

**Town of Bolton  
PLANNING BOARD  
MINUTES  
Thursday July 16, 2020  
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:** John Cushing, Gena Lindyberg, Jessica Rubin, John Gaddy, Sandi Aldrich, Chairman; Herb Koster, Director of Zoning & Planning; Richard Miller P.E. and Attorney; Michael Muller.

**Absent:** Ann Marie Scheidegger & Kirk VanAuken

The meeting was called to order at 6:04pm.

**REGULAR MEETING**

Herb Koster asked if there were any changes or corrections to the June 25, 2020 minutes.

**RESOLUTION:**

**Motion by Gena Lindyberg** to approve the June 25, 2020 minutes as presented with the correction that Jessica Rubin was absent from the June 25th meeting. **Seconded by, John Gaddy.** Jessica Rubin abstained. **All others in Favor. Motion Carried.**

- 1. SPR20-01 STRUZZIERI, THOMAS.** Represented by Chris Girard. To construct a U-shaped permanent pile dock/wharf with an open-sided sundeck structure. The existing PUD states that two docks/wharfs can be constructed on the westerly facing shore. One has been constructed. Seeks site plan review for modification of the PUD restriction by the Town of Bolton to allow installation of the second dock/wharf on the east side of Green Island. Section 171.16, Block 1, Lot 15. Zone PUD. Property Location: 16 North Island Drive. Subject to LWRP. \* *This item was tabled from the June 25, 2020 meeting.* \*

Chris Girard of the Dock Doctors presented the following:

- The original property was previously subdivided, and the northern property was originally owned by Bill Morgan.
- The other property is a 3.8 acre lot and is owned by Mr. Struzzieri.
- The original PUD allowed for 2 docks/wharfs on the westerly side.

- Since then, there have been a couple of modifications to the PUD allowing for a wharf on the west side and a wharf on the east side of the former Morgan property.
- His client has looked into and has tried to pursue building this on the west side which is obviously more protected from the ice and boat wake.
- Based on LGPC criteria with the 20' setback requirements, NYS DEC to the south and the commercial entity this is not feasible and will not allow for functional use without restricting the neighboring properties while meeting the setbacks.
- He detailed the plans showing where they would like to place the dock on the east side, where it would create the least amount of shoreline erosion and disturbance and be tucked under the canopy as much as possible.
- Typically, with 740' of frontage, you would be allowed to have 5 docks, obviously they are restricted to 2.
- They are under 561 sq. ft. for this dock vs. the 700 sq. ft.
- They are trying to keep the dock somewhat moderate but with enough stance so that any moving ice in the spring will not move it.
- It is a single slip, U-dock with an open sided sun deck on top.
- It meets all the LGPC regulations.
- The dock structure and sun deck structure are located east of the mean high water mark and are the jurisdiction of the LGPC.
- They are here tonight to modify the current PUD to allow them to go to the east side of the property.

John Gaddy asked if he was saying, in his professional opinion, that the west side was more of a potential ice issue than the east side. Mr. Girard replied that the west side was a more protected area than the east side in the spring months. The west side was more desirable back then, when there were a lot of stake docks and crib docks which did not have the structural capacity to withstand the moving ice shear. Over the years technology has been developed to allow structural pile driven systems which will withstand ice flows.

Gena Lindyberg asked how the existing dock on the east side was approved and if it was through a PUD amendment. Mr. Girard replied that he was unsure as he was not a part of that, but it was his understanding that it had been there for some time now. It is on the north property and it was his belief that it was captured in one of the PUD adjustments.

Gena Lindyberg asked if these two were the only properties there. Mr. Girard replied that was correct. He explained that the Sagamore was the adjoining neighbor to the south. Gena Lindyberg asked who presently owned the former Morgan property. Mr. Girard answered Jeff Queen

John Gaddy said looking at the objectives of what all PUD projects should achieve he believes the development should be kept on the west side of the island because the east side is one of those spots, that although there have been a couple of docks allowed there in the past, he sees nothing that will be a positive for the aesthetics of the area. Looking at 200.93 it says that the maintenance of the intent and function of a PUD shall be a primary concern. We live in an area that depends on development and they know how development can be accomplished with minimal impact or major impact, and he does not see any problem with the allowance of the

owner having a boathouse on the west side, but he would not like to see one on the east side. Mr. Girard said that he respectively did not disagree, but if they could put it on the west side they would. There are too many restricting factors that go into it unfortunately. Looking at it, he is keeping everything a natural finish. It would save him a lot of money if he could put it on the west side. He really wanted to go with a crib dock on the east side but as far as disruption and environmentally the pile dock is much more sound and is something that APA and DEC and the LGPC have really pushed for in the last 10 years. If they could go to the west side they would. The LGPC, being the primary regulatory agency from the mean high water mark has said absolutely no way.

