

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday November 17, 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:** John Cushing, John Gaddy, Sandi Aldrich, Alternate Ann Marie Somma, Kirk VanAuken, Henry Caldwell, Zoning Administrator, Pamela Kenyon and Town Counsel, Michael Muller

**Absent:** Herb Koster & Gena Lindyberg

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

**REGULAR MEETING**

Henry Caldwell asked if there were any changes or corrections to the October 20, 2016 minutes.

**RESOLUTION:**

**Motion by** John Gaddy to accept the October 20, 2016 minutes as presented. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

1. **SPR16-31 C. RAYMOND DAVIS & SONS.** Seek Type II Site Plan Review for an advertising sign greater than four square feet. 21 square feet is proposed. Section 186.14, Block 1, Lot 25, Zone RCH5000. Property Location: 4591 Lake Shore Drive. Subject to WCPS review. Subject to SEQR.

John Isaacs of C. Raymond Davis & Sons presented the following:

- They are proposing the placement of a 21sq. ft. sign in an existing kiosk in front of their new office space.
- He stated this is much smaller than other existing signs on the road.
- This kiosk was approved last year by the property owner.

Sandi Aldrich asked if they would be doing separate lighting. Mr. Isaacs stated there was existing lighting, but they would not be adding any additional lights.

John Gaddy stated if the sign fit within the existing stand. Mr. Isaacs replied that it did.

No County Impact.

**RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-31. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR16-31 as complete; after having a Public Hearing with no public comments, 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; the sign is to be constructed according to the size depicted on the plans. **Seconded by**, Kirk VanAuken. **All in Favor. Motion Carried.**

2. **SPR16-32 VANDYCK, MAUREEN.** Represented by Barry Kincaid. Seeks Type II Site Plan Review to remove dead, dying and diseased trees and enhance the quality of the remaining trees. Section 171.19, Block 1, Lot 58, Zone RM1.3. Property Location: 19 Evergreen Lane. Subject to WCPS review. Subject to SEQR.

Barry Kincaid of KLC Property Enhancement LLC. stated the intent and purpose of the project:

- To remove all dead trees and to thin and trim remaining trees to help with their longevity.
- KLC Property Enhancement LLC. has agreed to review and assess the trees on the property of 19 Evergreen Lane and to represent Ms. VanDyck in creating a removal and thinning plan that would help with natural lighting and airflow to prevent any more damage to the roof and house.
- They have marked the trees for removal in white ribbon.
- There are approximately 42 trees to be removed.
- Several of the trees are dangerously close to the neighbor's house.
- There are approximately 38 trees marked with yellow ribbon to be saved and trimmed for better growth.
- In using this plan, they are confident it will enhance the overall health of the trees that remain and prevent more damage to the house and roof.

John Gaddy thanked Mr. Kincaid for all the marked trees. He stated his only concern was the that they keep within the 30% shore line clearing. He replied that he did not think he was, but he would be sure he was not.

Henry Caldwell asked if Mr. Kincaid would be doing the work. Mr. Kincaid stated that was the plan. Henry Caldwell stated he would like it in the motion that the applicant must come back if he was not doing the work.

John Gaddy stated they had been working with Mr. Kincaid in an effort to have vegetation cleared for homeowners that allows a view, but does not remove the whole tree. Mr. Kincaid stated the biggest thing is to try and educate the homeowners.

No County Impact

**RESOLUTION:**

**Motion by** Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR16-32. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

**Motion by** Kirk VanAuken to accept SPR16-32 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) If KLC Property Enhancement LLC., does not do the work, whomever does, must come back before the Board for approvals. **Seconded by**, John Gaddy. **All in Favor. Motion Carried.**

3. **SPR16-33 HAMILTON, GERALD.** Represented by Kasselmann Solar. For a proposed roof mounted solar array on an existing barn, seeks Type I Site Plan Review for a new land use within ¼ mile of the Schroon River and within 150' of the Adirondack Northway. Section 184.02, Block 2, Lot 17, Zone RR5. Property Location: 826 E. Schroon River Road. Subject to WCPS and APA review. Subject to SEQR. See V16-42 associated with this project.

