

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday August 22, 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, Gena Lindyberg, Sandi Aldrich, John Gaddy & Ann Marie Scheidegger, Zoning Administrator Pamela Kenyon

**Absent:** Kirk VanAuken, Jessica Rubin and Atty. Michael Muller.

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

Herb Koster thanked Pamela Kenyon for her 30 years of working for the Town of Bolton and all the help she has given the Board throughout those years as the Zoning Administrator.

**REGULAR MEETING**

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

**RESOLUTION:**

**Motion by** Gena Lindyberg to approve the July 18, 2019 minutes. **Seconded by**, John Gaddy. **All in Favor. Motion Carried.**

1. **SPR19-10 UPPER HUDSON WOODLANDS.** Represented by F & W Forestry Services. For a proposed timber harvest, seeks Type II Site Plan Review for a stream crossing. Section 124.00, Block 1, Lot 38, Zone LC45. Property Location: Off Padanarum Road. Subject to LWRP and SEQR review.

Tom Sargeant of F & W Forestry Services stated they were going to timber harvest a section behind Indian Brook.

John Cushing asked for the time frame of the project. Mr. Sargeant stated it was probably going to be a winter job and take at least 4 months depending on the size of the crew.

Herb Koster asked if the stream crossing would be put in and taken out in the winter. Mr. Sargeant stated it was a temporary crossing

John Gaddy inquired about the oak/hickory forest mentioned in the SEQRA. Mr. Sargeant stated it was a pretty common forest on the east coast, but DEC considers this forest as a special community in this part of New York. The only thing of importance there is that it requires them to do ¼ acre clear cuts if they work in that area. They have no intention of working in that area as the wood is not ready.

## RESOLUTION:

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR19-10. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR19-10 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. The applicant follow and monitor the best management practices as outlined in the letter from the Warren County Soil and Water. 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. **SD19-03 CARUSO, MICHAEL.** Represented by the Brett Steenburgh, PE. Seeks to divide into 4 lots that parcel designated as Section 200.14, Block 1, Lot 20, Zones RM1.3 & LC45. Property Location: Intersection of Cotton Point Road and Route 9N. Sketch Plan Review. Minor Subdivision. Subject to SEQR and LWRP review. Last heard June 20, 2019. The sole purpose of the meeting is to determine if the proposed roadway now servicing 4 parcels can be treated as a shared driveway.

Brett Steenburgh, PE. presented the following:

- The sole purpose of this meeting is to determine if the existing roadway can be considered a shared driveway.
- They really want to utilize a common driveway to service these lots instead of adding more driveways onto Route 9N.
- It is their intent to have this as a common driveway and not a road.
- They are trying to keep as much of a vegetated buffer between the homes and Route 9N for obvious reasons.
- This would avoid clearing and cutting some of the existing trees.
- They have looked at it from a stormwater management aspect and it would be much less obtrusive as a driveway with significantly less clearing.
- They want 4 houses on a common driveway.
- They understand they need stormwater management, but they need know first what this roadway will be considered.

Herb Koster stated he did not mind it being a driveway, but he wanted to know how wide it would be. Mr. Steenburgh replied that it was 16' wide. Herb Koster stated it would not be wide enough for emergency vehicles. Mr. Steenburgh stated they could increase it to 20' if that would work better for the Board. Sandi Aldrich asked if there was an area where they could add a turn around for a fire truck. Herb Koster said a hammerhead on the last lot. Mr. Steenburgh replied that they could certainly design that without much problem. Sandi Aldrich stated that if they designed that, she would have no problem with it being a shared driveway.

John Cushing stated that they would still need a maintenance agreement for the driveway. Mr. Steenburgh stated they understood this.

John Cushing inquired if there would be any trails going through the wetland. Mr. Steenburgh replied there would not.

## **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SD19-03. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SD19-03 as a sketch plan for a 20' wide shared driveway with a hammerhead, waive a public hearing on the driveway 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. Metes and bounds must be on the plans for the driveway. 2. They must have deeded rights-of-way for all of the lots. 3. Driveway is to be 20' wide, with an extended hammerhead at the end. 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.**

3. **SD19-04 JTR LAKE GEORGE, LLC.** Represented by Studio A. Seeks to divide into 4 lots that parcel designated as Section 200.10, Block 1, Lot 1, Zone RM1.3. Property Location: 4376 Lake Shore Drive. Sketch Plan Review. Minor Subdivision. Subject to SEQR and LWRP review. The Board must determine if the proposed roadway servicing 3 parcels can be treated as a shared driveway. See V19-22 associated with this project.