John Gaddy asked what the specific problem was for the west side. Mr. Girard replied that they could not meet the setbacks and if they tried to squeeze it to the south, they would be hindering the DEC's operations.

Gena Lindyberg inquired what the lake frontage was on the west side. Mr. Girard replied 225'. John Gaddy how much of a setback they would need in order to install the dock. Mr. Girard replied that they would need to meet the 20' setback based on the most restrictive property line. John Gaddy asked how much of a variance to the setback they would need to place what the owner is proposing. Mr. Girard detailed how they would have to place the dock on the plans and showed that it would not fit. Sandi Aldrich asked if they were given relief of that setback would they be able to place the dock on the west side. Mr. Girard said yes, but the LGPC is not going to grant it.

Sandi Aldrich stated she agreed with John Gaddy and she did not like the idea of the dock on the east side at all. She would like this area as pristine as possible. John Gaddy said development is wall to wall on the west side and he did not want to see the east side degraded. Jessica Rubin agreed.

## **RESOLUTION:**

**Motion by** John Gaddy to make a negative recommendation to the Bolton Town Board for the modification of the PUD restriction by the Town of Bolton to allow installation of the second dock/wharf on the east side of Green Island. **Seconded by, Sandi Aldrich. All in Favor. Motion Carried.**

- 2. SPR20-07 TIMOTHY & ALLYSON HENKLE.** Represented by Hutchins Engineering PLLC. To perform building renovations and additions to a single-family dwelling and cabin on parcel designated as Section 171.11, Block 2, Lot 1, Zone RCM 1.3. Property Location: 21 Countess Loop. Seeks Site Plan Review for modifying non-conforming structures and minor stormwater permit. Also proposed is a driveway reconstruction and landscaping. Subject to SEQR, LWRP, WCPA and APA review.

Tom Hutchins of Hutchins Engineering PLLC., presented the following:

- They are proposing both structural and aesthetic changes to the property at 21 Countess Loop.

- He showed the Board a photo of what the main residence currently looks like and a rendering of what they would like to do with it.
- It involves minimal overall addition in terms of square footage on the property.
- It is 400 sq. ft. of additional building area.
- He detailed the property on the plans.
- He said they will be doing some improvements to the small cabin and main building.
- There is a structural issue on one portion of the foundation, an addition of a screen room, reconfiguration of the decks and overall improvement to the property.
- They have shown improvements and stormwater controls on the plans.
- He stated that they have a stormwater issue presently on the site which he detailed on the plans.
- This project will help improve it vastly.
- There are some site related challenges with regard to slope.
- There is an area of shallow bedrock.
- They have shown, what they feel is a significant stormwater improvement by directing the water that is presently running down the drive to the north side of the drive with stone trenching all along it.
- They have installed planting beds, mulch beds and eve trenches around all the buildings and they feel it is a good plan.
- They were here Tuesday night and all the requested variances were approved.
- He detailed the very small triangle of a compliant building envelope for the property for today's zoning and stated it was wooded and very shallow bedrock.
- The reason for a lot of this was due to the shared drive which requires a 50' setback.

Mr. Henkle stated they bought the property about 2 years ago. They love it as is, but the structure is old and has structural issues. The foundation is cracked and needs to be fixed. The stormwater currently runs down to the lake and erodes the property beneath them. The improvements to the road will allow the water to fall off into the grassy area. They do not propose any earth work outside the building footprint. They are not trying to change the property; they are just trying to improve it and keep the essential character. The road/driveway is a shared access with 3 other people and is one of the ways in. It is a loop and their proposal will widen and move it. Hopefully, it will soften some of the vertical curve. What they don't have a way to access the basement right now from within the house. The addition will allow them this access and allows them to walk out the bottom.