Lindsey Halse of Kasselmann Solar presented the following:

- They are installing a roof top solar mount on the Hamilton's barn adjacent to their home.
- It 423 sq. ft. with 22 panels.

Ann Marie Soma inquired how many kilowatts they would be generating. Ms. Halse stated 6.38 kw. Ann Marie Somma asked if it was intended to feed back into the system or would they be using a battery system.

Sandi Aldrich asked about the letter stating it was the house not the barn. Ms. Halse stated it was an error in the letter, it was the barn not the residence.

Kirk VanAuken asked if they were using inverters for the solar arrays. Ms. Halse stated that each panel had micro inverters that would be fed to National Grid's line and they would be trenching the line to the residence.

John Cushing asked if this would be visible from the Northway. Ms. Halse stated it would not and depicted the trees and growth that would block the view.

Henry Caldwell asked if they would be flat on the roof or angled. Ms. Halse stated they would be flat as possible against the tilted roof.

Henry Caldwell asked if there would be a problem in the event of a fire turning things off. John Cushing stated there were many problems, but it was all hypothetical. He explained that there was one side of the roof with no panels on it they could use in case of an emergency and detailed some of the problems. Ms. Halse stated that there are alternative ground access points for fire fighters one being the other side of the roof, which is approved by the NYS Building Code.

John Gaddy asked if there was the ability to get different trim colors. Ms. Halse stated they typically use the mottled black with a bluish tint.

### **No County Impact**

### **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR16-33.  
**Seconded by,** Kirk VanAuken. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR16-33 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,** Kirk VanAuken. **All in Favor. Motion Carried.**

4. **SPR16-34 HAYES, MICHAEL & ELIZABETH.** Represented by Curt Dybas. To demolish and rebuild boathouse, seek Type II Site Plan Review for a land use within 250' of Lake George. Section 213.17, Block 1, Lot 24, Zone RCM1.3. Property Location: 42 The Moorings. Subject to WCPS review. Subject to SEQR.

Curt Dybas presented the following:

- They wish to remove the southern crib and a walkway along the rock ledge.
- It is a very difficult shoreline.
- The dock in its current configuration is not legal.
- They have been issued a permit from the LGPC.
- There is approximately 150 sq. ft. on the southwest corner that is on top of rock ledge.

Henry Caldwell asked if this could be a crib dock. Mr. Dybas stated that was correct.

John Cushing asked if the catwalk was existing. Mr. Dybas stated that it was existing and would be removed.

John Cushing asked if it would be closer to the property lines. Mr. Dybas replied that it would not and detailed it on the plans.

Henry Caldwell asked if they were before them because it came up onto the shore. Zoning Administrator, Pamela Kenyon stated yes. They are here basically for the southwest portion that

is on the land side of the mean high water mark, over the rock ledge. Mr. Dybas stated they had tried everything to avoid it, but it could not.

Sandi Aldrich asked if this was just two crib docks. Mr. Dybas detailed this on the plan.

## **RESOLUTION:**

**Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR16-34. Seconded by, Sandi Aldrich. All in Favor. Motion Carried.**

**Motion by Kirk VanAuken to accept SPR16-34 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 on the walkway is to be downward shielded and dark sky compliant. Seconded by, Sandi Aldrich. All in Favor. Motion Carried.**

5. **SPR16-35 JUMBO REALTY LLC. (CAMP WALDEN).** Represented by Peter Loyola of CLA Site. Seeks to discuss conditions of approval set forth by the Planning Board on December 17, 2015 when approving SPR15-23 and the planting plan originally approved under SPR12-28. Section 185.00, Block 1, Lot 32, Zones RCL3, LC25 and LC45. Property Location: 429 Trout Lake Road. Subject to WCPS review. Subject to SEQR. The conditions read as follows: 1. All lighting is to be retrofitted to be dark sky compliant. 2. No power boating activities such as skiing, tubing or banana boat rides on Mondays and Fridays. 3. Applicant must meet with a Planning Board member to figure out how to reduce the light impact of the athletic field lights. 4. Applicant must be compliant with the Town of Bolton local noise ordinance #22 at all times. 5. There is to be no parking in the public right of way at any time. 6. Applicant must return to this Board in November 2016 for review; and the applicant must implement the planting plan as presented with the addition of more screening and come back before the Board in November 2016 for review.

