably given to them to avoid an argument, but he is not sure.

The Board discussed what kind of trees they would like placed between the sawmill and the road.

John Cushing asked how much of the land was wetlands. Mr. Gabriels replied none.

Gena Lindyberg asked about the setback requirements for boat storage being double. Mr. Gabriels stated they were 50' from the front and he detailed the 100' line. Gena Lindyberg stated it said 75' for the front. Sandi Aldrich explained that was for a scenic corridor.

Henry Caldwell detailed on the photos where he believed the trees should be. Mr. Gabriels asked if screening the building was really what they were concerned with as a town. Gena Lindyberg stated she thought it was probably the activity going in and out of the building.

John Cushing asked if all the maintenance of the boats would be done indoors. Mr. Gabriels stated yes. John Cushing asked if they would be washing the boats up there. Mr. Gabriels replied there was no intention of washing them there.

Gena Lindyberg asked if there was any running water on the property. Mr. Gabriels stated that there was water associated with the house but they have not figured out what its capacity is.

Henry Caldwell asked how close it was to the Schroon River. Mr. Gabriels stated he had not measured it.

Herb Koster asked if they had gone in front of the A.P.A. yet. Mr. Gabriels replied no. Sandi Aldrich asked about the LGPC. Herb Koster stated he did not believe this was in the Lake George basin. Mr. Gabriels stated that it all flows into the Hudson. Zoning Administrator, Pamela Kenyon stated this will be up to the LGPC. Herb Koster asked if they were claiming things outside the basin now. Zoning Administrator, Pamela Kenyon stated this will be up to the LGPC they had on Barron Davis. Sandi Aldrich asked if it was the LGPC only because it involves boats. Zoning Administrator, Pamela Kenyon said because it was marina activities.

Henry Caldwell asked if 12 evergreens 5' tall were reasonable. Sandi Aldrich said they should be replaced if they die.

Sandi Aldrich asked if there was any intent for outdoor lighting. Mr. Gabriels stated there was no intent at this time, but it may be required by the insurance company and they are more than happy to be dark sky compliant.

RESOLUTION:

Motion by Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR16-02. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Henry Caldwell to accept SPR16-02 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. Must plant 12 evergreen trees 5' tall to start screening the boat storage building.
2. Any lighting is to be dark sky compliant.
3. There are to be no quick launches.
4. No outside boat washing.
5. No oil changes are to be done outside.

The meeting was adjourned at 8:34.

Minutes respectfully submitted by Kate Persons.