

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday March 20, 2014
6:00 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPS = Warren County Planning Board
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Department of Environmental Conservation

Present- Herb Koster, Donald Roessler, Sandi Aldrich, Kirk VanAuken, John Gaddy, John Cushing, Zoning Administrator Pamela Kenyon and Counsel Michael Muller.

Absent: Henry Caldwell & Gena Lindyburg

The meeting was called to order at 6:02 pm.

Herb Koster asked if there were any changes or corrections to the January 16, 2014 minutes.

RESOLUTION:

Motion by Kirk VanAuken to approve the January 16, 2014 minutes as written. Donald Roessler **Seconded by**. Herb Koster Abstained. **All others in Favor. Motion Carried.**

Herb Koster thanked Chauncey Mason for his 18 years of service to the Town of Bolton Planning Board and the many hours of time he volunteered revising the ordinance. He then presented him with a card and gift certificate in appreciation.

PUBLIC HEARING

1. **SD13-05 MOWERY, BRUCE & STARR and MOWERY, BRUCE JR.**
Represented by the LA Group. Seek to divide into 7 Lots that parcel designated as Section 199.04, Block 1, Lot 11, Zone RL3 & LC25. Property Location: 442 Coolidge Hill Road. Major Subdivision. Preliminary Plat. Subject to SEQR. See V13-42 and SPR13-29 associated with this project. This item was tabled at the January 2014 meeting pending a public hearing.
2. **SPR13-29 MOWERY, BRUCE & STARR and MOWERY, BRUCE JR.**
Represented by the LA Group. Seek Type II Site Plan Review for a major stormwater project involving more than 15,000 square feet of land disturbance. 152,460 square feet is proposed. Section 199.04, Block 1, Lot 11, Zone RL3 & LC25. Property Location: 442 Coolidge Hill Road. Subject to WCPS review. Subject to SEQR. See V13-42 and SD13-05 associated with this project. This item was tabled at the January 2014 meeting pending a public hearing.

Justin Sanford of the LA Group stated the following:

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- This is a 30.56 acre parcel at 442 Coolidge Hill Road.
- The majority of the parcel is wooded or meadow.
- There is an existing 2 story 2200 sq. ft. residence with a carport.
- 1 lot would be for the existing structure, with new 6 additional lots.
- Each lot will average in size from 1.87 to 7.47 acres.
- There would be 2 shared driveways 18' in width.
- Each driveway would access 3 lots.
- The majority of the property is to remain undisturbed.
- 3.5 acres of disturbance.
- 2 of the additional lots would have frontage on Coolidge Hill Road.
- The water and sewer will be on site for each of the lots.
- KLC Property Management prepared a letter with the selective tree removal for filtered cutting view, showing no negative impact from the lake.
- This is a major stormwater project.
- Nace Engineering has signed off on the stormwater and sewage disposal locations of this project.
- They have received density variances from the Zoning Board.
- He handed out a map to the Board showing the minimal development on slopes greater than 15%.

Motion by Donald Roessler to close the public hearing SD13-05 and SPR13-29. **Seconded by** Kirk VanAuken. **All in favor. Motion carried.**

REGULAR MEETING

1. **SD13-05 MOWERY, BRUCE & STARR and MOWERY, BRUCE JR.** Represented by the LA Group. Seek to divide into 7 Lots that parcel designated as Section 199.04, Block 1, Lot 11, Zone RL3 & LC25. Property Location: 442 Coolidge Hill Road. Major Subdivision. Preliminary Plat. Subject to SEQR. See V13-42 and SPR13-29 associated with this project. This item was tabled at the January 2014 meeting pending a public hearing.
2. **SPR13-29 MOWERY, BRUCE & STARR and MOWERY, BRUCE JR.** Represented by the LA Group. Seek Type II Site Plan Review for a major stormwater project involving more than 15,000 square feet of land disturbance. 152,460 square feet is proposed. Section 199.04, Block 1, Lot 11, Zone RL3 & LC25. Property Location: 442 Coolidge Hill Road. Subject to WCPS review. Subject to SEQR. See V13-42 and SD13-05 associated with this project. This item was tabled at the January 2014 meeting pending a public hearing.

The owners presented a copy of the road maintenance agreement and the additional conveyance as part of the deed as requested by the Board.

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Herb Koster asked if there was a HOA. Ms. Mowery said she did not believe so. Herb Koster asked Town Counsel if they would have to go before the Attorney General for the 3 lots a piece. Counsel replied no.