Atty. Stephanie Bitter presented the following:

- They are seeking a 4 lot subdivision.
- The lot as it exists today is 9.7 acres
- They are seeking to create 4 separate lots.
- Lot 1 is 5.22 acres and currently has a house under construction.
- This lot will include the existing driveway to Route 9N.
- Lot 2 is 1.63 acres and includes the existing gatehouse that was recently renovated.
- Lot 3 is 1.366 acre lot which will have the two existing leach fields on it.
- Lot 4 is 1.42 acres in size and include a waterfront property and a dock that the LGPC has already approved.
- Lots 2 & 3 will have waterfront easements over lot 1 to utilize the dock that has already been approved by the LGPC.
- With this subdivision they are seeking to allow this existing driveway to be maintained and utilized by all of the lots for multiple purposes. One being less disturbance because it is already there so there would be no need for further clearing or disturbance.
- Lot 1 has retained this driveway for purposes of control and easements will be provided to the lot owners.
- Each lot is in the 1.3 acre zone and they are all compliant and meet the standards.

- The only item that was necessary was a front setback variance for them to maintain the setback.
- They were granted this variance from the Zoning Board.
- This subdivision will require A.P.A jurisdiction due to wetlands.

Gena Lindyberg inquired about the roadway on the map from lot 3. Mr. Anthony replied there was a new driveway for that lot only. They had a traffic study done and this driveway meets all standards for site distance and access. Gena Lindyberg inquired if this driveway would accommodate emergency vehicles. Mr. Anthony replied that it would.

Sandi Aldrich asked if lot 3 would be using the other driveway for lake access. Mr. Anthony replied yes, and he detailed it on the plans. He said he thinks they would walk down a path or something as opposed to driving up to Route 9N and then back down the other driveway.

Sandi Aldrich asked if the turnaround at the bottom would be adequate for emergency vehicles. Mr. Anthony said it was more than adequate for this.

John Cushing asked if stormwater approvals were done for the house on lot 1 yet. Mr. Anthony replied that both lot 1 and lot 2 have already been completely approved by the town. They have major stormwater approval for the main house, gate house and the driveway along with the 2 absorption fields. Lots 3 & 4 would need to come back for any new construction and will need their own independent stormwater controls. Lots 3 & 4 will not affect the wetland due to the topography. John Cushing asked if he was saying the stormwater was complete for lots 1 & 2. Mr. Anthony replied that it is complete in the sense that it had been approved. They are still in the process of installing it now as they are still under construction. John Cushing asked if there would be more grading. Mr. Anthony replied yes, it was a project that was still under construction. They are building it in accordance to the approved plans.

Zoning Administrator, Pamela Kenyon stated this project had been kicked up to a major stormwater project. Herb Koster asked if the road would need to be under major stormwater requirements. Zoning Administrator, Pamela Kenyon replied that everything did.

John Cushing asked if the road would be paved. Mr. Anthony replied that it would after lots 3 & 4 were completed. John Cushing asked if the other lots would be under construction the same time as lot 1. Mr. Anthony replied no, lot 1 should be finished in the spring. John Cushing asked if they could have the stormwater on the road completed when the house was done when the house was completed on lot 1. Herb Koster stated the road had to be redesigned to major stormwater regulations.

Gena Lindyberg asked if the septic systems for lot 3 & 4 were on lot 3. Mr. Anthony replied no and detailed the plans and showed them where the systems were.

Herb Koster inquired if the septic systems for lots 1 & 2 were hooked together on the same parcel. Mr. Anthony replied that they were individual and there is an easement to allow lot 2 to put their septic on lot 1. They have already been installed by state standards.

John Cushing asked if they were basically here tonight for the roadway to service the 3 parcels. Mr. Anthony replied that this was correct, they have a long way to go on this project. They are here to get a determination that the driveway in its existing position can service lots 1, 2 and 4.

Herb Koster stated that the driveway would need work done to it. Eric Sandler from Schoeder River Associates stated that the house is still under construction and that there is still work that is needed to be done to the driveway. It still needs to be built up and it is in process of construction to the standard that it was designed. Herb Koster stated he does not want the language to go through that they approved the driveway as it is. They are just looking for approvals that this will be utilized.

Herb Koster asked what the proposed width was. Mr. Sandler replied 12' wide. Gena Lindyberg stated that 12' was not wide enough for the emergency vehicles. Herb Koster stated it was not. The fire department was not satisfied with 12'. Mr. Sandler stated they would make it 16' wide if this would if that is what they need. They could expand 2' on both sides. Zoning Administrator, Pamela Kenyon stated that they would need an additional variance for lot 2 if they move it any closer to the structure. Mr. Anthony stated they could go the other way.

Sandi Aldrich asked about question 6 and the subdivision application. Atty. Bitter stated that it is in reference to lot 4, but relative to that restriction, the way in which lot 4 has been described and demonstrated, it complies with it. If necessary, they can submit the documentation.

Gena Lindyberg asked about the shared dock. Mr. Anthony explained that the LCPC had approved 3 docks for this property. They had 680' of shoreline. He detailed them on the plans. Gena Lindyberg asked if the access would be in the deeds. Mr. Anthony replied yes.