Gena Lindyberg asked what the building near the lake would be used for. Mr. Henkel said it their plan was to re-side and re-roof it. They are bringing the bathroom around the structure to the back away from the lake which will improve their existing non-conformance from a setback standpoint. This will all be within the existing footprint.

Gena Lindyberg asked if anyone would be living in the cabin. Mr. Henkel said no, it was pretty much a spill over place for when they have a large group of guests. It is mainly the closest bathroom to the dock.

John Gaddy asked where the septic for the cabin was. Mr. Hutchins replied there was a grinder pump station that pumped up to the one system. John Gaddy asked Planning and Zoning

Director, Richard Miller if the system was certified as adequate. Mr. Miller replied yes. Gena Lindyberg asked if there were 6 existing bedrooms in the house. Mr. Henkle replied yes and that was plenty. Gena Lindyberg asked if the septic was adequate for all the bedrooms. Mr. Hutchins said that the area was appropriate for the 6 bedrooms and they would not be adding bedrooms.

John Gaddy stated that all exterior lighting was to be shielded and dark sky compliant.

John Gaddy asked about question #12 on the SEQRA form. Mr. Hutchins stated said the answer was yes, and he got that information from the states database, but it was a bit ambiguous. Somewhere in the area there is a property that could be registered on the historical site. Mr. Hutchins said the state had the EAF mapper which really helps them in doing the form.

John Gaddy asked about question #3 of the LWRP form. Mr. Henkel said that they were not providing water recreation to anyone but themselves.

John Gaddy asked how much tree clearing was expected. Mr. Henkel replied 3 trees and detailed them to the Board.

John Cushing asked how wide the road was going to be. Mr. Hutchins said it was not going to be substantially larger, they would be improving it. Mr. Henkel stated they would be widening the road to give it, its full width back and make it more accessible for the larger trucks. John Gaddy said it would be a big improvement.

Sandi Aldrich asked if there would be any blasting for the project. Mr. Hutchins replied no.

John Gaddy asked about the heights on the east elevation of the house. Mr. Hutchins stated they would confirm that they were under the required 35'.

John Cushing inquired if the eve trenches on the main house would be sufficient for the stormwater. Mr. Hutchins replied yes.

John Gaddy asked if the variances that were granted were substantial. Planning and Zoning Director, Richard Miller said they were not. Gena Lindyberg asked if there were any stipulations in the approvals of the granted variances. Mr. Miller replied no.

John Cushing asked Planning and Zoning Director, Richard Miller if he was giving them a sign off letter on the stormwater. Mr. Miller stated he would, and he thought what they presented was fine

John Cushing inquired about the possibility of a rain garden on the opposite side of the driveway. Herb Koster stated that he believes that is the neighbor's property. Mr. Henkle said they would look at it.

John Cushing inquired about the hump in the road and if it would be corrected. Mr. Henkel replied they would be removing it.

## RESOLUTION:

**Motion by** John Cushing to declare the Bolton Planning Board as lead agency for SPR20-07. **Seconded by**, John Gaddy. **All in Favor. Motion Carried.**

**Motion by** John Cushing to accept SPR20-07 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 condition: 1) All lighting is to be dark sky compliant and downward facing and shielded. 2). The 35' building height requirement must be met. 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. SPR20-08 GREEN FLASH HOLDINGS.** Represented by Brandon Ferguson of Environmental Design Partnership, LLP. To modify the previously approved site plans Section 200.18, Block 1, Lot 7.1 and 7.2, Zone RM 1.3. Property Location: 4178 and 4184 Lake Shore Drive. Seeks Site Plan Review for modifying existing site plans and major stormwater permit. Modifications at 4184 Lake Shore Drive will include the construction of a patio, cart path and retaining wall. The patio and retaining wall will extend into the existing shoreline setback of 75 feet. Modifications at 4178 Lake Shore Drive will include construction of retaining walls with some modifications to the stormwater management design. Subject to SEQR, LWRP, WCPA and APA review

Brandon Ferguson of Environmental Design Partnership, LLP presented the following:

