

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday January 17, 2019
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, Ann Marie Scheidegger, Sandi Aldrich & Gena Lindyberg, John Gaddy, Alternate; Jessica Rubin, Zoning Administrator Pamela Kenyon and Atty. Michael Muller.

Absent: Kirk VanAuken

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

Herb Koster asked if there were any changes or corrections to the October 18, 2018 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the October 18, 2018 minutes. **Seconded by,** Jessica Rubin. Sandi Aldrich abstained. **All others in Favor. Motion Carried.**

Herb Koster asked if there were any changes or corrections to the November 15, 2018 minutes.

RESOLUTION:

Motion by Jessica Rubin to approve the November 15, 2018 minutes. **Seconded by,** John Gaddy. John Cushing, Sandi Aldrich & Gena Lindyberg abstained. **All others in Favor. Motion Carried.**

REGULAR MEETING

1. **SPR18-17 TWIN BOLTON II, LLC.** Represented by Studio A Landscape Architecture. To convert motel structures (east side Route 9N Twin Bay Village) into a single-family dwelling and multiple accessory structures, seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 square feet of vegetation. 1.65 acres is proposed. Section 186.07, Block 1, Lot 7 (east side Route 9N). A new waste water disposal system will be located on Section 186.07, Block 1, Lot 13 & 186.06-1-14.1 (west side Route 9N). Zones RCH5000 and RM1.3. Property Location: 4804 Lake Shore Drive. The WCPD determined no county impact. Subject to SEQR. See V18-23 associated with this project.

Jeff Anthony of Studio A Landscape Architecture presented the following:

- They have received the required variances from the ZBA.
- They did not require use variances.
- This parcel is located on the lake side of Route 9N where Twin Bay Village is located.

- There are essentially 3 different tax parcels associated with this project that were owned by Twin Bay Village.
- A group of three people bought the Twin Bay property and his client who would like to remain anonymous is one of the three partners that bought all the property.
- Their client owns the lakeside solely and it is one tax parcel.
- He plans to build a single-family residence on this parcel.
- The partnership is a LLC and they own the other side of the road which they are starting to develop.
- There will be no access to the lake from the other side of the street.
- This piece of property will remain a single family home forever.
- The docks will be renovated.
- This project involves mostly the demolition and removal of most of the structures on the site.
- He detailed the changes on the plans to the Board.
- The driveway will remain the same coming into the property and they will be adding a parking driveway turnaround.
- The whole building will be totally renovated.
- There is an existing stone wall that will be maintained.
- He detailed the parking area to the Board.
- The pavers will be permeable pavers.
- They plan to renovate the docks.
- They will be cleaning up the beach and repairing the seawall.
- They have changed two things that were presented to the Zoning Board.
- They will demolish a couple of the existing cabins and rebuild them further from the lake in the same dimensions.
- They have a demolition permit and have found out that one of the buildings on the other side is not to code and would like to rebuild a portion of it and bring it up to code in the same area.
- This parcel will be heavily landscaped and buffered throughout the whole property.
- They have submitted a planting plan

Gena Lindyberg asked if this owner was part owner of the parcels across the street. Mr. Anthony replied that he was and stated that they would move the sewage across the street and the owners would give the applicant an easement on that property for sewage disposal.

Herb Koster asked if the Zoning Board was aware that they had turned one of the cabins. Mr. Anthony replied yes.

John Gaddy asked if the cabins would be moved back out of the shoreline setbacks. Mr. Anthony pointed them out on the plans and said they would not encroach on the shoreline setback.

Matt Huntington of Schroder River Engineering presented the following:

- He detailed the septic plans to the Board.

- They had marginal soils on the lake side and to improve the distance from the lake they will pump all the wastewater from the new and renovated residence to the better soils across the street.
- They will be replacing the pipe due to the condition of the existing system.
- They will come in with a compliant system that meets the DOH and Town of Bolton standards.
- From a stormwater perspective, they have reduced the impervious area on the site, by 46%.
- This will take care of almost all of the water quality and runoff post development to pre-development criteria in of itself.
- They have also designed a series of rain gardens and bio retention facilities.

John Cushing asked if the calculations were for the critical areas on the east side of 9N only or if they included the west side of 9N. Mr. Huntington stated that the west side of 9N did not drain there. The 46% was strictly the east side parcel.

- He detailed the stormwater design to the Board.
- They will install a new lateral from the curb stop to the house.

