

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday May 21, 2015  
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, John Gaddy, Henry Caldwell, Herb Koster, John Cushing, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller.

**Absent:** Kirk VanAuken, Gena Lindyberg & Alternate Ann Marie Somma,

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

## **REGULAR MEETING**

1. **SPR15-06 WINTER, HANS. (The Bier Garten).** Seeks Type II Site Plan Review for an advertising sign greater than 4 square feet. Approximately 17 square feet is proposed. Section 186.14, Block 1, Lot 3, Zone RCH5000. Property Location: 4571 Lake Shore Drive. Subject to WCPS and SEQR review. *NOTE:* This is an amendment to SPR14-26 for a six square foot sign approved December 2014.

Hans Winter presented the following;

- He would like a bigger sign because people are complaining that they can't see it.
- He used to have a 22 sq. ft. sign when it was the Wooden Barrel.
- The sign is just too small.

John Gaddy stated that he agreed when he saw the sign it was just a bit too small.

No Warren County Impact

## **RESOLUTION:**

**Motion by** John Cushing to declare the Bolton Planning Board as lead agency for SPR15-06. **Seconded by,** Henry Caldwell. All in Favor. Motion Carried.

**Motion by** John Cushing to accept SPR15-06 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. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

2. **SD15-02 CALDWELL, EDGAR.** Seeks to divide into two lots that parcel designated as Section 171.00, Block 1, Lot 1.1, Zone LC25. Property Location: 304 Edgecomb Pond Road. Minor Subdivision. Sketch Plan Review. Subject to SEQR. See SD04-19 for previous approvals.

Herb Koster gave Mr. Caldwell the option to table due to the number of Board Members as his brother stepped down. Mr. Caldwell stated he would move forward.

Edgar Caldwell presented the following;

- They originally owned 80 acres.
- They gave 12 acres to their son at the south end of their property.
- They are subdividing 5 acres in the LC25 zone with minimum lot size of 5 acres.
- 500' of frontage and 500' of depth.
- The remaining acreage where their home is will be 60 acres.

Herb Koster inquired about locating the wetlands on the map to be filed. Mr. Caldwell stated he could have the A.P.A. flag the wetland. Herb Koster stated that was not what he was looking for; he wanted the surveyor to put it on the final map if this wetland area is more than an acre.

No Warren County Impact

#### **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPD15-02.

**Seconded by,** Sandi Aldrich. Henry Caldwell recused himself. **All others in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SD15-02 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 with the following condition 1) the survey map should show the wetland if it is at least an acre. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by,** Sandi Aldrich. Henry Caldwell recused himself. **All others in Favor. Motion Carried.**

3. **SPR15-07 STRIEF, JEFFREY (Happy Jacks).** Represented by the LA Group. To demolish existing retail space and replace with two retail stores and six apartments, seeks Type II Site Plan Review for 1) multi-family dwellings; 2) commercial uses involving more than 3,500 square feet, 7,000 square feet is proposed; and 3) 3 signs greater than 4 square feet. One 17 square feet, Two 24 square foot and one approximate 7 square foot signs are proposed. Section 171.15, Block 2, Lots 42.1 & 42.2 (to be merged). Zone GB5000. Property Location: 4963 Lake Shore Drive. Subject to WCPS review. Subject to WCPS review.

Mark Tabor from the LA Group and Andy Parsons of JMZ presented the following;

- This is to demolish and replace the existing building.
- This will include additional retail space and 6 additional residential apartments upstairs.

- The project received all necessary approvals from the Zoning Board in March of 2015.
- No one spoke out against the project at the Public Hearing in March.
- He detailed the existing structure and site.
- There are no existing stormwater controls on the property at this time.
- The applicant is looking to place the new building in the center of the parcel improving the setbacks.
- The sidewalk along Main St. and Stewart Ave. will be reconstructed and/or widened as part of the construction.
- There will be a sidewalk added to the north side of the building to provide green access to the streetscape for the apartments upstairs as well as deliveries for the retail shop.
- Parking will be at the rear of the parcel.
- There is one parking space for each apartment.
- There is room for delivery trucks to pull in for deliveries.
- There will be a fence around the north and west side of the property.
- The project is a minor stormwater project.
- All stormwater will be collected in a catch basin and conveyed into a series of subsurface infiltration chambers.
- Test pits indicate soil is very suitable for infiltration.
- The project is 100% compliant with the Town and DEC for stormwater controls.
- With regards to utilities they will utilize the existing utility connections.
- They will provide landscaping to buffer the adjacent property.

