

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday February 12, 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, Kirk VanAuken, John Gaddy, Henry Caldwell, Herb Koster, Gena Lindyberg, Ann Marie Somma, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller.

**Absent:** John Cushing

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

## **PUBLIC HEARING**

1. **SPR14-23 PARROTTA, ROBERT.** Seeks Type II Site Plan Review to amend a condition of approval for SPR08-25 set forth by the Planning Board on November 20, 2008 for a marina. Specifically the condition reads as follows: There shall be no more than 12 rental boats. 25 rental boats are proposed. Section 171.11, Block 2, Lot 12, Zone RCM1.3. Property Location: 5102 Lake Shore Drive. Subject to WCPS and SEQR review. This item was tabled at the January meeting pending additional information.

**\*This item was tabled at the applicant's request\***

## **REGULAR MEETING**

1. **1.SPR14-23 PARROTTA, ROBERT.** Seeks Type II Site Plan Review to amend a condition of approval for SPR08-25 set forth by the Planning Board on November 20, 2008 for a marina. Specifically the condition reads as follows: There shall be no more than 12 rental boats. 25 rental boats are proposed. Section 171.11, Block 2, Lot 12, Zone RCM1.3. Property Location: 5102 Lake Shore Drive. Subject to WCPS and SEQR review. This item was tabled at the January meeting pending additional information.

**\*\*This item was tabled at the applicant's request\***

2. **SPR14-27 BOLTON LANDING MARINA, LLC.** Represented by Atty. Robert Sweeney. Seeks Type II Site Plan Review to amend SPR07-24 & SPR86-03 approval for a marina/dry stack facility. Specifically, to add an addition to the existing boat storage building to increase the storage capacity of an additional 56 boats. Section 171.19, Block 2, Lot 3, Zone GB5000. Property Location: 4932 Lake Shore Drive. Subject to WCPS and SEQR review. See V14-50

associated with this project. This item was tabled at the January meeting at the applicant's request.

**\*This item was tabled at the applicant's request\***

3. **SPR15-01 SMITH, EMILY.** Represented by Wayne Smith. Seeks Type II Site Plan Review for 1) a marina, specifically to replace an existing 1,750 square foot boat shop with a new 1,500 square foot boat shop further from the lake, relocate fuel tanks and add a 250 gallon propane tank and sheds; and 2) an advertising sign greater than 4 square feet. Two 23 square foot signs are proposed. Section 171.15, Block 3, Lot 18, Zone GB5000. Property Location: 5024 Lake Shore Drive. Subject to WCPS and SEQR review. See V15-02 associated with the project. To be heard only if a successful variance is granted.

**\*This item was tabled at the applicant's request\***

4. **SPR15-02 KINCAID, BARRY.** For the construction of a proposed; 2,400 square foot equipment storage building, seeks Type II Site Plan Review for an accessory structure greater than 1,500 square feet. Section 186.00, Block 1, Lot 40.2, Zone RL3. Property Location: 35 Brookside Parkway off of Trout Lake Road. Subject to SEQR. NOTE: This is an amendment to SPR04-01 approved on February 26, 2004 for an agricultural use.

Barry Kincaid of KLC Property Enhancement LLC stated the following:

- He is looking to put up a 2,400 sq. ft. storage building for his company.
- It will be all metal construction.
- It meets all setbacks.
- He is willing to keep a 20' buffer of trees between the property lines on the back side.

John Gaddy asked, that any exterior lighting be downward facing and shielded. Mr. Kincaid stated that would not be a problem.

Henry Caldwell stated that he was one of the owners of the neighboring properties and asked if Mr. Kincaid would be approximately 63' off his property line. Mr. Kincaid replied yes. Henry Caldwell asked what the colors would be. Mr. Kincaid replied dark green.

Mr. Kincaid stated he would be considering using solar panels on the roof in the future and wanted to know if he would have to come back for approvals or if they could be pre-approved.

Atty. Muller stated that the Board could pre-approve the solar panels at this time.

John Gaddy stated that he believes the concern with the Board was what color they would be finished off with. Mr. Kincaid stated that he was not sure yet as he has not met with anyone about them at this time as he was awaiting approvals. John Gaddy stated that if he was able to meet with someone in the field prior to the placement of these, he might shift his building around. Mr. Kincaid stated probably not. He said he would orchestrate the panels to fit. Henry Caldwell stated that he would be better off if he could move the building so the panels could be flat on the roof. Mr. Kincaid stated that there was not a lot of room to move the building in the area it was being placed. He said he may be able to turn it a little. Herb Koster stated that there

was a lot of structure involved with the panels if you don't place them in the same plane as the roof. Mr. Kincaid stated that the building was almost flat so he could just tilt and pivot as needed.

John Gaddy asked if the Board approved this would it limit Mr. Kincaid from turning or twisting the building. Mr. Kincaid stated if it turns out that he needs to turn or move the building, he really needs to come back to the Planning Board for more approvals. He stated he just would like to get the approvals now in case he wanted to put the panels on in the future. Herb Koster stated if the Board was worried about the solar panels they could put it as a condition of approval.

## **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-02.  
**Seconded by**, Gena Lindyberg. All in Favor. Motion Carried.