John Cushing said he thought that the code called for the stormwater to be contained on your property. Mr. Huntington stated that it calls for post development flows to be attenuated to equal to or less than the pre-development.

John Gaddy asked about the drainage basins. Mr. Huntington explained them to the Board.

John Gaddy asked about the 2 basins that were tying into a 24" stormwater pipe and how they got permission to do this. Mr. Huntington stated that the permission would be done in a maintenance easement worked about by the attorneys. He said that the post development flows would be slowed down instead of shooting off the site. He showed the Board how the process would work on the plans and said that it had been signed off by the Town Engineer and DEC.

John Cushing asked how it worked on reducing road salt. Mr. Huntington said they did not have a lot of road salt. Any of the area taking the drainage should be salt free. John Cushing asked about the water from 9N. Mr. Huntington said he did not believe it was possible to come from 9N due to the way the site was being built up. John Cushing asked if it would be filtered if it did. Mr. Huntington stated that the soil should filter it, however the grading from 9N does not allow for water from the road to enter it.

John Gaddy asked about the water moving into bio retention area #2. Mr. Huntington stated that it was the relief from the bio retention basin. John Gaddy asked if there was any way to detain it. Mr. Huntington said the bio retention was detaining and filtering it. He detailed the stormwater process on the plans. John Gaddy asked if they could have it re-engineered to mitigate it in the event of a 500 year event. Mr. Huntington stated that he could look at it, but it was minimal and less than the existing condition. He doesn't see the need for it. Even in a 500 year event they have reduced the runoff considerably.

Sandi Aldrich asked if they anticipated any type of blasting for foundations. Mr. Huntington stated they did not.

Gena Lindyberg inquired about the construction schedule. Mr. Huntington said they did not know if they have a schedule yet as they are waiting for approvals.

John Gaddy inquired if there was a definition of a tiki bar. Atty. Muller stated it was definitely an accessory structure.

Trever Flynn of Balzer & Tuck presented the following:

- The tiki bar is more of an exterior kitchenette for the client to stage food for the beach and exterior activities throughout the day. It is not intended for public use.
- The secondary structure next to it is essentially a storage shed for beach apparatus.
- When they went to move the 2 existing cabins, they found that they were structurally unstable.
- The proposed guest residence is for their 5 children when they visit.
- The foundations are failing and buckling in, so they will rebuild this too.
- They have found that it is more cost effective to build new and in kind.
- The main residence will essentially be rehabbed in the interior and a garage added.

Gena Lindyberg asked if there would be any septic needed in the tiki bar. Mr. Flynn stated that there would be a bathroom and tied into the same sewer system.

Sandi Aldrich inquired about the bedrooms in the main residence. Mr. Flynn replied that it was 2 bedrooms and an office. He explained that the office had a closet, which by code, makes it considered as a bedroom and the septic was designed for 3 bedrooms. He showed the board what the exterior would look like.

John Gaddy asked about the northerly structure that would be torn down and if there was any reason it could not be pulled forward away from the side yard setback. Mr. Flynn replied that due to the stormwater mitigations this would not work.

John Cushing asked if they would be bringing any fill in to the shoreline or change it at all. Mr. Anthony replied they were not. He said there would be no changes to the shore, besides being raked and cleaned. The docks would be reconstructed.

John Gaddy asked why none of the neighbors were listed on the plans of this project. He is confused as to ownership of the neighboring properties and would like them to be identified. He would like to see who owns what.

John Gaddy said they have had sincere applicants asking for approvals for a series of separate projects and found themselves in trouble for approving to large of a project. He said he would like to see a plan that details what is going on the east side along with the west side since it is connected by the septic system. He was looking at segmentation and he would like a more complete idea of what is being developed. He believes they need to be clearer on what is going on with the whole project. Both sides of the property have common ownership.

Jeff Anthony stated that the applicant was the sole owner of the parcel on the east side. The parcel on the west side has no relationship to the property on the east side functionally or operationally. The east side and will have no involvement with anything to do with anything proposed in the future for the west side of the road. John Gaddy replied that the applicant on the east side was putting a septic system on the west side. Mr. Anthony replied that this was true but there would be an easement for this.

