

SPECIAL MEETING
BOLTON
TOWN BOARD

April 23, 2020

Regular Meeting:

Supervisor: Ronald Conover
Councilman: Robert MacEwan
Councilman: Tim Coon
Councilmember: Wanda P. Cleavland
Councilmember: Susan Wilson
Town Clerk: Jodi Connally
Counsel: Michael Muller

Meeting Call to Order: 10:00AM

Pledge: Supervisor Conover

Minutes:

- Approve the March 3, 2020 Regular Town Board Meeting Minutes.

RESOLUTION #79

Councilmember Cleavland moved, seconded by Councilmember MacEwan to approve the March 3, 2020 Regular Town Board Meeting Minutes. **All in Favor. Motion Carried.**

- Approve the March 17, 2020 Special Town Board Meeting Minutes.

RESOLUTION #80

Councilmember Coon moved, seconded by Councilmember Wilson to approve the March 17, 2020 Special Town Board Meeting Minutes. **All in Favor. Motion Carried.**

Supervisors Report:

Deposits: \$ 125,729.09

Disbursements: \$ 391,209.33

Repaired water leak on Goodman Avenue, all went well.

Will shortly be repairing electrical service for streetlights on east side of 9N

For the moment everything is on hold until we receive further guidance through the Governors emergency order.

New Business:

- Resolution designating Bolton Town Board as lead agency under SEQRA for Rogers Park Phases 4 & 5.

RESOLUTION #81

Councilmember Wilson moved, seconded by Councilmember Cleavland to declare the Bolton Town Board as Lead Agency under SEQRA Rogers Park Phases 4 & 5. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations for Rogers Park Phases 4 & 5.

Councilmember Wilson asked the Board the following questions:

Do any of the Board Members have concerns with any of the items listed in Part C, 1 through 3 of the LWRP Waterfront Assessment Form? No

1. Do any of the Board Members have concerns with any of the items listed 1 through 20 in Part 1, on the SEQRA Form as submitted by the applicant? No
2. Will the proposed action impact any of the items listed 1 through 11 in Part 2 of the SEQRA Form? No

Based upon the materials submitted and accepted as part of the record, our findings are as follows:

- A. The Applicant's SEQRA & LWRP submissions, and our analysis of the issues presented, demonstrates that there are no significant environmental impacts or concerns and it is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards.
- B. The applicant has provided clear and complete responses to issues recited in the SEQRA questionnaire and based upon all information reviewed by this lead agency in its SEQRA analysis, including a thorough "hard look" and consideration of the applicant's entire submission, and upon all board and public comments received, it is appropriate in the opinion of this lead agency to make a finding that the proposed action will result in no adverse environmental impacts and that any identified adverse environmental impacts will not be significant, or where identified, are sufficiently mitigated by virtue of the conditions imposed in granting approval.

RESOLUTION #82

Councilmember Wilson moved, seconded by Councilmember Coon to make a negative declaration with regard to SEQRA and a determination that the project is consistent with the Town's LWRP. **All in Favor. Motion Carried.**

- Resolution authorizing the mailing of the 2019 water quality report with the April 2020 billing.

RESOLUTION #83

Councilmember MacEwan moved, seconded by Councilmember Coon to authorize the mailing of the 2019 water quality report with the April 2020 billing. **All in Favor. Motion Carried.**

- Resolution authorizing the installation of EV Chargers in the Cross Street Parking Lot in an amount not to exceed \$1,200.

RESOLUTION #84

Councilmember MacEwan moved, seconded by Councilmember Cleavland to authorize installation of EV Chargers in the Cross Street Parking Lot in an amount not to exceed \$1,200. **All in Favor. Motion Carried.**

- Resolution to approve change order #9 for the zoning code revisions with the LA Group in an amount not to exceed \$10,000.

