

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday May 16, 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, John Gaddy, Alternate, Jessica Rubin, Gena Lindyberg, Sandi Aldrich, Ann Marie Scheidegger and Atty. Michael Muller.

Absent: Zoning Administrator Pamela Kenyon and Kirk VanAuken

The meeting was called to order at 6:02pm.

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the April 18, 2019 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the April 18, 2019 minutes. **Seconded by**, John Gaddy. Ann Marie Scheidegger abstained. **All others in Favor. Motion Carried.**

1. **SD19-01 KRONENWETTER, KAREN.** Represented by Atty. Arkley Mastro Jr. Seeks to amend/correct the Highland Subdivision map, specifically to create a 1/8th acre parcel out of those parcels designated as 171.10-1-11 (owned by Kronenwetter) and 171.10-1-13 (owned by McBain). Zone RL3. Property Locations: 70 Upper Highland Road and 50 Highland Drive. Subject to SEQR and LWRP.

Atty. Arkley Mastro Jr. presented the following:

- Ms. Kronenwetter owns lot number 10 in the Highlands Subdivision.
- It has been under contract to sell for nearly 9 months.
- During a title search conducted by the purchaser it was discovered that as a part of lot 10 a small 1/8-acre parcel of land owned by Agnes Gilligan Nolan was inadvertently left off the subdivision map in the early 80's.
- Unless there is a lot line adjustment recognizing this lot, his clients will not be able to sell their piece of real estate.
- There are 3 parties involved in this and they have been trying to reach an agreement with them.
- It appears that they have finally reached an agreement this afternoon after 7 months of negotiations with the 3 parties.
- This agreement will allow his clients to purchase the 1/8 acre that they thought they had owned and have been paying taxes on since the early 80's.
- There was insufficient time to do a written contract and sign a consent boundary line agreement.

- It is necessary for this Board to rectify the subdivision map that was approved in the early 80's which omitted the Nolan parcel.
- This will actually help the town, by correcting the subdivision map, it will obviate the need for further proceedings to determine if there is a right of way on a public street to access the 1/8 acre.
- He is seeking to modify the subdivision map by way of a lot line adjustment.

Herb Koster asked if the dimensions of the 1/8-acre lot were the same as what was depicted on the submitted drawing. Atty. Mastro Jr. replied that was correct and he had a representation letter from McBain in support of the application for lot line adjustment. He stated that the latest map shows an old road previously known as old woods road. There is a surveyor note, by Dickinson, that indicates to the best of their knowledge this was the access to the 1/8-acre parcel. Herb Koster asked if they would still have access to the 1/8-acre lot once they did the lot line adjustment. Atty. Mastro Jr. said the 1/8 acre will be acquired by his client and absorbed into lot 10 so there will be no need for an access.

Gena Lindyberg asked if Agnes Nolan had agreed to this. Atty. Mastro Jr. said she had, through her attorney. Gena Lindyberg asked if they will have paperwork to prove that. Atty. Mastro Jr. replied that he would, he just did not have it tonight. He stated that the closing was supposed to have taken place in November of 2018. The buyers are very anxious to get in. Herb Koster stated they could approve this contingent on them getting all the required paperwork into the town.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD19-01.
Seconded by, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SD19-01 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 provide the necessary documentation to legitimize this transaction and make this a lot adjustment to satisfy the Town of Bolton, including a purchase agreement, the closure interest that Ms. Nolan & Mr. McBain claim, and a letter from the applicant requesting the Board to include this 1/8 acre as lot 10. 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 Sandi Aldrich. **All in Favor. Motion Carried.**

2. **SPR19-06 TWIN BOLTON II, LLC.** Represented by Balzer & Tuck. Seeks Type II Site Plan Review, specifically to amend SPR18-17 approved by the PB on February 21, 2019 as it pertains to the guest cottage and major stormwater project. Section 186.07, Block 1, Lot 7, Zones RCH5000. Property Location: 4804 Lake Shore Drive. Subject to WCPS, SEQR and LWRP review. See V19-13 associated with this project.

Atty. Jonathan Lapper, project attorney presented the following:

- The Board approved their application at the February 2019 meeting based upon the Town Engineer review of the stormwater plan.
- Chris Navitsky was not happy with some of the stormwater design and pushed for more.
- After the meeting they sat down with him to tweak the project to get his approval.
- Over the last few months they have made design changes to satisfy Mr. Navitsky.
- They are here tonight to seek approval of the modifications.
- Most of the changes were related to the stormwater plan.
- They have also beefed up the landscaping area pretty significantly along the lake shore and sea wall.
- He detailed the new stormwater outlet on the plan.
- The reason they were before the Zoning Board was because once the guest cottage renovation work started it was determined that the building was structurally unsound.
- The decision was made to redesign the building within the footprint to look less like a motel building.

Trevor Flynn of Balzer & Tuck presented the following:

- He detailed the previously approved and the proposed plans to the Board.
- They are trying to create a more Adirondack style structure and less of a motel look.
- They have tried to move the proposed building away from the property line to gain more space between the existing shrubs and the building wall.
- They also moved the structure 6' back from the lake to help with view sheds.

