

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday April 19, 2018
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 = LGPC
DEC = Department of Environmental Conservation

Present: Herb Koster, John Gaddy, John Cushing, Kirk VanAuken, Gena Lindyberg, Sandi Aldrich, Ann Marie Somma, Alternate; Jessica Rubin & Atty. Michael Muller.

Absent Zoning Administrator, Pamela Kenyon

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

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the March 22, 2018 minutes.

RESOLUTION:

Motion by John Gaddy to approve the March 22, 2018 minutes as presented. **Seconded by,** Kirk VanAuken. Ann Marie Somma, Sandi Aldrich and Gena Lindyberg abstained. **All others in Favor. Motion Carried.**

- 1. SPR17-15 PARROTTA, ROBERT. Revised application.** Represented by Atty. Greg Canale. **1)** Seeks to amend conditions of approval set forth by the Planning Board on November 20, 2008 when approving SPR08-25 for a marina/tourist accommodation on that parcel designated as Section 171.11, Block 2, Lot 12. The conditions read as follows: There shall be no pumping of gas on site. There shall be no more than 12 rental boats. The hours of operation, including maintenance, are to be between the hours of 8:00 am and 5:00 pm. **2)** Seeks Type II Site Plan Review to create a marina on that parcel designated Section 171.11, Block 2, Lot 11. Currently two 550-gallon gas tanks exist and are in use. One is located on Lot 12 and the other is located on lot 11. 21 boats are proposed between the two parcels. The proposed hours of operation are between the hours of 8 am to 6 pm. Zone RCM1.3. Property Location: 5102 & 5104 Lake Shore Drive. Subject to WCPS review. Subject to SEQR. This item was tabled at the December 2017 meeting.

Robert Parrotta presented the following:

- He detailed his map showing the units on the property and all the parking for the resort.
- He stated there was plenty of parking for the facility.
- He detailed the winter storage area for the boats.

Bolton Planning Board
April 19, 2018

- They pumped gas last summer because they were under the impression they were allowed by DEC from information they received from the LGPC.
- In the beginning he did not ask for the pumping of gas as he only had 3 boats to rent, and that's why it was not included in the original approval.
- They have complied with everything the Board had previously asked for.

Herb Koster stated that apparently there has been a change in interpretation as to what this Board is allowed to do with this property. The original interpretation was that it was under DEC and LGPC rule. Now they have been advised this is different. He believes they will need another Public Hearing to discuss this change. Mr. Parrotta asked if they could do the other part and leave the gas for another day. Atty. Muller stated that was a fair question, but this tends to segment the proposition and if you parcel it out in that manner, you really don't follow the requirements by law. It's one global project with one solution. Mr. Parrotta, stated that the Zoning Administrator had told his attorney that it was 2 applications and that they could do that. Atty. Muller stated he only had one application SPR17-15. Herb Koster stated it was one application with two parts.

RESOLUTION:

Motion by John Gaddy to table application SPR17-15 for a Public Hearing. Seconded by, Sandi Aldrich. All in Favor. Motion Carried.

- 2. SPR18-05 BWM REALTY ASSOCIATES, LLC.** Represented by Joseph Haines. Seek Type II Site Plan Reivew to alter existing motel/resort, specifically to expand the existing restaurant "Tavern on the Lake" into the space previously occupied by 4 rental units. Section 200.06, Block 1, Lot 19.1, Zone RM1.3. Property Location: 4436 Lake Shore Drive. Subject to WCPS and Health Dept. approval. Subject to SEQR.

Joseph Haines presented the following:

- He detailed on the plans how they would like to expand the restaurant into 950 sq. ft. of existing space within the building.
- The building currently was the restaurant with 4 rental units in the space they would like to take over.
- The purpose of the expansion is to alleviate issues they have during the dining time periods, to allow an area for people to be while waiting for tables.
- This will allow people to have beverages or light fair while waiting for a table for dinner.
- The existing area is just to small too hold the people and this will help make it less crowded and allow the restaurant to function better.

Herb Koster asked if they were adding any additional tables for dinner. Mr. Haines replied they would be adding tables, but not for dinner. There would be another little bar and some high tables.