Peter Loyola of CLA Site presented the following:

- They are here as a condition of two previous applications, the first for the Admin 2 building in 2012 with the condition of a planting plan in 2014.
- Additional screening was requested at this time, and they came back in 2015 after adding more plantings.
- A Master Plan was requested and they presented it with the Boys HQ application.
- They were asked to update everyone today on what has been done.
- He detailed the planting plan to the Board.
- They are here to talk about all the conditions that were requested at the last meeting.
- No power boating activities such as skiing, tubing or banana boat rides on Mondays and Fridays, which they have complied with.

- All lighting is to be retro fitted to be dark sky compliant, which they have made great effort to accomplish. Mr. Gaddy stated he had mentioned a couple more.

Applicant must meet with a Planning Board member to figure out how to reduce the light impact of the athletic field lights. They have cut down their night time activities and use the lights only as needed. They have curbed this. John Gaddy stated that looking at the lights up there, they are not dark sky compliant. This is an ongoing project and he is willing to work with Mark over time with this. This is a step in the right direction and they can look at them in the spring.

- Applicant must be compliant with the Town of Bolton Local Noise Ordinance #22 at all times. They have worked at fixing the issues on this item. Ann Marie Somma stated there had been an issue with a loud speaker. Mr. Loyola stated they had turned down the loud speaker and walkie talkies were added.
- There is to be no parking in the public right of way at any time. They have added a gate this summer and it will continue to be enforced.
- Applicant must return to this Board in November 2016 for review; and the applicant must implement the planting plan as presented with the addition of more screening and come back before the Board in November 2016 for review. They are here now for this.

Henry Caldwell stated he would like to allow some of the public to speak tonight. There was a public hearing last month and nobody showed up. Atty. Muller stated that it was not a public hearing, but if the Board wanted to allow it, it would be fine.

Dennis Murphy of Trout Lake:

- Parking has been much better this year.
- The noise has been also much better with the exception of the music at night.
- The power boat activity regulation was complied with. They normally never ran the boats past 5:00pm. The boats were run until 8:30pm or 9:00pm at night during the week.
- The lighting looks like a nuclear power plant, and he would like the Board to look at it during the night.
- If you have a problem, Mr. Bernstein does give out his personal cell phone number to contact him with issues and he corrects them quickly.

Carmen DiDanado of Trout Lake:

- They are close to Camp Walden.
- They were still running the boats at 10:30pm at night.
- They contacted Mr. Bernstein and he did not do anything.
- The boats swing in front of his dock and it is not fair to them, they also have the right to enjoy the lake too.
- The parking is still an issue and he submitted photos to show this.
- They need a break too.
- They are not exaggerating the problems and hopes that these issues are taken into consideration.

Diane Samsone

- The biggest impact is that the camp has grown so big and so fast and it is impacting the them all.
- They virtually take over the lake with the boats in the months of July and August.
- They are looking for some considerations.
- They would like them to limit the number of boats and hours of operation of them so everyone can enjoy the lake.

Colleen Klass

- The difficulty for them is the flow of the boats.
- They would like to have them all go in the same flow.
- Mr. Bernstein had stated he would do this, but it did not happen this summer which was a disappointment to them.
- She asked Mr. Bernstein to reconsider.

Henry Caldwell asked Mrs. Klass how much the camp effected the south end as compared to the north end. Mrs. Klass stated they hear the noise and they see the lights. She stated the big thing is the lake as you are trying to dodge the boaters all the time. Mr. Klass stated the lights could definitely be turned down.

Nancy DiDonato asked that the Board read all the emails and letters that had been submitted.

Atty. Muller read a letter of opposition from Nancy and Carmine DiDonato.