Ann Marie Scheidegger said she was uncomfortable approving a project without the required easements being in place. Mr. Anthony stated that the client is in partnership with the owners of the property on the west side of the road. He said the easement has not been written yet due to the fact that they do not have the exact location for the septic yet and the placement of the pipe has not been determined. Atty. Muller said the easement can be a condition of approval and must be to the satisfaction of the Town Attorney.

John Gaddy said since they are bound by the LWRP he is wondering where the completed waterfront assessment form is. Atty. Muller said this was part of the process and the form that they currently have is the one that should be used.

John Cushing said that people are required to hold their stormwater on their property in a non-critical area. This is a critical area and he wants to know why this development should not have to. Herb Koster said that the rule is that they can't increase any stormwater discharge that already exists. Zoning Administrator, Pamela Kenyon asked if they were diverting the stormwater. Mr. Flynn said they were not.

John Gaddy asked how many acres are in total on both sides of the road. Mr. Anthony said there is 1.65 on the east side and 28 +/- on the west side.

Ann Marie Scheidegger said she appreciated the redesign of the property and she thinks it is long overdue. It is a critical location as far as Lake George water quality is concerned and she would like a public hearing as this is a significant redesign of the property.

Mr. Anthony said that there was a public hearing held at the ZBA meeting and the neighbors were heard.

John Gaddy wanted to know how he could get information that this project was not segmentation. Mr. Anthony said that this parcel could be developed independently of the other parcel. The other parcel is not dependent on this parcel being built. There is no key financial interconnection between the parcels. Ann Marie Scheidegger stated that this parcel could not be built without the septic being placed on the other parcel. Mr. Anthony said this was not a financial connection. If they build the east side, they do not have to build the west side. There is no interrelationship between use other than the sewer. No activity on the west side will funnel through the property on the east side. John Gaddy asked if he could give that to them in writing. Mr. Anthony replied sure.

The Board discussed the conditions of approvals they would like among themselves.

Jeff Anthony said the owners had no plans on developing the other side, they were looking for someone else to come in and do it. The east side is a private residence and they do not have any intention of giving access to the west side. They do not have enough lake shore to allow that.

They discussed the percentage of ownership for each owner on the west side. Atty. Muller said they were separate tax map parcels and he suggested that it did not sound like a possible segmented project.

The Board stated that a condition of approval would be that the meets and bounds would be provided in the septic easement for the pipe going through the property.

John Gaddy asked about screening on the south side for the tiki bar. He wants to make sure that language was included in the planting plan that the screening is to be maintained in perpetuity. Mr. Anthony said that would be fine as a condition of approval for an approval.

Mr. Huntington detailed the stormwater infiltration system to Ann Marie Scheidegger.

No County Impact

RESOLUTION:

Motion by Ann Marie Scheidegger to table the application for a Public Hearing at the February 21, 2019 PB meeting and the Board would like to see the following additional information; 1) owners of the adjacent properties are to be identified on a map. 2) A completed LWRP analysis is to be completed. **Seconded by,** John Gaddy. Herb Koster opposed. **All others in Favor. Motion Carried.**

2. **SPR18-20 SCHNEIDER, JOHN.** Represented by Davies & Davies Real Estate. Seeks Type II Site Plan Review for two advertising signs greater than 4 square feet. 18 square feet and 6.6 square feet are proposed. Section 186.14, Block 1, Lot 25, Zone RCH5000. Property Location: 4601 Lake Shore Drive. Subject to WCPS and SEQR review.

Dan Davies of Davies & Davies Real Estate presented the following:

- They are proposing to put 2 signs on the existing building.
- One in the center of the building which will be 6' x 3'
- The other a 3' 4" x 2' sign on the south side above the door
- They will be high density PVC carved signs with green backing and gold lettering.
- There are currently 2 lights on the building, and they would be adding 2 additional dark sky compliant lights.

No County Impact

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR18-20. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR18-20 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 condition: 1) All lighting is to be downward facing and shielded. 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 Lindberg. All in Favor. Motion Carried.**

- 3. SPR18-21 FORTUNA, CHRISTOPHER.** Represented by Richard Fortuna. In accordance with Section 200-47G3 (Regulations of mobile homes outside of transient mobile home courts or campgrounds), seeks Type II Site Plan Review to place a construction trailer on that parcel designated as 186.00-1-40.111. Zone RL3. Property Location: 18 Brookside Parkway. Subject to WCPS and SEQR review. Note: This is an amendment to SPR17-12 approved by the PB on September 21, 2017 with the following condition attached. Approval is good for one year ending 12-21-18. See SPR15-17 and SPR16-23 associated with this project

Richard Fortuna presented the following:

- They are looking for an extension of their camper trailer that they currently live in while they are completing the construction of their house.