Gena Lindyberg asked if they are adding additional parking to accommodate the additional seating. Mr. Haines, said they have recently demolished some buildings and they have put additional parking in this area. Gena Lindyberg asked how many spaces were added. Mr. Haines stated about 8 spaces. Ann Marie Somma asked if they had plans for additional spaces. She stated that as it is now, it is very hard to find a parking spot, and this does not seem adequate for 30 more tables. Mr. Haines stated he believes the requirement is 1 spot for 4 seats. He believes that they meet this. They are not looking to add more dinner patrons, they are looking to add more space for people coming by boat and vehicles to wait for a dinner table.

John Cushing asked if they were planning any improvements with the road to make it more maneuverable. He stated it is like a fire trap now. Mr. Haines stated they were constantly improving the site, they have been working their way up the hill and as they do this they are widening the road and improving the parking spots. On busy nights during the weekend they have parking lot monitors.

Gena Lindyberg asked how many people they can serve in the dining room now. Mr. Haines stated between 130 to 135.

Sandi Aldrich asked how the additional dining spaces would affect the septic system versus the motel units. Mr. Haines stated that it actually reduces the waste water generation by about 420 to 440 gallons per day according to Jarrett Engineering. John Gaddy asked if that was due to the reduction of bedrooms in the demolished building. Mr. Haines stated this was correct. Herb Koster stated they had already removed a 6-unit cottage. Mr. Haines agreed and said they also demolished a 4-bedroom house that slept about 18.

Herb Koster stated they have been doing everything really first class, but they have these questions they must go through.

Sandi Aldrich asked there have been any recent upgrades to the septic. Mr. Haines stated not recently, but they are working on their SPDES permit right now.

Gena Lindyberg asked how many they could serve at this time in the restaurant. Mr. Haines replied around 130. He stated they are not looking to do more dinners in the new area, it is more of a holding area for people waiting for a dinner table. Gena Lindyberg asked if there would be additional employees. Mr. Haines stated that they would have 2 more. Gena Lindyberg stated they would need to account for them too.

John Gaddy said that they were looking at the project which seems to be going along very well, but they are wondering if they are running into a situation like Camp Walden. Kurt VanAuken asked as far as clustering? John Gaddy stated that all the improvements that they

have done have been top-notch job, but he would like to know what their plans were moving forward. Do they have a vision for this? Herb Koster stated that he believes they submitted a comprehensive plan several years ago when they brought in the application for the motel where the indoor pool area is. He believes they can add this to it. Mr. Haines stated he presented a concept plan to the Zoning Board in 2015, and this expansion was included on this. He stated this Board had asked that they come back with a stormwater plan and they have been working on this with DEC for the past couple of years. He stated the motel portion has been held up by DEC and they have put that portion on the back burner right now and are finishing up the other projects. Gena Lindyberg stated she remembered when they brought that portion before them and one of their big questions was parking, which they could not answer at the time. Mr. Haines stated that they did parking and had it approved through the ZBA where they have expanded the whole parking area over by the gatehouse, which they will be doing shortly. He detailed all the units they removed for parking areas. Their rental parking has decreased. Herb Koster stated that a bunch of run down cabins were removed by previous owners to create parking.

John Gaddy asked if they are essentially following the same plan they presented to the ZBA. Mr. Haines said yes, when it comes to the expansion of the restaurant.

Ann Marie Somma stated it was challenging to consider this without seeing the whole plan, phased out. She does not remember them ever coming back to them with this, and she feels like this has happened to the Board before with big projects. She would like to see the calculations showing enough parking for what they have and what they are adding. Mr. Haines stated this project was within the existing footprint and they are only swapping uses. It was a mixed-use building and they are just removing the apartments. He understands the concerns with parking, but he had calculations showing the 4 new places and also the apartments had existing parking too. He stated they were not negative on the parking or septic now. He explained that when they come back they will have a much more comprehensive plan.

John Gaddy asked for a presentation on the overall vision of the property the next time they come before the Board. Mr. Haines stated they would.

No County Impact

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR18-05. Seconded by, John Gaddy. All in Favor. Motion Carried.

The Board discussed the critical area on Lake George and came to the conclusion that the change is all in an existing interior space.