Ms. Mowery passed out the private road agreements. Herb Koster stated it appeared that there were not 2 separate agreements for 3 lots a piece. Town Counsel asked if there were two 3 lot subdivisions in the covenants or one 6 lot subdivision. Herb Koster stated that if they separated these covenants out to 3 lots apiece they would eliminate a lot of problems. Town Counsel advised changing the wording of her road maintenance agreement to say private shared driveway due to the Town of Bolton's expectations for a road.

Zoning Administrator, Pamela Kenyon asked the Board if they would like Town Counsel to review the agreements. Herb Koster replied yes.

John Gaddy stated he would like item #10 to read all outside lighting be dark sky compliant.

No County Impact

RESOLUTION:

Motion by Don Roessler to declare the Bolton PB as lead agency for SD13-05. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

Motion by Don Roessler to accept SD13-05 as complete, and having closed the public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions: 1). Site Plan Review is required for each lot. 2). #10 of the covenants be changed to say the lighting will be dark sky compliant. 3). A \$400.00 recreation fee be paid when applying for certificate of compliances for each lot. **Seconded by** Sandi Aldrich. **All in Favor.**

Motion Carried. Motion by Don Roessler to declare the Bolton PB as lead agency for SD13-05. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR13-29 as complete, and having closed the public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. **Seconded by** Donald Roessler. **All in Favor. Motion Carried.**

Note: Although not a condition of approval, the Board stated they wanted Town Counsel, Michael Muller to review and approve all the covenants before the Mylar's are signed.

3. **SPR13-16 F.R. SMITH & SONS.** Represented by Chris Gabriels and Jarrett Engineers. Seek Type II Site Plan Review for 1) Commercial boat storage not visible from the public right-of-way; and 2) a major stormwater project involving more than 15,000 square feet

of land disturbance. 70,851 square feet is proposed. Section 171.00, Block 1, Lot 10, Zones **RR5** and LC45. Subject to PB, LGPC, WCPS, DEC and APA review. *Notes: See SPR87-08 approved by the PB on 4/30/87 for commercial boat storage. Wetlands exist on this parcel. Last discussed with the Planning Board in July 2013. See V13-28 associated with this project.*

*****THIS ITEM WAS TABLED
AS THE VARIANCE WAS REVERSED BY THE A.P.A.*****

- 4. SPR14-02 TROUT LAKE CLUB, INC.** Represented by Andy Roden. Seeks Type II Site Plan Review for an agricultural use, specifically to have 25 chickens, 4 turkeys and 1 goat. Section 185.00, Block 3, Lot 50, Zone RCL3. Property Location: 296 Trout Lake Road. Subject to WCPS review. Subject to SEQR.

Andy Roden stated that his son would like to have these animals with a chicken coop less than 100 sq. ft. He stated the chickens would be free range. Herb Koster asked how they intended to keep the chickens on the property if they were free range, as this has been a problem in the past. Mr. Roden stated that they own a lot of property and they are hoping they will be back every night.

John Gaddy asked about roosters. Mr. Roden stated they were not planning on having any roosters.

John Cushing inquired about the closeness to the road. Mr. Roden stated they had a stream in the back and they wanted to be far enough away from it.

John Gaddy asked about outside lighting. Mr. Roden stated that it was already on the house.

Sandi Aldrich asked where they would have a pen for the goat. Mr. Roden stated they would probably just use a rope or chain that would be moved around the yard.

No County Impact.

RESOLUTION:

Motion by Donald Roessler to declare the Bolton Planning Board as lead agency for SPR14-02. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Donald Roessler to accept SPR14-02 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented with the following condition: 1) There are to be no more than 25 chickens, 4 turkeys and 1 goat. 2). There are to be no roosters. 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. **All in Favor. Motion Carried.**

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5. **SPR14-03 TROUT LAKE CLUB, INC.** Represented by Andy Roden. Seeks Type II Site Plan Review for an agricultural use, specifically to have 2 horses, 6-25 chickens and 1 goat. Section 185.18, Block 1, Lots 3 & 5, Zone RCL3. Property Location: 66 Trout Lake Club Road. Subject to SEQR.

Mr. Roden stated this was for his daughter who would like to have horses and may end up with her brother's chickens.

John Gaddy inquired about lighting. Mr. Roden stated that it would only be interior. John Gaddy stated if any outside lighting was installed it was to be dark sky compliant.