RESOLUTION #85

Councilmember MacEwan moved, seconded by Councilmember Coon to approve change order #9 for the zoning code revisions with the LA Group in an amount not to exceed \$10,000. **All in Favor. Motion Carried.**

- Resolution to ratify and approve the Supervisor to enter into a professional service agreement with Jim Martin of the LA Group for planning and zoning services.

RESOLUTION #86

Councilmember Cleavland moved, seconded by Councilmember MacEwan to enter into a professional service agreement with Jim Martin of the LA Group for planning and zoning services. **All in Favor. Motion Carried.**

- Resolution to ratify and approve the Supervisor signing the 2020 Occupancy Tax agreement with Warren County.

RESOLUTION #87

Councilmember MacEwan moved, seconded by Councilmember Cleavland to ratify and approve the Supervisor signing the 2020 Occupancy Tax agreement with Warren County. **All in Favor. Motion Carried.**

- Resolution to approve the Town of Bolton to establish an expedited administrative review process for consideration and where appropriate provisional approval of submitted variance applications before the Zoning Board of Appeals (ZBA) and submitted applications before the Planning Board (PB) which can facilitate a method to establish an approval process for applicant compliance with the Town's land use ordinance, storm water and erosion control regulations and subdivision regulations in appropriate instances during the period of Governor Andrew Cuomo's declarations of a statewide state of emergency (in response to a Corona Virus pandemic).

RESOLUTION #88

Councilmember Cleavland moved, seconded by Councilmember Wilson RESOLVED that the Town of Bolton shall establish, during the period of Governor Andrew Cuomo's declarations of a statewide state of emergency (in response to a Corona Virus pandemic), an in recognition of the Governor's temporary suspension of Article 7 of the Public Officers Law (known as the Open Meetings Law) by proclamation under Executive Order 202 and Executive Order 202.1 an expedited administrative review process for consideration and where appropriate provisional approval of submitted variance applications before the Zoning Board of Appeals (ZBA) and submitted applications before the Planning Board (PB) which can facilitate a method to establish an approval process for applicant compliance with the Town's land use ordinance, storm water and erosion control regulations and subdivision regulations in appropriate instances is needed and is hereby established and upon the following criteria:

- A. Four regular members of the ZBA, one of which shall include the Chairman of the ZBA, shall constitute a quorum and shall by consensus and by any reasonable means of communication discuss, share and communicate concerning a completed application for the purpose of determining the elements of the submission and its suitability for approval, with or without conditions. A vote for approval shall require unanimity from all four reviewing ZBA members. Such vote for approval shall substantially comply with the statutory requirements for an approval as established by Town Law, the Local Waterfront Revitalization Program and State Environmental Quality Review Act where applicable and shall be established by written findings of fact and conclusions of law. In considering the possibility for approval within the terms and spirit of this process, due consideration shall be given to whether or not the Town has received communications of opposition to the application and whether or not further procedural requirements may be imposed pursuant to Adirondack Park Regulations (APA).
- B. An approval by the ZBA for a variance shall authorize the applicant to secure an interim Zoning Compliance Certificate from the Planning Office. Such interim Zoning Compliance Certificate may be submitted by the applicant to the Warren County Building and Codes Office in furtherance of a request for a building permit if so required.
- C. In instances where the ZBA has approved a variance under the provisions of the expedited administrative review process and where other circumstances specified in the local land use ordinance or storm water and erosion control regulations shall require additional review by the Planning Board, the Chairman of the Planning Board shall make a determination if the application shall proceed in an expedited administrative review process before the Planning Board. In such instance four regular members of the PB, one of which shall include the Chairman of the PB shall constitute a quorum and shall by consensus and by any reasonable means of communication discuss, share and communicate concerning the elements of the

application for the purpose of determining the completeness of a submission and its suitability for site plan approval, with or without conditions. A vote for approval shall require unanimity from all four reviewing PB members. Such vote for approval shall substantially comply with the statutory requirements for an approval as established by Town Law, the Local Waterfront Revitalization Program and State Environmental Quality Review Act where applicable and shall be established by written findings of fact and conclusions of law. In considering the possibility for approval within the terms and spirit of this process due consideration shall be given to whether or not the Town has received communications of opposition to the application and whether or not further procedural requirements may be imposed pursuant to Adirondack Park Regulations (APA).

