

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday March 19, 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, John Cushing, Alternate Ann Marie Somma, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller.

**Absent:**

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

Herb Koster asked if there were any changes or corrections to the January 22, 2015 minutes.

**RESOLUTION:**

**Motion by** Sandi Aldrich to accept the January 22, 2015 minutes as presented. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

Herb Koster asked if there were any changes or corrections to the February 12, 2015 minutes.

Herb Koster stated that Kirk VanAuken was absent from the February 12, 2015 meeting.

**RESOLUTION:**

**Motion by** John Gaddy to accept the February 12, 2015 minutes as presented. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

John Gaddy stated that he questioned the APA about the clearing for the septic tanks that were lakeside of the homes in the Mowery subdivision. He said that the APA stated that they wanted to be able to see if the system was failing from the house. John Gaddy stated he tried to explain that the Board was trying to keep the trees on the hillside and conceal the houses, but the APA replied this is what they wanted.

**REGULAR MEETING**

1. **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 additional height 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**\*\*This item was withdrawn at the applicant's request\*\***

2. **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 32 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.

Zach Monroe of Winchip Engineering presented the following;

- The building has been burned since they submitted this application.
- The propane tank is existing they are just relocating it.
- The new building will be 50' from the lake
- They have eliminated one of the sheds.
- He detailed the sheds on the map and handed out plans to the Board.

John Cushing asked how close to the lake the sheds would be. Mr. Monroe replied 10' on the south and 2' on the north. Sandi Aldrich asked if there was a reason they were that close. Mr. Monroe stated that they would be used for an office for boat rentals and the other one was for storage of life jackets and supplies for rentals. Sandi Aldrich asked why they could not move it back closer to where the fuel tank is. Wayne Smith answered they needed a 20' setback from the fuel tanks due to fire code, and this will also give him more room to launch boats.

John Gaddy asked about the stream running between this property and Honda Cottages. Zoning Administrator, Pamela Kenyon stated that it was a drainage way and not a stream, and they had obtained a variance to put in fill within 10' of that area. John Gaddy asked her if it was an unclassified stream doesn't it become classified as to whatever it runs into. She stated it has been classified as a drainage way for many years. She explained that it is not a stream.

Henry Caldwell asked if the applicant had addressed all the concerns of the Town Engineer. Mr. Monroe stated they had and received the letter back from him with a note that they would need to add a note to the plans stating they would remove the existing topsoil and do some ripping for peat and patch under the infiltration trench proposed on the north side of the building.

John Cushing asked if they planned on removing the concrete slab from the old building next to the lake. Mr. Monroe replied no, it would be too much disturbance to go in with a piece of equipment that close to the lake.

John Gaddy asked about any proposed lighting. Wayne Smith stated all lighting would be downward facing and shielded.

Kirk VanAuken asked where the signs would be located. Mr. Smith stated they would be on both sides of the building. He detailed it on the drawings for the Board.

John Cushing asked about the size of the sign. Mr. Monroe stated it would be 4' x 8'.

John Gaddy asked about the color of the building. Mr. Smith stated that it would be a blue spruce, which is the same color as the building near the road. He explained that it is a bluish green.

Henry Caldwell asked what the height of the existing building was. Mr. Smith stated 24' and the new one would be 34'. He stated that when Hondah Cottages built all their additions it took away his lake view to the north.

Sandi Aldrich asked if they were doing anything with the signs at the road. Mr. Smith stated they would be remaining the same for now.

John Gaddy asked if the launching was still going to be open to the public. Mr. Smith stated that was a question for Supervisor Conover. He stated the Town had gated it up. He stated he would like put in a launch, but he would have to be in control of launching the boats. He stated now he takes the boats down to Norowal. He stated the LGPC is going to come up and test it with him.