John Cushing asked about the grade from where the horses were being kept to the stream. Mr. Roden stated the stream was downhill from where the horses would be kept. John Cushing asked if this was about 280' away. Mr. Roden replied yes. John Cushing asked if the horses would be penned in an area that was 75' x75'square. Mr. Roden agreed.

Sandi Aldrich inquired what they would be doing for manure storage and removal. Mr. Roden stated they would be having a manure pile and they would have it hauled away from the site when the pile was big enough. Sandi Aldrich asked that it be as far away from the stream as possible. Mr. Roden stated it would be up near the shed.

Sandi Aldrich stated that it was a small shed and inquired what they would be doing for hay and grain storage. Mr. Roden stated that she was only getting one horse at this time and half of it would be used for storage. He stated that if she acquired another horse they would talk to the Zoning Administrator about adding another shed.

RESOLUTION:

Motion by Donald Roessler to declare the Bolton Planning Board as lead agency for SPR14-03. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Donald Roessler to accept SPR14-03 as complete, waive a public hearing, and having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions: 1). All exterior lighting is to be dark sky compliant, downward facing and shielded. 2). There is to be no more than 2 horses, 25 chickens and 1 goat. 3). There is to be no roosters. 4).The manure is to be removed as needed. 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. **All in Favor. Motion Carried.**

6. **SD14-01 OBERER, ERNEST.** Represented by Peter Loyola. Seeks to merge those parcels designated as Section 171.00, Block 1, Lots 6 & 15.2 then subdivide into 3 lots. Zone LC25. Property Location: Edgecomb Pond Road. Minor Subdivision. Sketch

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Plan Review. Subject to SEQR. For discussion purposes only. A major stormwater project will also be required but has not yet been applied for.

John Gaddy inquired what the trigger was to require a long or short SEQR form. Town Counsel replied that the Board was the lead agency and it was up to their discretion.

Motion by Don Roessler to declare the Bolton PB as lead agency for SD14-01 Seconded by John Gaddy. All in Favor. Motion Carried

Peter Loyola of CLA Site

- They are proposing a new application.
- They have made some improvements to the previously approved project.
- They have made some significant upgrades to this project.
- The driveway has been minimized from 20' wide to 12' wide for the majority of the shared driveway with a short area being 16' wide.
- They have made a lot of effort to minimize the disturbance.
- The proposed disturbance for the 76 acre lot has been minimized to approximately 9.72 acres.
- The previously approved project was 10.72 acres.
- They are here for the Board's input.

Herb Koster asked Town Counsel if it was still the Boards discretion to decide if it was a driveway or a road and do they also have discretion on disturbance areas. Town Counsel replied absolutely, and he referenced a letter written from Atty. Ulasciwitz, specifically stating that he had found sections of our code that limited clearing for a driveway to 16'. Town Counsel, Muller found this analysis faulty in his opinion in that he was picking out sections for a single family lot development. In the section for a subdivision it is absolutely clear in our existing code language that the Board has the discretion to make the determination as to what is the clearing requirements. Herb Koster stated this would not prevent them from taking out an Article 78. Town Counsel, Muller replied that he did not believe it would be a prevailing Article 78 as they misread the section.

Herb Koster asked if they had made any changes since the informal meeting. Scott Miller of CLA Site stated that they had made the following changes:

- They maximized the inside turning radius of the driveways.
- Previously they were at a minimum of 35' the minimum turning radius of all the driveways is now 50'.
- There are now added hammer head turns at the end of all of the driveways.
- The water storage tanks would be upgraded from 1 for the whole project to 1 for each home.
- They will be assessable to the fire department as they wished.
- They originally came in with a 12' wide driveway accessing all of the homes, and they had increased the driveway in certain areas to 16' as requested for maneuverability for emergency vehicles.

Herb Koster asked the capacity of the storage tanks. Mr. Miller replied they did not, but they would work with the Planning Board and the Fire Company to find something that was acceptable to everyone.

John Gaddy asked if there would be blasting. Mr. Miller stated they may have to but were unsure at this time.

John Cushing asked how they would access them in the winter. Mr. Miller replied they would be using a dry hydrant and they would do a fire ratings on the homes and they understand the storage tank is not an end all to fighting the blaze. Mr. Miller also stated they would be requiring sprinkler systems in the homes. Don Roessler asked if they would also have generators. Mr. Miller replied yes.