Eric Sand of Schoder River Associates presented the following:

- The changes to the stormwater system involve 4 primary aspects.
- The bio retention area known as BR2 was moved 50' to the northwest.
- The discharge for that stormwater treatment practice has been moved up slope quite a bit and discharged through a level spreader with additional plantings in between the discharge of the bio retention area and the retaining wall that currently exists.
- They have modified the soil mix to reduce the amount of phosphorus.
- The level spreader has been upgraded to meet the Waterkeepers standards.
- The planting plan has been upgraded.

Jeff Anthony of Studio A Landscaping presented the following:

- He detailed the plans showing the changes to the plantings.
- The planting area has been expanded.
- All the plant materials have been adjusted so they meet with the native material as per the Waterkeepers request.

Atty. Lapper said they have just finalized the planting plan with Mr. Navitsky so what has been submitted to the Board is not quite as extensive as what they have depicted. It is certainly a better plan than what they had presented last time. They would like to get Mr. Navitsky on the record as part of the Public Hearing.

Gena Lindyberg said her concern is that they are saying that the drawings they have are all Twin Bay II. Atty. Lapper replied yes. Gena Lindyberg asked if they were saying that there was no Twin Bay I anymore, and if this was all part of the same property. Atty. Lapper said this project owner was Twin Bay II. Gena Lindyberg said that the paperwork they submitted they are saying that the adjoining properties, 1, 2, and 16 are all Twin Bay II also. Atty. Lapper replied yes and said that does not mean that at some point it might not change across the street, but right now it is in the same ownership. Gena Lindyberg stated that they had told the Board at the last meeting that it was different ownership. Atty. Lapper said it was going to be, but it has not happened yet. Herb Koster said that was the way it was presented at the last meeting, that it was two separate corporations. Atty. Lapper said the individual who will own the house, will own that separate from the development project across the street. Herb Koster asked if all 3 owners owned both parcels right now. Atty. Lapper replied yes. Herb Koster stated that it was absolutely not the way it was presented to them last at the meeting! Atty. Lapper said he could have been wrong the last time, but they have to submit consent for the septic across the street to the Town, which they have.

Herb Koster said that this puts them in an awkward situation. They approved this project as a single ownership as a separate corporation when they were asking questions about what their intentions were across the street and their argument against giving the Board their intentions across the street was that they were two separate corporations and now they are saying that it is all one corporation. Atty. Muller said that issue is segmentation, that is that they have a big piece of property and they are not dealing comprehensively with it. They shouldn't if it has separate ownership, and they should if it has common ownership. Herb Koster stated he had a problem with the original approval of this project. Atty. Lapper said he may be wrong, and it may be that it is two entities, and there was an easement presented to the town. Atty. Muller stated that there was no dispute about the easement. It was presented to the town and it was fine. Herb Koster stated it was not the easement, it was the way the project was presented to the Board. Atty. Lapper said he thinks that there are two entities and he just misspoke. Gena Lindyberg stated that they needed verification of this. Atty. Muller said that the last time this was discussed it was separate ownership. Herb Koster said the Board was told that there was a single owner of the parcel on the lake, and he and two other owners owned the corporation across 9N. Atty. Lapper said he believes this is correct. Gena Lindyberg said it is incorrect on all the paperwork they have submitted. Herb Koster stated he had no problem with the project, he has a problem with the fact that the project was presented and approved under a totally different circumstance from what Atty. Lapper has presented tonight. Atty. Lapper said it was always presented as two different owners and he believes he just misspoke tonight. He believes that are two owners. Gena Lindyberg stated the documents in their new packets do not show that, they say that it is all Twin Bolton II. Atty. Lapper said this is a typo. Gena Lindyberg said she wanted them to submit a corrected map showing the two separate owners. Atty. Lapper stated they would resubmit the corrected map.

Atty. Muller stated that Warren County shows that all 3 separate parcels are all of record today, are owned by Twin Bolton LLC. Herb Koster wanted to know what that did to the original approval that this Board gave in February, when they told them they were two different corporations and therefor they did not have to submit any proposals for what they were going to do with their other properties. Atty. Muller stated that if this is in unified ownership, they should be dealing with it comprehensively. He believes it is in a unified ownership at this time, so the