Tom Jordan inquired about the parking requirements. He stated it was a very crowded street and he believes that there will be more than one car per apartment. He polled the audience as to how many cars they had per family. Mark Tabor stated that parking has always been an issue for downtown Bolton Landing and the Town is looking to address this. Herb Koster stated unfortunately this is not a public hearing and unless one is called for this is not a time to speak. He stated that during the variance application there was a public hearing. Mr. Jordan asked if this Board was going to have a public hearing. Herb Koster stated that he did not know at this time. He stated that the Zoning Board already had a public hearing. Mr. Jordan asked what the Zoning Board granted. Herb Koster stated the Zoning Board approved the requested variances; and one of them was for parking.

Mr. Parsons detailed the materials and color scheme to be used on the building.

- The lighting would be dark sky compliant. He went over the floor plan of the building on the drawings to the Board.
- He stated there were 2 stores on the ground level, 4 apartments on the second level and 2 apartments on the third level.
- The signage is focused along Stewart Ave. and Route 9N.

Herb Koster asked if the hanging signs would be parallel or perpendicular to the building. Mr. Parsons stated they would be perpendicular. Herb Koster asked if they would overhang in the right of way. Mr. Parsons replied they would not.

- The commercial space is 3,300 sq. ft. of retail space on the first floor and the basement is 3,700 sq. ft. of storage, so their calculations are based on the 3,300 sq. ft. of retail.

- Each of the units is two bedroom one bath with a kitchen.

John Cushing asked if the street would be narrower by the new sidewalks on Stewart Ave. and Main Street. Mr. Tabor replied no, it would not; the curb line would stay exactly the same. John Cushing asked if the sidewalk would be a foot wider. Mr. Parsons replied it would be more than that.

Henry Caldwell asked if the building would now be out of the State right of way on both streets. Mr. Tabor replied yes. Henry Caldwell asked about the power lines. Mr. Parsons replied the existing building is back from the power lines, and the new building is stepping back off of that.

John Cushing asked if there would be trees or grass in the back parking area. Mr. Tabor replied that there would not be. He stated they are just meeting the special requirements for the site.

Henry Caldwell asked if the ZBA looked at parking for the retail space. Mr. Tabor replied yes they looked at parking for the entire project. Henry Caldwell asked if it was a full basement. Mr. Parsons replied yes. Mr. Tabor stated that there is only one hour parking along Stewart Ave.

Sandi Aldrich inquired about snow removal. Mr. Tabor replied that it will be tricky as there is not a lot of room but there is some.

Henry Caldwell asked if the whole lot was basically coarse sand. Mr. Tabor replied yes, it was a very well-draining material.

Sandi Aldrich asked how visible the third floor would be from street level. Mr. Parsons stated that they had done a few things to mediate it and you would not see it from the Main Street. Sandi asked if there is outside access/patio for the third floor. Mr. Parsons stated that they have a small terrace for these apartments. She asked if the patio area would be railed off. Mr. Parsons stated it would be railed off on the north side of the building due to the roof line.

Henry Caldwell asked if they would be able to handle all of the stormwater. Mr. Tabor replied that they would and detailed how it would work. He asked if it this system would work in the winter. Mr. Tabor replied it would because of its depth. Henry Caldwell asked if they would be using porous black top. Mr. Tabor stated they considered it but this was the most efficient and practical way to handle the stormwater. Herb Koster asked if all the parking drainage would be going into the drainage catch basin in the northwest corner. Mr. Tabor replied that was correct.