Herb Koster asked if the intent was to have an Association for this road and shared docks. Atty. Bitter stated that at this time she would contemplate more of a maintenance agreement so they could all identify with those obligations together with the easements. It would be a recorded document. Herb Koster stated that he was not sure they could avoid going through the Attorney General's Office. Atty. Bitter stated she would provide the documents to Atty. Muller to make sure they are not required to.

Ann Marie Scheidegger asked why they marked yes on item 12b. Mr. Anthony explained that they had an archeological study, and they found a small area on lot 1 where they found some chert and encampment things and they were asked to contain it. Rope it off with construction fencing and not disturb it. They were not asked to exhume anything just to leave it alone which they are.

## **RESOLUTION:**

**Motion by** John Cushing to declare the Bolton Planning Board as lead agency for SD19-04.  
**Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

**Motion by** John Cushing to accept SD19-04 as sketch plan, waive a public hearing on the driveway plan 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 road maintenance agreement is needed for all lots. 2. Road must be 16' wide with sufficient turn around for emergency vehicles at the end. 3. New road off 9N must be 16' wide as well. 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.**

4. **SPR19-11 DYER, CHARLES.** In accordance with Section 200-47G3 (Regulations of mobile homes outside of transient mobile home courts or campgrounds), seek Type II Site Plan Review to place a construction trailer on that parcel designated as Section 200.14, Block 1, Lot 22. Zone RM1.3. Property Location: 4274 Lake Shore Drive. Subject to WCPS, LWRP and SEQR review.

Charles Dyer presented the following:

- They are proposing to construct an A frame chalet on this property.
- BBB construction will be doing the work.
- They would like temporary permission to place a recreational camper running parallel to 9N on the property well within the property setbacks to oversee construction.
- Once construction is completed, they will remove the camper.
- They are proposing to use a septic company to come and pump them out and emptying grey and black water.
- This is specifically for the construction phase only.

Gena Lindyberg asked why it was depicted as a construction trailer. Mr. Dyer replied that they would not be recreating there, it would be used for occupancy and overseeing the construction of the new structure. Herb Koster asked if they would be living in it. Mr. Dyer replied no. He would be staying in it on and off on weekends and some weekdays.

Gena Lindyberg asked what the potential dates were for the trailer being there. Mr. Dyer stated that he is just awaiting his architectural approvals which he should be receiving in the next couple of weeks. He was advised by his builder that construction should begin within the next few weeks and be about a 2 month job. He believes that the camper will be removed by the end of November to the beginning of December.

Herb Koster asked what his intent was for emptying the septic tanks. Mr. Dyer replied that he would be having the tanks emptied by a septic company. He stated that there is already a well on the property that he will try to hook up to for water.

John Cushing said that if he still needed to submit plans, he would be well into the winter. Mr. Dyer replied that he was initially informed that because of the size of the structure he would not need stamped plans by an engineer. When he submitted them, he was told by Warren County that he did need stamped, engineered plans. He has an architect that is reviewing his plans and he will submit them to Warren County next week. He was told that would be about a 2 week process, so he is hoping to break ground in mid September. Zoning Administrator, Pamela Kenyon informed the Board that Mr. Dyer already had his required permits from the Town of Bolton. She told Mr. Dyer that he would need to resubmit his plans if there were any changes made to them.

Herb Koster asked how long this permit was for. Zoning Administrator, Pamela Kenyon replied 180 days and then they could come back to the Board for an additional 180 days.

Sandi Aldrich stated she had concerns with this because they got stuck with someone who was snowed in and frozen in. She would like to see the trailer removed before winter set in. Mr. Dyer said that was fair. His contractor told him it was a 2 month job. He does not intend to keep the camper on the property any longer than need be. Gena Lindyberg asked how many days he was looking for. Mr. Dyer said it was hard to say due to it being contingent on the approval of the architectural plans. Mr. Burke has stated that he will start as soon as they have the approvals. Sandi Aldrich asked if the end of November would be fair. Mr. Dyer stated that would work.

**RESOLUTION:**

**Motion by** Sandi Aldrich to declare the Bolton Planning Board as lead agency for SPR19-11.  
**Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

**Motion by** Sandi Aldrich to accept SPR19-11 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. The trailer is to be removed by the end of November. 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.**

5. **SPR19-12 CAMP WALDEN.** Represented by CLA Site. Seeks Type II Site Plan Review for a group camp, specifically to build a tree house. Section 185.00, Block 1, Lot 32, Zones RCL3, LC25 and LC45. Property Location: 429 Trout Lake Road. Subject to WCPS, LWRP and SEQR.

Herb Koster stated he was not comfortable with receiving a revised set of plans the day of the meeting where they have no time to look them over. He would like to put this off until they have a chance to look them over.

John Gaddy said it looks like a good spot for this, but his concern is for a master plan for this camp. He has not seen one as of yet. Mr. Loyola stated they had submitted a master plan in November of 2015. He presented the Board a copy of this plan.

**RESOLUTION:**

**Motion by** John Gaddy to table SPR19-12 for time to review the recently submitted plans.  
**Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:07

Minutes respectfully submitted by Kate Persons.