- this project has been before the board a few times over the years .
- they subdivided the parcel into two lots and they are at this point finishing up construction on the homes.
- The home on Lot 1 is complete and they're finishing up a lot of the site work.
- they would like to change some of the lakefront stuff.
- they would like a patio on the Lake side of the home, constructed with porous pavers.
- it would require a short retaining wall in order to maintain the rain garden for the previous stormwater design.
- There will be a golf cart path and this will be constructed on lot 2 and partly on lot 1.
- it will be constructed out of pea gravel so they can drive their cart down without tearing up the grass.
- there is a shed on that one which they received a variance for.
- this will be for storage for beach front activities.
- On lot 2 they are proposing a retaining wall in the front of the home on the lakeside in order to give it a flat grass area to make the area more usable.
- There are a couple of small retaining walls along the side of the driveway in order to help assist with the landscaping and grading area.
- along the lakeshore they will be replacing the existing seawall in kind with Army Core of Engineers and DEC permits.
- He depicted the proposed stormwater changes on the plans.

- They would like to change the shallow draft retention areas into rain gardens on lot 1 and 2 to make them more aesthetically pleasing.

John Gaddy said that looking at this project it appears that some of the retaining walls have been started already before coming to the board. Mr. Rutherford stated that the original approved plan had some of the retaining wall in there, which is what they have started. John Gaddy asked if the retaining wall that was already being constructed, was within the 75' setback. Mr. Rutherford said part of it was.

John Gaddy said that one of the original conditions of approval for both houses were that the lights were to be downward shielded and facing. The lights on the second story of the house on lot 1 do not have the downward facing and shielded lighting. He said they were shielded but not downward facing and not what they were looking for. Mr. Rutherford said they had them inspected by the Zoning Office and they were approved. John Gaddy said that he did not approve of them. His second issue is that they were able to choose where they put the houses within limits, and now they want to put the patio within the set back. Mr. Rutherford said they bought the property five years ago and from a storm water aspect it was a horror show. They have tried to take a look at how much stuff was being tracked into the property after living there now. By expanding it to the other rain garden there is hardly any runoff going into the lake. A lot of it has to do with the aesthetics of the property too. If he had known everything at the time they first came before the Board, that he knows now, he would have made some different changes in his original plan. When they acquired the property there were 16 buildings that were non-compliant. They're asking in return, for a small storage shed and a little bit of consideration for a patio considering all the investment they have made to make sure that stormwater does not reach the lake, which is hard pressed to do on this property. They have accomplished this.

Herb Koster Said the purpose of the 75' set back from the lake was Really for the visible structures from the lake and a patio is not really visible.

Gena Lindyberg asked if the purposed storage shed was approved at the ZBA meeting. Mr. Rutherford stated it was.

Gena Lindyberg asked if the house on lot 2 was completed. Mr. Rutherford said the house was done but the outside work was still being done on the back patio. They are in the process of landscaping.

Sandi Aldrich asked if the patio or the retaining wall were within the 75' shoreline setback on lot 2. Mr. Ferguson replied that the retaining wall was right at the line and he depicted it on the plans. He said it would be a grass area and not a patio in that area.

John Gaddy inquired about the 75' setback on the patio on lot 1. Mr. Ferguson replied that the corner of the deck is on the line. They had to push it that far down toward the lake due to the steep slopes and that they had to push the grade down for the driveway. He detailed the retaining wall and said it was under the 100 sq. ft.

John Cushing asked how the trench on the north side of was holding up with the rains this summer. Mr. Ferguson replied that it was working fine, and he detailed how it worked on the

plans. Everything on site was relatively self-contained. It used to come down the driveway in a straight shot to the lake.

John Cushing said he was there today, and it is shaping up nicely, but he does not think that there isn't a square foot of land they have not touched. Mr. Ferguson agreed and said that if he remembers what the site looked like before, demolition of the original buildings and pavement disturbed most of the property in the beginning. Looking at the project stormwater wise, this site overall, has had a huge reduction in impervious area from what previously existed before they started.

Gena Lindyberg asked if they planned on having cottage/storage on both lots 1 & 2. Mr. Ferguson Replied yes and said it was part of the original approval. Mr. Rutherford said they are not thinking of anything like that right now, as they're just trying to finish.

John Cushing asked about the boat ramp on lot 2 and if they were going to take it out. Mr. Ferguson replied they would be removing it and turning that into a beach area.