John Cushing asked who owned the property south of the applicant. Mr. Smith stated the Town of Bolton. John Cushing asked if the Town had stopped public access to that launch. Atty. Muller replied yes. John Cushing wanted to know how that would go over if a private marina was allowed to launch there but the public was not. Atty. Muller stated that the Town was required to close the launch because of the invasive species regulations. John Cushing asked what Mr. Smith planned on doing to check boats for invasive species. Mr. Smith replied that the LGPC had a strict program in place, and he detailed some of the regulations. He stated that it was mostly for his rental boats in the spring and the fall, and he had no intention of bringing people in during the summer unless it was an emergency as he did a lot of towing and salvage on the lake. John Cushing asked if he would only be launching boats that had the Lake George seal on them. Mr. Smith replied that he had to by law. He stated that you could not cheat it and his marina permit was on the line if he did not.

John Gaddy asked about the concrete pad being covered. Mr. Smith stated it was covered with gravel now.

John Gaddy asked if they were going to be able to maintain the north side of the building with its proximity to the neighbor. Mr. Smith stated that this was why he wanted to move it further away. This would allow him more room to maintain the building.

Henry Caldwell asked if he would be able to maintain that side of the building now. Mr. Smith stated he would with staging.

Herb Koster asked the dimension between that and the fence. Mr. Monroe said slightly over 5'. Herb Koster asked for these dimensions to be put on the final plan. Mr. Monroe replied he would.

John Gaddy asked if they planned to have open intercom systems. Mr. Smith replied no.

Herb Koster asked if the 5' x 18' shed was right on the property line. Mr. Smith stated it was non jurisdictional and they would be on blocks so they would not flood.

Henry Caldwell asked where the fuel tanks were located and if they could move them off the property line. Mr. Smith showed them on the site plan and said they could not be moved. He stated New York State depicts where they are located. He stated they have been inspected and are up to code and in compliance.

Henry Caldwell asked if the ZBA had imposed any conditions. Mr. Smith replied no.

John Gaddy inquired about jurisdiction. Atty. Muller stated that any development on the lakeside of the mean high water mark would be non-jurisdictional. He stated that the Town of Bolton had prior serious concerns with Mr. Smith operating his activities in and upon town property, so a condition could confirm that there would be no parking or storing of his boats or in any way operating his activities on town property. He stated they would then have the ability to enforce this if it occurs. Mr. Smith stated he would still have to access the road to get down in there. Atty. Muller stated that he could use the road.

Mr. Smith stated that his whole operation would be changing and he would be trying not to store as many boats during the seasonal operation time at the lake front. He explained that 90% of the major work on the boats would now be done inside the building.

No Warren County Impact

## **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR15-01.

**Seconded by,** Henry Caldwell. All in Favor. Motion Carried.

John Gaddy stated that the pre-existing use was to the limits of the boundaries of the property and the applicant has made substantial changes to lessen the existing impacts. He stated the new proposed operation would be a definite improvement from the existing operation.

**Motion by** John Gaddy to approve the SEQRA short form for SPR15-01 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) The applicant will not conduct any of his regular ordinary business activities on town property. This does not limit him from access in and out of the property or diminish the public parking aspect. 3) Any lighting for the two 4x8 signs is to be with downward facing and shielded and is to be placed on the building. 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.**

3. **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.

Brad LaForge presented the following;

- They are asking to extend the existing deck to 15'.

Gena Lindyberg asked if it would now be 10' x 10' and 10' x 5'. Mr. LaForge stated it would be coming out another 5' instead of another 10'.

Henry Caldwell asked if it would be going past the neighbor's wall. Mr. LaForge stated It would not. He stated there was an issue with the Zoning Board and that he spoke to the homeowner who was open to ending it right at the edge of the building.

Gena Lindyberg inquired what size deck the letter from the Homeowners Association was referring to. Mr. LaForge replied the existing deck is 20' x 10' and they would be coming out another 20' x 5' so it would be 20' x 15' overall.

Henry Caldwell asked if there would be any steps. Mr. LaForge replied no the applicant did not bring up anything about steps.

Atty. Muller stated that this was the type of motion that usually gives advice and recommendations if needed as it was going to get legislative approval from the Town Board.

John Gaddy inquired if there would be any additional outdoor lighting. Mr. LaForge stated there was already a spot light and would not be adding any.