Herb Koster asked about the plan for snow removal. Mr. Tabor replied that it was Mr. Strief's plan to have it removed by a contractor. Herb Koster stated that he also had concerns about trailer trucks parking on the streets in the winter for deliveries. Mr. Strief stated that he did not receive any deliveries in the winter because his store was closed and at all other times deliveries would be on site. He stated that he would be contracting to have the snow removed. He stated that he is looking into a green roof or a heated roof which will cut down on the actual snow. Mr. Tabor stated that the delivery entrance was more conducive to pulling into the lot. Sandi Aldrich asked if most of the deliveries were Fed Ex or UPS which would allow them to pull into the site. Mr. Strief said they would be.

John Cushing asked who checked that all the notes on the blue prints would be followed. Mr. Tabor replied that typically they made sure that the contractor was following them.

Henry Caldwell inquired about the construction schedule. Mr. Strief stated that they would like to get started at the earliest after Labor Day and they would like to have the ground floor done by April 1, 2016 and hopefully the tenants to move in by June 1, 2016, but it may get pushed out depending on the schedule. Henry Caldwell asked if they would like to be open until Columbus Day. Mr. Strief stated he would but it may be more cost effective to start before that time.

Sandi Aldrich asked the time frame for demolition stating it would be a huge undertaking to be done in September in the middle of town. Mr. Strief stated he would think one week, Mr. Tabor stated no more than two weeks. Sandi Aldrich stated she just has concerns about blocking everyone else's access to the area. Herb Koster stated the sidewalk would probably be disturbed for one or two days but he does not foresee more than that, but it was an understandable concern.

Sandi Aldrich inquired about trees on the plan. Mr. Tabor detailed all the landscaping and existing trees on the site.

Atty. Muller read the letter from Warren County Planning stating there was no Warren County Impact with stipulations, which were their concerns for the 6 parking spots.

Lake George Waterkeeper stated they support the project but inquired about the calculations for the increased impervious and the piping to the catch basin from the building that were not on the drawing. Mr. Tabor stated that the final plans could show the piping and Mr. Navitsky was correct that the stormwater calculations are sized based on the calculation that uses the net additional impervious area, but these plans meet Bolton and DEC code requirements. Herb Koster asked if the recharge area was large enough to percolate all the water even if it was not required. Mr. Tabor replied that was correct. John Cushing asked if it doesn't work did they still have room to increase it. Mr. Tabor replied yes, but the calculations and sizing of the system meet the requirements. Mr. Tabor stated that all the stormwater is running off the existing site at this time, so this is a huge improvement. Herb Koster stated that his concern is that the underground chamber would get flooded out and run off the site. Mr. Tabor stated that the only way this would happen if there was an extreme storm as in a hurricane. Pamela Kenyon stated that if the Board had a concern, it should be sent to the Town Engineer as she was not qualified to make those determinations. Mr. Cushing asked if it would handle the storms that they have been having recently, where you get 6" of rain in 6 hours. Mr. Tabor stated he could run the calculations but he does not see why it would not. He stated the worst case scenario would be the rain coming out of the catch basin onto Main Street. Herb Koster asked if he is already abiding by the town's ordinance, does the Board have the right to ask for more. Atty. Muller replied no.

John Gaddy stated he felt it was a big improvement. Herb Koster agreed. Henry Caldwell stated that moving it back from the property line is an improvement, but he does not see any solutions to the off street parking.

Herb Koster asked the Board if they would like a public hearing. John Gaddy asked what the response at the Zoning Board's public hearing was. Atty. Muller stated it would be characterized as positive.

John Gaddy stated that this project provided an increased engineering to the existing site with a major improvement and he loves the public access along the roadway. Herb Koster agreed. John Gaddy stated that there are a number of support population who do not have cars, so you cannot base the parking on two cars per tenant. He stated fire is a concern because it is already hard enough to get down Stewart Avenue with a car. John Cushing talked about the concerns getting down Route 9N in the summer.