John Cushing asked how close the pebble golf path was going to the lake shore. Mr. Ferguson replied that it was going right to the dock. Gena Lindyberg asked if it was only going to one of the boathouses. Mr. Rutherford replied yes.

John Cushing asked if one boathouse was being built and the other one was complete. Mr. Ferguson said this was correct. John Cushing asked about the proposed jetty. Mr. Rutherford stated That there was a jetty already there that was all broken up and they were just moving it to the east for easier navigation. They would not be adding any additional stone to it.

Herb Koster inquired about the neighbors' complaints about construction at 7:00 AM. Mr. Rutherford said he got the call too and has dealt with it. Herb Koster said 8:00 AM was when they could start construction.

John Gaddy stated he wanted the existing non-conforming lights changed. Mr. Rutherford stated that he would look at them. He said that they were looked at by the Zoning Office and signed off on. He would look into it and make it right.

## **RESOLUTION:**

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SPR20-08. **Seconded by**, Gena Lindyberg. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SPR20-08 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 exterior lighting is to be changed to dark sky compliant lighting and downward facing and shielded before a certificate of occupancy is issued on all existing projects. 2) The existing concrete ramp is to be removed from lot #2. 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. SD20-01 SADDLE BROOK, AGILITY FUNDING LLC.** Represented by Lake George Land Conservancy. Proposed action is a minor subdivision to consolidate 24 Residential Lots into 3 Residential Lots; two of the lots shall be subject to conservation easements and one lot shall have restrictive covenants. All three proposed lots, two are not developed and one has a single-family dwelling, are located on the existing road. No new roads are proposed. Section 139.00, Block 2, Lots 1-24. Zone RL3. Property Location: End High Meadow Farm Road. Subject to SEQR, LWRP, WCPA and APA review.

Atty. Amanda Kukle of Caffrey and Flower representing the LGLC presented the following:

- The LGLC has entered a contract with Agility Funding LLC., to transfer this property of 24 lots and have it consolidated into 3 lots.
- As part of that, there will be a conservation easement which LGLC will hold.
- Back in 2008 the town approved a 24 lot subdivision.
- This will consolidate these lots into 3 parcels within the same external boundaries.
- They will label them A, B & C.
- Lot B is the lot that already has a home on and will consist of about 2.5 of the lots.
- This lot will have a restrictive covenant on it to restrict any further subdivision.
- The other two larger lots, A & C will be subject to conservation easements permitting a building envelope in a certain, designated area.
- This area abuts High Meadow Farm Road.
- Everyone involved in this project believes that this area is buildable.
- Lots A & C each contain a test pit and well location and have been approved for building in those areas.
- They are taking 24 small lots with the potential for 23 residences and turning it into 3 lots with the potential for at most 3 residences and they will be protected under a conservation easement.

Herb Koster asked who the conservation easements went to. Atty. Kukle relied that the LGLC will hold them.

Herb Koster asked who would utilize the easement. Jamie Brown of the LGLC stated that the landowners would be able to use them and they would be very restrictive to protect Indian Brook. There would not be public access to the properties and the easements would be very restrictive to the land use. These conservation easements would be permanent and the LGLC would be monitoring it once a year.

Herb Koster asked if the landowners would be able to log the property. Mr. Brown replied yes.

John Cushing asked if they would be allowed to hunt and fish the property. Mr. Brown said the landowner could do whatever they would like in terms of that. John Cushing asked if there would be a tax benefit. Mr. Brown said not in this case. Property taxes may be less, but it would

still be on the tax rolls. Herb Koster stated he liked this better. John Gaddy stated this was a big improvement. The Board agreed.

Sandi Aldrich inquired if there were potential buyers for lots A & C. Atty. Kukle replied yes.

Gena Lindyberg asked if the deed restrictions would be written in the sales. Atty. Kukle said yes.

**Motion by** John Gaddy to declare the Bolton Planning Board as lead agency for SD20-01.  
**Seconded by**, Gena Lindyberg. **All in Favor. Motion Carried.**

**Motion by** John Gaddy to accept SD20-01 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) All future exterior lighting is to be downward facing and shielded and 2) Lots A & C will undergo site plan review for any additional development on them. 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.**

The meeting was adjourned at 7:30

Minutes respectfully submitted by Kate Persons.