Board operated under a misassumption of fact. Herb Koster said the Board's biggest worry was for them to be bringing people across the street to utilize the lake front which is only large enough for one unit. Atty. Muller said that one owner of 3 parcels that were contiguous, they should be concerned about a comprehensive plan. Herb Koster said they were told that there were two separate parcels and there is not. Atty. Lapper said he has an easement going from Twin Bolton to Twin Bolton II. Atty. Muller stated that Twin Bolton II is not of record. The record says that Twin Bolton LLC is the recorded owner of all 3 parcels, that is a certainty reported tonight. Atty. Lapper said that they know that this is not the case. Herb Koster replied that Atty. Lapper does not know that this is not the case, it is what is on file right now. Atty. Lapper said he was looking at the easement. Herb Koster said Atty. Lapper could have given an easement to project whatever it was that was put in front of them to verify whatever they did. Atty. Lapper asked if they were right and Twin Bolton II is on the lake and Twin Bolton LLC was on the mountainside. Atty. Muller stated he did not know anything about those deeds. Herb Koster said he thought it should be straightened out before they moved forward. Atty. Muller showed the Board the maps on recorded deeds to the parcels on the Warren County website. Herb Koster said something is messed up somewhere along the line here and he does not feel that this Board can make a decision tonight without verifying exactly what is in existence. Ann Marie Scheidegger asked if there was a problem because the applicant already received an approval from them. Herb Koster said yes, he had a problem with that, but that could be fine if it was just a mistake. Atty. Muller asked what if they required that they prove their separate ownership by the deed, if it is recorded, they could find it tomorrow. If Atty. Lapper has overstated it and they have not completed it yet, they could have it done. Atty. Lapper said the intention was that this was Twin Bolton II and separate from across the street. That is why they have an easement. If they could make it contingent on providing the Board with the deed, they will get it to them to show the separate ownership. Herb Koster said that was fine. But, if this is not what was presented when they received their approvals, they will have to come back, or the approvals will be null and void. Atty. Lapper asked if they could provide the deeds immediately. Gena Lindyberg said she wanted corrected maps too.

LG Waterkeeper, Chris Navitsky stated that the previous approval was not compliant with the newly enacted LWRP. They met with the applicant several times and have come to a compromise that brings the pipe that directly discharged into the lake and put it into the shoreline buffer. There are no issues moving forward as far as he is concerned.

RESOLUTION:

Motion by John Cushing to declare the Bolton Planning Board as lead agency for SPR19-06.
Seconded by, Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Cushing to accept SPR19-06 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) The project is contingent on a deed to be recorded showing that TWIN BOLTON II LLC., is the record owner of tax map parcel 186.07-1-7 and the deed shall recite a covenant that the shoreline parcel shall not provide deeded or contractual access to Lake George for the benefit of any other parcel of

land. 2) Updated plans C-130 must be submitted. 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, Sandi Aldrich. All in Favor. Motion Carried.**

3. SD19-02 McGURL, THOMAS. Represented by the Chazen Company. Seeks multi lot line adjustments between those parcels designated as 170.00-1-22.11 through 170.00-1-22.18 and 170.00-1-41. Zones RCL, LC25 and LC45. Property Location: 520 Trout Lake Road known as Twin Pines Resort. Sketch Plan Review. Minor Subdivision. Subject to SEQR and LWRP. This is an amendment to SD05-25 approved March 22, 2007

Thomas McGurl Jr. presented the following:

- They are proposing a good solution for the town, their neighbors and their business.
- The access to the lot layout was not ideal.
- They have been there for over 30 years and they want to see the land and business preserved over time.
- They would like to roll the 8-lot subdivision back to 4.
- With 4 compliant lots and a lot line adjustment for his own home.
- They want to put the largest lot into land conservation with all the sensitive areas in it to protect them into perpetuity.
- They are not looking to cut down trees, build buildings etc.
- They are simply looking to preserve what they have.

Herb Koster stated this was much smaller than what had been previously approved.

Gena Lindyberg inquired if there was any correspondence from the neighbors. Atty. Muller replied there was not.

Sandi Aldrich asked if the big lot would also include the mountainside with access between his house and the road. Mr. McGurl stated it was not meant as an access it was meant to protect the stream, the access would be from Cat Mountain Road. He said that the bulk of the land that was undeveloped would be put into land conservation. Herb Koster asked if this would be done by him or if they were donating it. Mr. McGurl replied that they were working with the LGLC.

Herb Koster asked if they no longer needed stormwater on this as they would not be building the road that was on the previous subdivision. Atty. Muller stated this was correct

RESOLUTION:

Motion by John Cushing to declare the Bolton Planning Board as lead agency for SD19-02.
Seconded by, Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Cushing to accept SD19-02 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. 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 Sandi Aldrich. All in Favor. Motion Carried.**

4. SPR19-07 HUDDLE PROPERTIES, LLC. Represented by Danielle Desantis. Seek Type II Site Plan Review for an advertising sign greater than 4 square feet. 6.66 square feet proposed. This measurement does not include the cup on the top. Section 171.15, Block 2, Lot 36.1, Zone GB5000. Property Location: 4973 Lake Shore Drive. Subject to WCPS, SEQR and LWRP review.

Louis Desantis presented the following:

- The sign is roughly the same square footage as the other two signs on the building.
- This sign is smaller than the prior Lake George Kayak company sign.

John Gaddy asked if there would be any lighting on the sign. Mr. Desantis replied there would be 2 lights directed on the sign. John Gaddy stated he would be making a condition that the lighting would be downward facing and shielded.

No County Impact.

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR19-07. **Seconded by**, Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR19-07 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) 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**, Sandi Aldrich. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:16

Minutes respectfully submitted by Kate Persons.