Henry Caldwell asked how the no power boats on Monday and Friday worked out. Mr. DiDonato stated that most of the residents are only there on weekends. Monday and Friday is not effective. They should change it to Monday and Saturday. They should have one day on the weekend to have the lake free.

Henry Caldwell stated many of the letters stated boating activity went before 8:00am or after 6:00pm. Mark Bernstein stated that it did not happen on a regular basis. This year they had done some filming for the website and the videographer did go out a couple of times.

Henry Caldwell asked about changing the two scheduled days off from boating. Mr. Bernstein stated that it would not work for them. Kirk VanAuken inquired why. Mr. Bernstein replied it was due to the scheduling of campers and counselors.

Kirk VanAuken asked what the Woodstock Fruit Festival was. Mr. Bernstein stated that they rented the property for a week at the end of the summer to them. They bring about 450 people. Henry Caldwell asked if they went out on the lake. Mr. Bernstein stated only in the kayaks and paddle boats.

Henry Caldwell asked about the lighting concern. Mr. Bernstein stated they have stopped the programs at 10:00pm instead of 10:30 or 10:45 which has eliminated the noise and lighting. They have done this religiously throughout the summer.

John Gaddy asked if there was a way to direct the boat drivers to have less impact on the neighbors. Mr. Bernstein detailed the boat patterns and the need to continue the way they go. John Gaddy asked if he was saying there was no way to change it to minimize the impact on his neighbors. Mr. Bernstein stated he did not know of any.

Gary Sansone of 13 Bluequill in Trout Lake:

- The biggest impact is by far the boating.
- Camp Walden has too many boats on the lake.
- His recommendation is that they have more people using the boat on the weekend, and they use too many boats at one time on the lake.
- Lighting and noise are valid points for others.
- He questions the need 5 or 6 boats. Camp Walden is taking over the lake and it is too much of an impact. The boating is ridiculous. The north end of the lake is impacted the most. They would like to see him going down to 2 boats from 9 to 5.
- He would like Camp Walden to work with them and share the lake.
- He invited the Board to his dock to see what goes on.

Carol Shaw of Trout Lake stated her concerns with the excess boating on the lake. She suggests less boats and less hours on the lake. Henry Caldwell asked if they are proposing 7 days a week with fewer boats. Ms. Shaw stated this was correct, she thinks two boats would be fine and much less of an impact to the neighbors and the lake. Mr. Bernstein stated they could not change the days because this is when his staff is off. Ms. Shaw stated they could change this. Mr. Bernstein stated not easily. Ms. Shaw said again, that they could change this.

Carmine DiDonato stated that Mr. Bernstein misspoke when he says the boating stopped at 6:00pm.

Mr. Bernstein said he looked at the number of campers in 2011 and stated they broke 400 campers which added 34 more campers. He said they had no complaints until they built the lodge. It seems no one was unhappy between 2011 & 2015. After they built the lodge the perception of the Bernstein's and Camp Walden changed. They had a big beautiful building maybe they are making more money, maybe they are more successful, whatever the reason, the perception of the camp changed and the comments started flowing in. In 5 years, they have only added 30 campers. When he bought the camp, there were 4 boats running, he added a 5th boat. He believes a lot of this is perception. There were no complaints until they built the lodge.

Henry Caldwell asked Atty. Muller where the Board went from here. Atty. Muller stated that if they wanted to change anything they would need another public hearing. They could not make changes tonight. If this is the choice, they would need to give the applicant the issues that are most pertinent.

Peter Loyola said he was a little perplexed because they have had public hearings on all of the applications that they have submitted. They were opened, submitted and closed. The newest one being the girls cabin which is a part of the master plan. He believes the perception is that every cabin that has been added has added more activity on the lake, which is not the case. There are only so many activities and so much time that you can get the campers through the program.



They have opened this all up to the public and have been very straight forward with where they are at with the number of kids. You can't have a public hearing on conditions of projects that have already been approved. They have already received SEQR determinations, and they have been closed. They have already started building these projects. They will continue to work on the lighting. He does not know where they go from here other than to work to be better neighbors. It is a business that has been in operation. They have improved the waterfront from a grading and drainage standpoint. The stormwater controls have never been better up there. The erosion and sediment going into the water has been alleviated due to stormwater master plan. Before the lodge was built, there were no trees in the front area, it was all lawn. They spent thousands of dollars vegetating the front of the buildings. He believes over time the lighting will be diminished. The basketball courts and the lighting has been improved. They can continue to work on the hours of operation to diminish the lighting.