Ann Marie Scheidegger asked if they were still a permanent resident of New Jersey. Mr. Fortuna replied no.

John Gaddy asked if they were living at the site. Mr. Fortuna replied that was correct.

Ann Marie Scheidegger said that she went through the previous minutes and every year he had indicated that construction would be completed in a few months and she wanted to know when they would really be completed. Mr. Fortuna stated they should be eligible for a temporary certificate of occupancy in 60 to 90 days tops, weather permitting. He detailed his progress and what was left of the process.

Herb Koster said they have been hearing a few months for a few years now. He wants to know how long it will be. Mr. Fortuna said they are hoping 2 months, but they are doing the project themselves. All the work has been done by them and things are taking longer than expected. Herb Koster stated this has been 4 years. This is no where near done and he wants to know when it will be completed. Mr. Fortuna said they would be finished with framing next week. They live here and they have no other means. They are doing the best they can. He apologizes for the request for the extension. They are trying to get in as fast as they can.

John Gaddy said he thought they had sufficient time and he is inclined to deny this request. He built his own house too and he was done in less time. Mr. Fortuna stated this would cause a financial hardship on them as they currently do not have a place to live. This would take away money they need to finish the home.

Ann Marie Scheidegger stated that she appreciated his situation but in going back through the minutes, Mr. Fortuna has said he would be finished by spring each time and this has not occurred. A month to month rental should not be enough of an expense to prohibit completion of the project. At this point in time, she does not believe it is fair to the neighbors or anyone else for this to continue. They have been very lenient as a Board. Mr. Fortuna stated that he does not have any visible neighbors and he lives on a secluded 10 acre rural lot. He said he does not have any impacts to the neighborhood.

Gena Lindyberg said that regulations numbers 8 & 13 in the paperwork for the purchase of the property that prohibit living in a house trailer or garage or accessory structure as a residence and any construction of a house will be finished within one year of start of construction. Mr. Fortuna said this is correct and at the end of the day they are in the fourth quarter, two months away from a possible temporary c/o allowing them to move in.

Gena Lindberg asked how long the tents had been there and what they were for. Mr. Fortuna stated about a year and it was all construction material and they would be removed as the project was being finished.

Sandi Aldrich said she wanted clarification page on 1 of his application where he states that the length of time would be June 30, 2019 and page 2 he states the trailer will remain until they receive a certificate of occupancy. She wants to know which one it is. Mr. Fortuna said that after speaking to Warren County Building Codes, he believes it would speed up the time frame by several months.

Ann Marie Scheidegger said they would like to know what is specifically left to be completed for Mr. Fortuna to receive his temporary c/o to move in. Herb Koster said it was the same things that were left last year.

Herb Koster suggested they give him until April 1st to remove the trailer like the Zoning Board and then everything must be removed. Mr. Fortuna said he would appreciate this, and it was a reasonable amount of time to accomplish this. Herb Koster said no later than that date or there would be some sort of retribution by the town. Sandi Aldrich said that based on past performances, she was not inclined to believe this will be accomplished.

Atty. Muller said if they adjourned it and they came back next month, they could see how much was accomplished and how much closer he was to a temporary c/o and then they could make a decision.

Ann Marie Scheidegger inquired what the process would be if the applicant was denied tonight. Atty. Muller stated the Planning Office would tell him to bring enforcement to take it off the property. He would first be served with a notice of violation and he would have 10 days to remove it from the property. If this was not done it would be brought to the next Town Board meeting where they would take action and have him pursue telling Mr. Fortuna that it had to be removed.

Gena Lindyberg asked why it hasn't been addressed yet. Atty. Muller and Zoning Administrator, Pamela Kenyon stated that it has been addressed and they have been moving forward with this. The first step was for him to come before the Board.

No County Impact

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR18-21.
Seconded by, Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Gaddy that the applicant has until March 1, 2019 to vacate the camper they are residing in and all utilities and facilities associated with the camper be disconnected on or before that date. **Seconded by,** John Cushing. Ann Marie Scheidegger and Sandi Aldrich opposed. **All others in Favor. Motion Carried.**

The meeting was adjourned at 7:44

Minutes respectfully submitted by Kate Persons.