

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday October 18, 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 = Lake George Park Commission
DEC = Department of Environmental Conservation

Present: Herb Koster, John Cushing, Gena Lindyberg, Kirk VanAuken, Alternate; Jessica Rubin and Atty. Michael Muller.

Absent: Ann Marie Scheidegger, Sandi Aldrich, Zoning Administrator, Pamela Kenyon & John Gaddy

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

Herb Koster asked if there were any changes or corrections to the September 20, 2018 minutes.

RESOLUTION:

Motion by Gena Lindyberg to accept the September 20, 2018 minutes as presented. **Seconded by**, Jessica Rubin. John Cushing abstained **All others in Favor. Motion Carried.**

REGULAR MEETING

1. **SPR18-04 LAWSON, BRIAN.** Represented by Winchip Engineering. For the construction of a proposed single-family dwelling with attached garage, seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 square feet of vegetation. 35,000 square feet is proposed. Section 140.00, Block 1, Lot 90, Zone RCL3. Property Location: 5601 Lake Shore Drive. The WCPD determined no county impact. Subject to SEQR.

Zach Monroe of Winchip Engineering presented the following:

- The stormwater is done according to regulations.
- The project has been approved by the Town Engineer.

John Cushing asked why they are clearing so much land. Mr. Monroe stated that it was not 35,000 sq. ft. of new clearing, this was the overall clearing including what already exists.

Gena Lindyberg asked who owned the adjacent properties. Mr. Monroe stated he was unsure.

John Cushing asked about the driveway and the property line. Mr. Monroe stated it was very close to the property line. He detailed it on the plans for the Board

Gena Lindyberg inquired about the building time frame. Mr. Winchip stated he assumed that it would be in the spring.

John Cushing asked if there were test holes dug. Mr. Monroe stated that there were, they had been done in August of 2017. John Cushing asked if it was a conventional system. Mr. Monroe stated that it was a shallow trench system.

No County Impact

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR18-04. Seconded by, Jessica Rubin. All in Favor. Motion Carried.

Kirk VanAuken stated that based upon the materials submitted by Nace Engineering on the stormwater project and accepted as part of the record he would like to add the following:

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.

Motion by Kirk VanAuken to accept SPR18-04 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) Drilling and blasting is to be done Monday – Friday, 8am to 5pm. No drilling or blasting on Saturday or Sunday. 2) Stormwater management is to be done before any construction is started. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. Seconded by, Gena Lindyberg. All in Favor. Motion Carried.

2. **SD18-01 CUERVO ESTATES.** Represented by William Pfau. Seeks multi-lot line adjustments. Section 124.00, Block 1, Lots 22 through 27. Zones RL3 & LC45. Property Location: Jovin Drive. Subject to SEQR. The Board must first determine if a roadway servicing 4 parcels can be considered a shared driveway.

William Pfau presented the following:

- They built on the second lot in 1994.
- Their plan is to reduce the total number of lots from 6 to 4 and increase the lot sizes.
- They are requesting permission to use a shared driveway for these 4 lots.

Gena Lindyberg asked if they needed an easement to come out to New Vermont Road.

Mr. Pfau stated they were going to agree not to develop lot #4 unless they received approvals.

Herb Koster said if they decided to sell lot 4 they would need to come back before this Board. Mr. Pfau agreed.

The Board discussed Road Maintenance Agreements and HOA's for the driveway.

Gena Lindyberg inquired about the shared driveway and if it would be serving all 4 lots. Mr. Pfau stated it would service all 4 lots with the understanding that lot 4 would not be developed.

Atty. Muller explained that he believes that they would need to go to the state and do a simplified procedure for Revised Cooperative Policy Statement No. 7 for Homeowners Associations with a de minimis cooperative interest. It talks about deeded lot owners that contribute cooperatively to ownership or maintenance of property that is used in common. In this case it would be the driveway. He discussed what this would entail and said that he would recommend that the Board make this a condition of approval.

Herb Koster asked if the motion should have a condition that the applicant receive approval from the Attorney Generals Office. Atty. Muller stated he should meet what ever requirements are imposed by NYS Department of Law as a Simplified Homeowners Association Cooperative Interest.

Gena Lindyberg stated they should also condition 2 easements, 1 coming in from New Vermont Road and 1 to utilize the driveway.

RESOLUTION:

Motion by Kirk VanAuken to declare Bolton Planning Board as lead agency for SEQRA Review of application SD18-01. **Seconded by** Gena Lindyberg. **All in Favor.** Motion Carried.

Motion by Kirk VanAuken to accept SD18-01 as complete, waive a public hearing, and having met the criteria set forth in the code, convert to final plat and 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) The applicant must meet with NYS Department of Law under the Simplified Homeowners Association Cooperative Interest to determine if that process is needed. 2) Easements are required across New Vermont Road for the lots along with easements for lots 1-3 to access the shared driveway that falls on lot 4. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by** Jessica Rubin. **All in Favor.** Motion Carried.

The meeting was adjourned at 6:32

Minutes respectfully submitted by Kate Persons.