## **RESOLUTION:**

**Motion by** Henry Caldwell to recommend to the Bolton Town Board the following conditions be required for the project: 1) Exterior lighting is to be downward facing and shielded. 2) The deck is not to go past the neighbor's wall. 3) There are to be no exterior steps. **Seconded by, Gena Lindyberg. All in favor. Motion carried.**

4. **SPR15-04 BERBERIAN, TONY.** Represented by Kurt Koskinen. Seeks Type II Site Plan Review to timber harvest more than 1 acre in the RL3 zone and a stream crossing in the LC25

zone. Section 186.00, Block 1, Lot 1, Zones RL3, LC25 and RCH5000. Property Location: 4409 Lake Shore Drive. Subject to WCPS review. Subject to SEQR.

Kurt Koskinen presented the following;

- They would like 10 small harvests 25 to 30 acres each during the winter time only.
- Only marked timber 16" and larger would be cut.
- This would start next winter.
- There is one AA stream on the lot that would be affected in the third year.
- They would get the DEC permit at that time to cross the stream.
- They would have a 35' setback on both sides of the stream.
- There would be no harvesting within 100' of Route 9N.

Henry Caldwell asked Mr. Koskinen to detail on the map where the headers would be located.

Sandi Aldrich inquired if lots 7, 8, 9 & 10 would be accessed from Route 9N. Mr. Koskinen stated no, and that the wood from these lots would all be taken to the first landing 200' in off the main driveway.

Gena Lindyberg inquired about crossing the stream in year two. Mr. Koskinen stated it would be in year 3.

Kirk VanAuken asked if Mr. Koskinen surveys the area. Mr. Koskinen stated he does it himself and explained how he did this. He stated he was not a licensed surveyor. Kirk VanAuken asked what the size of the buffer would be from the property lines. Mr. Koskinen stated the logger only cuts the trees that he marks and he paints a double orange line for the property lines.

Herb Koster stated that 1200' feet was a long distance to travel through the woods and continue to be in the same direction. Mr. Koskinen agreed. He stated he does all the marking in the summer and fall. He stated that he starts from the property corners. He said he would be happy to walk this with anyone from the town.

Henry Caldwell asked how big the landing off 9N would be. Mr. Koskinen stated it would be approximately 1/4 to 1/3 of an acre. Henry Caldwell said they would need to make some improvements to the road to access the headers at the top with trucks. Mr. Koskinen stated that it was a good road right now. Kirk VanAuken asked if they were going off the actual driveway going to the new home. Mr. Koskinen stated yes.

Herb Koster asked what they would be doing with the slash. Mr. Koskinen stated that they usually leave them right where they are.

Henry Caldwell asked if they would be using a feller buncher. Mr. Koskinen stated that the men he uses now do not have that equipment. Henry asked if they would be limbing the tree right there. Mr. Koskinen replied yes. He stated the homeowner wanted to pull out the old trees and make his woods healthy

John Cushing asked what kind of preparation he used for crossing a stream. Mr. Koskinen stated that DEC shows him where he can cross and what he needs to do. He explained they write the permit each year it is needed.

Sandi Aldrich asked for some clarification of a logging road on an aerial photo in the application. Mr. Koskinen explained that it was not a logging road but an unclassified stream.

John Gaddy asked what the industry trend was toward Ashe trees. Mr. Koskinen stated if he sees a young healthy vigorously growing tree, he lets it go. He stated that hemlock is now being infected by these beetles.

Sandi Aldrich inquired why he was using a 100' buffer along 9N. Mr. Koskinen stated that it was already 75' and to cut 70' to 80' trees and that to cut these trees is dangerous if they fell the wrong way as anything could happen while cutting.

#### **RESOLUTION:**

**Motion by** Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR15-04. **Seconded by** Sandi Aldrich. **All in favor. Motion carried.**

**Motion by** Kirk VanAuken to approve the SEQRA short form for SPR15-04 and having met the criteria set forth in the code, grant approval of the project. 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.**

The Board agreed that the applicant will appropriately deal with perceived and/or potential impacts by compliance with recommendations specified by the Warren County Soil and Water Conservation letter dated January 9, 2015.

The meeting was adjourned at 7:28.

Minutes respectfully submitted by Kate Persons.