Motion by KirkVanAuken to accept SPR18-05 as complete; waive a 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). A presentation of a revised and current project concept plan with any subsequent applications they plan to come before this Board with the next time they present a project. **Seconded by, Sandi Aldrich. All in Favor. Motion Carried.**

3. **SPR18-06 JTR REALTY, LLC.** Represented by Studio A. For the construction of a proposed single-family dwelling/attached garage, seek Type II Site Plan Review for a major stormwater project to remove more than 15,000 square feet of vegetation. 39,700 square feet is proposed. Section 20.10, Block 1, Lot 1, Zone RM1.3. Property Location: 4376 Lake Shore Drive. Subject to WCPS review. Subject to SEQR.

Atty. John Lapper and

- They are here for a major stormwater plan which has been signed off on by the Town Engineer.

John Cushing asked if the construction was supervised on major stormwater plans. Jeff Anthony stated they inspect all aspects of the construction which includes stormwater. He said they are required to provide weekly inspections on stormwater as well as certifying it to the town at the end of construction that it was built to specifications of the plans along with the sewer system

Jeff Anthony of Studio A presented the following:

- He stated that the overall site is just under 10 acres in size and is opposite of Famiglias Deli.
- He detailed on the plans to the Board stating that the house by the lake has been demolished and the new house will be built mostly on the same front print.
- They received a variance for a shoreline setback to rebuild the house from the ZBA. It does not infringe on any other setbacks.
- It has been approved by the APA.
- They are here tonight to rebuild the house on its footprint and add a breezeway and garage and also reconfigure the driveway.
- He detailed the area on the plans.
- The new garage and breezeway are not infringing on the setbacks.
- They are here for stormwater tonight.
- They have 3 stormwater practices proposed for the site.
- Mr. Anthony detailed them on the plans to the Board.
- They have been reviewed and approved by Town Engineer, Tom Nace.
- He detailed the relocation of the driveway to accommodate the stormwater.
- The wetlands were flagged by a wetland biologist.
- The APA and Army Corp of Engineers verified them.
- An archeology study was done, and they found some archeological remnants that have been studied and barricaded.
- They have done a soil testing.

John Gaddy inquired about the archeological artifacts. Mr. Anthony stated they were arrowheads, pottery and stuff like that, nothing significant.

Kurt VanAuken asked if they would be putting in a new septic system. Mr. Anthony stated it would be new. He stated that there were approved plans by the town for the previous owner, that were never used, and they will be using basically the same plan that was reengineered by Schoder River Associates.

John Gaddy complimented them on the creek protection detail and the concrete washout areas. He stated that he has never seen an application as this. Mr. Anthony stated that it is now pre-construction site prep that is required by DEC.

Sandi Aldrich asked about a very narrow area that runs to the lake. Mr. Anthony stated it was an overflow pipe that ran from the main rain garden in case of surcharge. Sandi Aldrich asked if there was filter mesh to catch debris. Mr. Anthony stated there was, it was on all of them. Gena Lindyberg asked how often they needed to be cleaned. Herb Koster stated it was a visual filter that could be seen, so you knew when to clean it out.

Sandi Aldrich asked if there would be any blasting. Mr. Anthony stated they did not anticipate any. There may be some chipping of the rock. Herb Koster stated that if there happened to be blasting, there were regulations for the hours and times that it was allowed. Sandi Aldrich stated the blasting regulations included drilling too.

Kirk VanAuken stated that it looked like they would be removing some trees. Mr. Anthony replied they would be removing a few, he explained that one was in very bad shape.

No County Impact

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR18-06. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR18-06 as complete; waive a 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) Any blasting or drilling shall be conducted Monday – Friday, 8am to 5pm with no blasting or drilling done on Saturday or Sunday. **Seconded by,** Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy that based upon the materials submitted by Tom Nace on the stormwater project and accepted as part of the record, he would like to add the following conditions:

1. The project meets the design requirements and performance standards set forth in the Code.

2. The project will not have an undue adverse impact regarding the criteria set forth in the Code.
3. That the stormwater control measures proposed will function as designed and constitute the best possible methods feasible and practicable for the project site.
4. Adequate and sufficient provisions are presented, as part of the plan to assure future function or responsibility in the event of failure.
5. The project will not contribute to flooding, siltation or streambank erosion and will not pollute Lake George, its tributaries or streams with stormwater runoff.

Seconded by, Sandi Aldrich. All in Favor. Motion Carried.

The meeting was adjourned at 7:15pm

Minutes respectfully submitted by Kate Persons