- D. Until such time as the aforementioned Executive Orders and statewide emergency proclamations shall be rescinded, terminated or in any manner revised to restore open meetings that may be feasibly conducted in the public forum, this expedited administrative process of review before the ZBA and the PB shall be available to applicants. The determination of which pending applications shall be eligible for the expedited administrative process of review shall be a matter of the exercise of sound discretion amongst the participating board members giving consideration to such review. Recommendations for eligibility shall be made by Town Counsel and the Town Zoning Administrator or his designated agent.
- E. In any event and under circumstances where this expedited administrative process of review shall be applied and where such future events restore open meetings that may be feasibly conducted in the public forum, the approvals provided by this process shall be considered provisional with the understanding that under very limited or no further review before a fully constituted board the action taken hereunder shall be eligible for confirmation by a full board considering a regular agenda at the first available regularly scheduled board meeting.
- F. Under circumstances where an application has not favorably received an approval of four unanimous votes in this expedited administrative review process, such determination shall not constitute a prejudicial circumstance and the applicant shall be entitled to a full hearing *ab initio* on the full merits of the original application at a later date and when the opportunity for a regular board meeting shall be feasible.
- G. The expedited administrative review process created hereunder is not intended nor shall it be construed as a process or an attempt to avoid, ignore or usurp the requirements of New York State statutes, rules or regulations, however, it is an appropriate and necessary process for the Town and applicants before the ZBA and the PB to fulfill the requirements and spirit of procedural law in allowing projects of reasonable scale to proceed in furtherance of safety, public health and the general welfare of the inhabitants of the Town of Bolton, real property owners and not for profit and commercial enterprises within the municipality properly balanced with the purposes of the Town of Bolton's land use ordinance, storm water and erosion control regulations and application of APA regulations and LWRP requirements. **All in Favor. Motion Carried.**

- Resolution to amend the time of the May 5, 2020 Regular Town Board Meeting to 10:00AM.

RESOLUTION #89

Councilmember Wilson moved, seconded by Councilmember MacEwan to amend the time of the May 5, 2020 Regular Town Board Meeting to 10:00AM. **All in Favor. Motion Carried.**

- Resolution to ratify and approve the transfers for April 2020.

RESOLUTION #90

Councilmember Coon moved, seconded by Councilmember MacEwan to ratify and approve the transfers for April 2020.

TRANSFERS FOR APRIL 2020:

To	From	Amount
<u>GENERAL:</u>		
8664.4 Codes Enforcement CE	8664.1 Codes Enforcement PS	\$268.00

RESOLUTION #91

Councilmember MacEwan moved, seconded by Councilmember Cleavland ratify and approve paying the following bills: **All in Favor. Motion Carried.**

	Vouchers	Amount
Abstract 3A		
General	412-446	7,510.99
Sewer	93-100	3,579.45
Water	69-71	1,629.30
St Lights	8-9	1,557.76
Abstract 4		
General	329-411 447-475	93,533.42
Highway	97-124	32,318.64
Sewer	76-92 101-104	7,692.92
Water	56-68 72-77	4,738.75
St Lights	10-11	3,514.04
Tourism	5	1,042.80
Sewer Improve	4-5	1,570.00
Rogers Park PH4	2-3	1,861.30
Rogers Park PH5	2-3	18,649.99

Adjourn: 10:17 AM

RESOLUTION #92

Councilmember Cleavland moved, seconded by Councilmember Wilson to adjourn. **All in Favor. Motion Carried.**

Minutes respectfully submitted by:

Jodi Connally
Town Clerk

Katie Persons
Minute Taker