John Gaddy asked what the difficulty would be to install gravel along the north side of the perimeter to increase stormwater capacity. Mr. Tabor stated he did not think it would not be an issue. Herb Koster stated that they already have a bunch of planting there. Sandi Aldrich asked if doing this would eliminate the plantings. Mr. Tabor stated only a little bit.

Henry Caldwell stated it was up to Jeff to get his employees to find alternative parking.

Henry Caldwell asked if this was a minor stormwater project. Pamela Kenyon replied yes.

#### **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-07. **Seconded by**, Henry Caldwell. All in Favor. Motion Carried.

**Motion by** John Gaddy to accept SPR15-07 as complete, waive the public hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions; 1) All lighting is to be downward facing and shielded as stated. 2) Demolition and construction is only to occur Monday – Friday 8am to 5pm and Saturday 9am to 5pm. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by**, John Cushing. **All in Favor. Motion Carried.**

4. **SPR15-08 ZECCHINI, ED.** Represented by John Shafer. As a condition of approval set forth by the Planning Board on June 17, 2004, seeks Type II Site Plan Review for clearing and stormwater. Section 156.00, Block 2, Lot 73.3, Zone RM1.3. Property Location: Lot #1 of the Moccasin Rock Subdivision (Mitchel Angel). Subject to WCPS review. Subject to SEQR.

John Shafer presented the following;

- This is for a one bedroom 1,600 sq. ft. cabin.

John Gaddy asked if the additional clearing was considered minor stormwater. Zoning Administrator, Pamela Kenyon stated that it was a minor subdivision with minor stormwater.

Herb Koster asked where the driveway started. Mr. Shafer stated right at the top, 50' or less from where the existing road ends now. Sandi Aldrich asked if this was the gravel road. Mr. Shafer replied this was the gravel road that ends at lot one.

Herb Koster asked if they would be approving what is there now. Mr. Shafer stated this would be the first lot to be built on the subdivision and there was no existing driveway on this lot. Herb Koster stated that it was more than 50'. Mr. Shaffer said that the house setback is 62' so it had to be close to that, but they could scale it out if they wanted to be more accurate. John Gaddy stated that there was a hammer head at the end of the road.

John Cushing asked if test pits were dug. Mr. Shafer replied yes and also perc tests, they were on Tom Hutchins septic design.

John Gaddy inquired about the Lake George Waterkeeper's concerns. Zoning Administrator, Pamela Kenyon stated she talked to the Town Engineer today and he was not quite sure of the topography in the area for the septic but he does not believe it was 21%. She stated he would not mind a topo done in that area if the applicant authorized him to do it. She stated she had not spoken to anyone about the stormwater. Chris Navitsky stated they took the grade off of the submitted drawings. Mr. Shafer stated it was definitely 15% or under or they would not have started this process and they are very confident in their plan. He then detailed the plan to the Board. He stated it was a mature forest and there are not a lot of trees that need to be taken down.

Mr. Shafer stated they had a one bedroom camp proposed not a monstrosity on the side of the mountain.

John Gaddy stated that it would not be visible from the lake with tons of buffers. John Cushing asked if there was a lake view. Mr. Shafer replied barely.

John Gaddy stated the existing road had been through a lot of storms and was still in good shape.

John Gaddy asked about the stormwater concerns of the Lake George Waterkeeper. Chris Navitsky stated that the calculations show less rate after development then before, which does not make sense and doesn't meet town code. Mr. Shafer disagreed and stated they meet NY State regulations and detailed the plan to the Board. Atty. Muller asked the applicant how he accounted for the 40% decrease in the stormwater runoff after development. Mr. Shafer stated he would have to defer this to the Town Engineer, but they are reducing a big portion of the slope on that lot. Herb Koster stated Mr. Shafer is talking about the septic area not the stormwater. Mr. Shafer stated there could be a reduction of runoff by reducing the slope. Herb Koster asked if the Zoning Administrator would feel better if the application is reviewed by the Town Engineer. Pamela Kenyon replied that she would. Atty. Muller stated that this would be a great idea.

No Warren County Impact

**RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-08.  
**Seconded by,** Henry Caldwell. All in Favor. Motion Carried.