**Motion by** John Gaddy to approve the SEQRA short form for SPR15-02 and having met the criteria set forth in the code, grant approval of the project with the following conditions: 1) Exterior lighting is to be downward facing and shielded; 2) Exterior colors of the building are to be dark colors; and 3) A 20' vegetative buffer is to be maintained along the back property line. This motion includes a SEQR analysis and finding of no negative environmental impact with all aspects favorable to the application as presented. **Seconded by** Sandi Aldrich. **All in favor.**  
**Motion carried.**

5. **SPR15-03 WINTER, HANS.** Seeks Type II Site Plan Review to place a roof over existing patio of the Bolton Bier Garten. 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 SPR97-07 for a restaurant.

Bruce Mowery Jr. presented the following:

- They are looking to put a roof cover on an existing patio.
- They have made it 4' wider than the patio, but not wider than the building itself to put in footers so as not to disturb the existing retaining walls.
- The ridge line will match up identically to the existing ridge line.
- It meets all property line setbacks.
- It will not be closed in.

John Gaddy asked the Board if the Trolley stops down there. Mr. Mowery stated that he did not believe so. Gena Lindyberg said that she believes they would stop if asked. John Gaddy stated he would like downward facing and shielded lighting. Mr. Mowery stated he believed it would all be recessed lighting in the ceiling.

## **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-03.  
**Seconded by** Henry Caldwell. **All in favor. Motion carried.**

**Motion by** John Gaddy to approve the SEQRA short form for SPR15-03 and having met the criteria set forth in the code, grant approval of the project with the following condition: 1) Exterior lighting is to be downward facing and shielded. This motion includes a SEQR analysis and finding of no negative environmental impact with all aspects favorable to the application as presented. **Seconded by** Sandi Aldrich. **All in favor. Motion carried.**

6. **SD15-01 MOWERY, BRUCE & STARR and MOWERY, BRUCE JR.** Represented by the LA Group. Seeks to amend SD13-05 for a 7 lot subdivision approved by the Planning Board on March 20, 2014. Specifically to extend the filing date and create multi lot line adjustments. Section 199.04, Block 1, Lot 11, Zones RL3 & LC25. Property Location: 442 Coolidge Hill Road. Major Subdivision. Subject to SEQR.

Herb Koster stated that this was a case where the subdivision was never filed in the allotted time period because the applicant was still in negotiation with the A.P.A. He explained that this was just a reapplication of a subdivision previously gone over and approved by this Board. He stated that there are a few minor lot line adjustments added to this application. Herb Koster asked the Zoning Administrator if she would be approving the lot line adjustments. Zoning Administrator, Pamela Kenyon stated that since the subdivision had never been filed, the Board should do the approvals now as it was really a brand new subdivision. Mr. Mowery stated that the A.P.A. had taken jurisdiction over the whole project and had made them do replacement sites for all the septic systems and this is why they needed to make some property line adjustments.

John Gaddy asked about a note on the plans from the A.P.A. on the septic systems about thinning trees. Mr. Mowery stated that it was where the A.P.A. wanted them to bump out and not to cross the driveway, and the other area was to meet the 10' setbacks. He stated that the houses and devices are all in the same spot as previously approved. Herb Koster stated he did not like this kind of alarm system.

Henry Caldwell stated the only problem he ever had with the project is the southern driveway. Mr. Mowery stated that they had about 8' from the property line and they would not be taking down any big trees along that line.

John Gaddy asked if lot 4 established a clear view to the lake. Mr. Mowery stated that it was more of a filtered or tunnel vision view. John Gaddy stated that the visual contract put in by the A.P.A. to the treatment system is really not for performance. Mr. Mowery replied it was not and the A.P.A. put it in as one of their jurisdictional conditions so the property owner could see if the septic was failing. John Gaddy stated that he would like to see this kind of filtering visually so the house could not be seen from the lake. Mr. Mowery stated that he agreed but it was in contradiction with what the A.P.A. wanted. He stated that the A.P.A. took complete jurisdiction over the project. He stated that the sewer systems were the same as previously approved; these were just for replacement systems. John Gaddy asked if the Zoning Administrator if the A.P.A. had contacted her with any rationale for the clearing on lot 4. She replied that they had not

contacted her, Jeff Anthony had stated that the A.P.A. wanted the septic systems to be seen from the house in case of failure. Herb Koster stated that it was not in the A.P.A.'s code, but it was a guideline.

Herb Koster asked if the Planning Board was still lead agency if the A.P.A. had taken complete jurisdiction of the project. Atty. Muller stated that they were.

**RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SD15-01. **Seconded by** Henry Caldwell. **All in favor. Motion carried.**

**Motion by** John Gaddy to approve the SEQRA short form for SD15-01 and having met the criteria set forth in the code, grant final approval of the project with the following condition: All previous conditions set forth when approving SD13-05 continue to apply. Specifically, the conditions read as follows: 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. This motion includes a SEQR analysis and finding of no negative environmental impact with all aspects favorable to the application as presented. **Seconded by**, Henry Caldwell. **All in favor. Motion carried.**

7. **V15-06 NIAZI, TARIQ.** Represented by Clyde LaForge. In accordance with Section 200-93 (other regulations applicable to Planned Unit Development), seeks area variance (PUD Amendment) to expand existing deck. Section 157.05, Block1, Lot 88.24, Zone PUD. Property Location: 13 Fox Run - Lagoon Manor. Subject to WCPS, ZBA, PB, APA and TB review. Subject to SEQR.

**\*This item was tabled at the applicant's request\***

The meeting was adjourned at 6:27.

Minutes respectfully submitted by Kate Persons.