Sandi Aldrich stated they had gone from a road to a driveway. Mr. Miller replied that it was always a driveway. Sandi Aldrich asked if they had increased the grade at all. Mr. Miller replied that the slopes have increased to 14 to 18% and there is a small area that is roughly about 22%. They looked at surrounding roadways with numerous of them having the same steepness of grade. They have been able to shorten it up to about 300' where they would have about 22%, which is the maximum slope. He stated that everything else is about at grade. They are trying to minimize the disturbance and following the profile as close as they could to the existing access road.

John Gaddy asked if this was previously approved by default. Town Counsel, Muller replied yes. Sandi Aldrich inquired if the approvals were only for the subdivision. Town Counsel, Muller replied the subdivision and the driveway were approved.

John Gaddy asked the lengths of the two roads starting with the lower house. Mr. Loyola replied that the main access drive was 3,729' the original was 4,372'. He explained they were using part of an old existing logging road.

Herb Koster asked what the maximum grade was on the third lot. Mr. Loyola replied 12%.

Sandi Aldrich asked how the 18% to 20% would affect emergency vehicles. Don Roessler replied that he did not know but it is not that good.

Sandi Aldrich asked about the visibility from Lake George and Cat and Thomas Mountains and stated she is uncomfortable with 9 acres of disturbance. Mr. Loyola stated they did an extensive visual analysis of what was going to be visible and what was not. They can show a view shed analysis and if they were looking for additional information they could bring that. He believes visual impact has been mitigated and they can resubmit this document. He explained the filtered views.

John Gaddy asked if the roadway to lot 3 provides a notch along the ridge out of trees. Mr. Loyola replied no.

John Gaddy also asked if they had done a slope analysis. Scott Miller stated he believed they had but he would look into it. Mr. Loyola stated that lot 1 elevation would be 1220, lot 2 is 1,080 if you're looking at it and lot 3 1240.

Kirk VanAuken asked if it had always been 3 lots. Peter Loyola stated yes they had just been reconfigured moving one lot down lower. Kirk VanAuken asked if any thought to bringing the other 2 houses down. Mr. Loyola replied yes but there was no room. Herb Koster stated if they did this it would be very visible from the lake. Mr. Loyola explained that they are off the ridge line. Mr. Loyola showed on the maps what the views would be for the homes.

John Gaddy stated what he thought the ridge line was. Mr. Loyola explained that he would revisit the view analysis because this seemed to be very confusing to everyone.

Sandi Aldrich inquired about the placement of lot 2. Mr. Loyola explained they were primarily looking for views.

John Gaddy asked the reason the road snaked around on lot 2 as opposed to being more direct. Mr. Loyola replied they are using a pre-existing road.

Mr. Loyola explained that they had ATV's to bring everyone interested in looking at the property up to it and the layout of the lots.

Herb Koster asked about an alternative route for the road. Mr. Loyola explained that it would be much more visible from the lake.

Don Roessler asked if they felt this new plan was the best plan for this piece of property as far as road locations, and the alternatives they have looked at. Mr. Loyola replied yes, with the least amount of disturbance.

John Gaddy asked why they could not get 2 homes in the vicinity of lot 1. Mr. Oberer stated that the ground was very high and there was only a southern view for lot 1 and there would not be a view for another lot. Mr. Loyola stated they would bring a view shed map so the Board could better see what they are talking about.

John Gaddy requested that the applicant supply a SEQR long form for this application.

Herb Koster stated that whatever projected visuals they can give the Board would make the project much clearer to them. Mr. Loyola replied that this is something they do and do well and they will bring this information at the next meeting.

John Cushing asked the depth of the stormwater ponds. Mr. Loyola replied that they had not done the full stormwater management plan yet. He stated that the stormwater information once they can move forward with the house location.

Atty. Mike Hill, stated that they had received a default approval and they recognize that some of the Board members had concerns with the previous plan. He stated that the Oberer's were concerned with this and wanted to produce a subdivision that the entire Board would be happy with. He hopes that they can get to this point. Atty. Hill stated that the driveway of the previously approved subdivision was part of the approvals.

Peter Loyola again stated that they would like to get the Board on the property and up to the proposed lots.

Mr. Loyola asked if this would be a minor subdivision. Herb Koster stated that he believes it is a minor subdivision with major stormwater.

The meeting was adjourned at 7:31pm.

Minutes respectfully submitted by Kate Persons.