**Motion by** John Gaddy to accept SPR15-08 as complete, waive the public hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following condition; 1) The plans be submitted to Town Engineer, Tom Nace for review with the fees to be incurred by the applicant. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented.  
**Seconded** Henry Caldwell. **All in Favor. Motion Carried.**

5. **SPR15-09 LOPRETO, CLAIRE.** Represented by Kevin Kieler. Seeks to discuss improvements to an approximate 1,200 yard logging road that accesses those parcels designated as 124.00, Block 1, Lot 14.13 & 124.00, 1, 14.11. Zones RL3 & LC45. Property Location: New Vermont Road being Lots 1 & 3 of the John & Claire LoPreto Subdivision (SD11-05) approved November 17, 2011. The roadway has to be classified as either a shared driveway or road prior to the applicant moving forward with engineering plans.

Kevin Kieler presented the following;

- He has found a piece of property for a retirement home on lot 3 of this subdivision.
- Before moving forward they want construction approvals from this Board.
- He handed out photos to the Board and detailed them.
- The only two lots to be serviced by this driveway would be lot 1 and lot 3.
- He intends to eliminate the access road at the end of his driveway.
- He would eventually like to purchase lot 1.
- The road is in good shape and needs minor improvement.
- They will leave permanently as a gravel driveway.

John Gaddy asked about the subdivision to the west and the whereabouts of the road. Mr. Kiefer pointed it out to the Board on the map.

Herb Koster asked if this Board was determining whether this was a road or a driveway.

Henry Caldwell asked about emergency vehicles accessing the road. Herb Koster stated that if they classify it as a road there will be a need for clearing and widening of the road. He stated you can't have it both ways, either it stays as is or it becomes a big project with lots of cutting and disturbance.

Atty. Muller asked the Board if the past history of this project was persuasive in making their decision tonight. Herb Koster stated he had some recollection of this subdivision and they are always caught in the middle of excessive cutting and fire department accessibility. He stated that you can't always guarantee the idea situation for the fire department without destroying a lot of acreage. He stated this is already a good solid road that has been utilized by logging trucks.

**RESOLUTION:**

**Motion by** Henry Caldwell to determine that this was considered a shared driveway that will access lots 1 and 3. **Seconded by**, Sandi Aldrich. All in Favor. Motion Carried.

6. **SPR15-10 SAFFER, LAURA & DAVID.** In accordance with Section 200-47G(4), seek Type II Site Plan Review to temporarily reside in an RV while their single family dwelling destroyed by fire on 4/14/15 is rebuilt. Section 156.00, Block 2, Lot 55, Zones RL3 & LC25. Property Location: 31 Deerfield Lane. Subject to WCPS and SEQR review.

Laura Saffer presented the following;

- They are requesting to reside in their travel trailer up to 10 months while rebuilding their home.
- She handed out brochures of the trailer to the Board.
- They do not plan on living there permanently, it is definitely temporarily.

Laura Saffer thanked the many people in the Town of Bolton for their support in their time of need.

Henry Caldwell suggested they go for 1 year instead of 10 months.

Sandi Aldrich asked if they would utilize the existing septic system. Mrs. Saffer stated they would have the grey water and holding tanks emptied once a week by a porta john company that will be servicing their construction porta johns.

No Warren County Impact

#### **RESOLUTION:**

**Motion by** Henry Caldwell to declare the Bolton Planning Board as lead agency for SPR15-10. **Seconded by**, John Gaddy . All in Favor. Motion Carried.

**Motion by** Henry Caldwell to accept SPR15-10 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the project with the following conditions; 1). They may utilize trailer for one year and they will have to come back to the Board after that time period for renewals. **Seconded by**, Sandi Aldrich. All in Favor. Motion Carried.

Sandi Aldrich questioned the rock wall at Camp Walden. Pamela Kenyon stated that the Code Enforcement Officer would go document the wall and they would review it and get back to her.

The meeting was adjourned at 7:54.

Minutes respectfully submitted by Kate Persons.