Henry Caldwell said the Planning Board has been reviewing Camp Walden for quite a few years and they are probably guilty for not having a public hearing sooner. He thinks it is obvious what the public concerns are. He was hoping by not having boats running on Mondays and Fridays, which he thought was a major concession would help, but it seems like boating is the major issue, and they need to stick to the hours. Mr. Bernstein stated the hours were not stipulated in the condition of approval. Ann Marie Somma stated that she did not see any hours of operation. Henry stated he was suggesting that they self-impose some hours of limitation. There is a lot of valuable property on Trout Lake, and it is questionable as to whether or not they are protecting the property values of his neighbors.

Kirk VanAuken stated that Mr. Bernstein has done a lot of good things from what was originally there. People have lived there all their lives and this has grown so large and is a lot of change to endure. This is where the problem has come about. Growth has absolutely taken place. The waterfront has grown and expanded. The dock system and float system has gotten bigger. They have definitely taken over more of the lake and encroached more and more. This coupled with other things, really starts to weigh on people's minds. The boat traffic has increased. Mr. Bernstein has given a concession which is a good step forward, beyond that it is still a struggle to have that growth in that small of a spot with people living around them trying to enjoy the lake too. There has to be something more, he does not know what it is, but there must be a solution. He understands the desire to do well as a business, but he also understands the plight of the neighbors. The old camp was not toted as a watersport camp. This is new with Mr. Bernstein and he is going to try to promote this and grow it. The problem is this is a very small spot and it effects the residents. He feels for the neighbors who have been on the lake forever. Perhaps this waterfront activity has grown too big for the property.

John Cushing stated that some of the expansion has been approved with conditions. They were approved with conditions that they were supposed to meet and apparently, they have not. Mr. Loyola stated that they have and he detailed each one and what they have done. He said there were never any conditions on hours of operation or which way the boats were going to turn set forth by this Board on any of the applications. John Cushing stated that Mr. Loyola obviously has not been at the same meetings that he has as all he has been reading is complaints about lighting, boating and noise not being right. Mr. Loyola stated that if you go down through the check list they have complied with all conditions of approval. John Cushing stated that is what

Mr. Loyola is saying but that is not the reality of the people that live on the lake. This is not working, they have reached the saturation point. You have Walt Disney World and then you have the rest of the people living in small houses trying to deal with Disney World on Trout Lake and it's not working anymore.

Ann Marie Somma stated she could empathize with the comments they have heard today, but what they have described is what is like to live on Lake George in the summer now. It was not like that 10 years ago when she moved here. At this point if you try to go out for an afternoon of Lake George you are taking your life in your hands. This applicant put forward a master plan and come back to the Board several times. He has addressed every issue that they have asked of him. He has built what the Board has approved and in reality they approved the project. There was never anything about the times. The condition was to work with them on how to reduce the lighting on the athletic fields. There was no time frame or how it would be happening, she believes that is why they are here today. She asked if there was a standard lights out or quiet time for the camp. Mr. Bernstein stated they have started the evening programs earlier so they would end at 10:00pm. Before they ended around 10:45. Bedtime is staggered by age. He believes the issue is the boats on the lake. They have gone through all of the processes and this is what has been approved by this Board. They have agreed not to add any more boats or campers. Ann Marie Somma said they would need to bring the applicant back to address the lighting and that was it.

Henry Caldwell asked if this should be a yearly review. Mr. Loyola asked if they could address the planting plan. They have put forth a planting plan for all the applications and planted everything they have said they would. Kirk VanAuken stated he believed that they had done a good job with the planting plan, the problem was the removal of so many of the trees and new vegetation is young, once it grows it will be much better. Mr. Loyola said to be clear, much of the clearing of trees was done prior to building, it was done for safety due to the dead pines, also the town took out many of the trees along the road. Mr. Loyola stated if they could agree that the planting was done properly this condition should be out of the way. He does not know why they would have to come back for that, he has never heard of continuing to come back year after year. Henry Caldwell stated he was suggesting coming back for the concerns of the neighbors, not the planting. He asked how they should compromise. Ann Marie Somma stated that there is a condition stating they would work with the Board to reduce the lighting on the athletic field. They would need to come back for that. Mr. Loyola agreed. Mr. Bernstein stated it gets light earlier now so they could come up and look at it next week. John Gaddy stated they would need more time, but he would be happy to come up next week and look at it.

Atty. Muller asked the Board what they wanted to do, extend this for some future performance and if so what is the performance standard they would like to impose. They would have to discuss this.

Henry Caldwell stated that he thought that they needed to address the neighbors' concerns.

The big concern is the hours of operation and the number of boats with the neighbors. Mr. Bernstein stated they would concede to start at 9:00am and end boating at 6:00pm when the

period ends. They may have boats that need to go to the island later at night, but he will put it in place that the waterfront program needs to end at 6:00pm.

Sandi Aldrich asked if they could add to the boating conditions. Atty. Muller stated they could not amend something which was a product of a Planning Board determination that was the outcome after a public hearing without having a public hearing. They would need to give it equal dignity in that the process requires that if you are going to go back and change something a public hearing would be needed if they wanted to amend any of the conditions. Sandi Aldrich asked if their choices were to either stick with what they have or schedule a public hearing to make any changes. Atty. Muller stated that they would need to allow the applicant the opportunity to address the issues that were pertinent to the projected public hearing. A lot of what had been talked about tonight were violations of boating regulations and not a bailiwick of this Board. If these folks feel that they are entitled to a remedy and that there are navigation laws that are being violated they need to address this with the proper entity. This Board can't do this. The Planning Board needs to work on prior site plan approvals and if there are amendments to be considered, a future hearing is in order, but an expectation on the part of the applicant that they know what it is that the Board will be discussing and how it is that they can possibly address it to show that they meet the requirement or that the requirement is unnecessary. The Board must tell them what they want.

Atty. Muller detailed the existing conditions and stated number 1, dark sky compliant was not in compliance at this time. They have a considerable amount of time to work with the applicant to bring this into compliance. Mr. Loyola stated that in this particular situation it pertains to the boys' HQ building. This pertains to each building they have built to date. Mr. Bernstein stated that he has done this. This condition was with regard to the boys HQ, they just volunteered to do all of them. There was never any condition on the athletic field. There is a condition to work on reducing the lighting which Mr. Bernstein is willing to do. Ann Marie Somma asked if they had ever done a lighting study on the athletic field, they may in fact have too many lights there. Mr. Loyola stated they had done photo metrics but they could look at it, but there was not a lot of overlap. Ann Marie Somma stated they did need enough lighting to be safe. Mr. Bernstein detailed a plan to split out the lighting from the tennis courts and the athletic fields to help with the lighting. John Cushing stated he thought they were all dancing around the real issue which is the amount of boats and traffic on the lake. He detailed his note and asked how many boats were on the lake at one time. He believes this is the main and biggest problem for the neighbors and what they should count on. Henry Caldwell asked how many boats Camp Walden had at this time. Mr. Bernstein stated 5 power boats for water skiing and tubing. He said they had other power boats. John Cushing stated that every time they had a meeting the numbers change but his notes say 83 total boats with 10 or 12 power boats. Ann Marie Somma asked if they had expanded the number of boats from a year ago when they reviewed it. Mr. Bernstein stated that they had not. He has only added 1 water skiing boat in all the years he has been here. Ann Marie Somma stated that a year ago they went over the applicant's fleet of boats and approved the project that he presented at that time. So, in all fairness to the applicant, he brought something forward that they had approved. Kirk VanAuken stated that one of the caveats in SEQR is the increase of undue traffic and the question was, is he increasing this. Mr. Bernstein stated they have not increased the boating, they can only water ski 7 per 8 kids per boat. Kirk VanAuken stated that unless they can show evidence that they are not increasing, this will be

there perception and that is why they are here. Ann Marie Somma asked if they could limit the boating to every day but Saturday. Mr. Bernstein stated that this is a big day and it would hurt his business. Dennis Murphy made a statement from the audience detailing the amount of kids the camp and waterfront were rated for. He stated the camp is rated as a children's camp.

Henry Caldwell stated he believed they needed a public hearing. Mr. Loyola asked on what, they had no open application in front of this Board. These were all applications that had been approved, with a negative declaration and public hearings have been closed. They came back for information at the request of the Board. They have complied with all lighting to be retro fitted and dark sky compliant, they have not had boating on Mondays or Fridays, they agreed to meet on the athletic fields for lighting which they do not have to do, but as a condition they are happy to do that and have already conceded to it. The applicant must be in compliance with the local noise ordinance which is an enforcement issue. Let the folks have a complaint about the noise file a complaint with the proper authorities. They feel they have done much to reduce the noise. There is no parking in the public right of way. This is also an enforcement issue that this Board does not have authority over this. They have eliminated this problem as best they can by bringing camp personnel into the main parking in the camp. They have met the conditions of their applications here. They have heard the public and would like to be good neighbors. They have already conceded a new time for boating activity to 9:00am - 6:00pm. The public hearing has been closed. They can't go back on it. They can only strive to be better neighbors.

Atty. Muller stated they brought back the applicant to discuss conditions of approval set forth a year ago, December 17, 2015 with the aspect of compliance. He detailed the six conditions as follows:

1. All lighting is to be dark sky compliant, if this is all lighting, it sounds like there is work to be done. They will have to hash this out.
2. No power boating activities such as skiing, tubing or banana boat rides on Mondays and Fridays. He has heard a lot of dissatisfaction with the type of boating, the activities, the noise and the safety issues. He does not recall any violations with the skiing and power boating on Mondays and Fridays so it sounds as if they are in compliance.
3. Applicant must be compliant with the Town of Bolton local noise ordinance #22 at all times This was a condition that is not complete and needs to be addressed to conform.
4. Applicant must meet with a Planning Board member to figure out how to reduce the light impact of the athletic field lights. This is an enforcement issue and not the Planning Board's bailiwick.
5. There is to be no parking in the public right of way at any time. He has seen pictures showing that there has been. The police should be called on this issue.
6. Applicant must return to this Board in November 2016 for review; and the applicant must implement the planting plan as presented with the addition of more screening and come back

before the Board in November 2016 for review. They are definitely in compliance. The Board stated they are happy with the planting plan.

Atty. Muller stated there are things that have been done, things that are not under the umbrella of Planning Board enforcement and things that are undone. The Board needs to tell the applicant what they want them to do with a time table. Atty. Muller stated that the Board could send John Gaddy to look at the lighting, but he can't make decisions for the Board on his own. He explained that he could go out as their agent to give recommendations and advice to the applicant. Sandi Aldrich stated it sounds like the only thing they have left to discuss is the lighting on the fields. Atty. Muller stated that this seems to be a big issue. The issues that were expressed by the neighbors were under navigation law, safety issues. Sandi Aldrich asked if those were all enforcement issues. Atty. Muller said they were.

Mr. Loyola asked if they could agree to come back and work with the Board on the athletic field lighting. He stated they have already offered a couple of solutions. Henry Caldwell asked if Mr. Bernstein was confirming that he would enforce the boating to the hours of 9:00am - 6:00pm. Mr. Bernstein replied he would and switch the lighting to separate switches at the athletic field.

Sandi Aldrich asked if they should bring the applicant back on May 18, 2017 to discuss the compliance of item number 3 of the previously referenced conditions.

#### **RESOLUTION:**

**Motion by** Sandi Aldrich to have the applicant come back to the May 18<sup>th</sup>, 2017 meeting to discuss item #3 and make sure they are in compliance. **Seconded by**, John Gaddy. **All in Favor. Motion Carried.**

The meeting was adjourned at 8:05

Minutes respectfully submitted by Kate Persons.