

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday June 25, 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, Kirk VanAuken, Chairman Herb Koster Director of Zoning & Planning, Richard Miller P.E. and Atty. Michael Muller.

Absent: Ann Marie Scheidegger & Jessica Rubin

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

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the February 20, 2020 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the February 20, 2020 minutes as presented. **Seconded by,** John Gaddy. Sandi Aldrich 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.

Chairman Koster stated that the information for the application needed to be presented in person as there was much information that they wanted shown to them in person.

RESOLUTION:

Motion by Gena Lindyberg to table SPR20-01 for a presentation from the applicant in person. **Seconded by** John Gaddy. **All in Favor. Motion Carried.**

- 2. SPR20-03 REBECCA SMITH.** Represented by Balzer & Tuck Architecture. To construct an artist studio/guest cottage and renovate a single-family dwelling on parcel designated as Section 155.00, Block 1, Lot 36.1, Zones RR5 and LC45. Property Location: 609 Edgecomb Pond Road. Seeks Type II Site Plan Review for artist studio/guest cottage and a

minor stormwater project. A new septic system is proposed. Subject to SEQR, LWRP, WCPA and APA review.

Trever Flynn of Balzer & Tuck Architecture presented the following:

- Rebecca Smith is the daughter to the late David Smith who was a famous artist in the 40s sculptor in the 40s fifties and 60s
- His estate sculpture workshop is across the street from this current project.
- Rebecca and her sister currently maintain the estate and homes there as well.
- Rebecca is also a well-known artist and has always wanted a studio space of her own.
- She acquired the property across the street.
- The main goal for this property is to maintain the existing historic farmhouse.
- There are two garages additions which they will remove.
- He detailed the plans to the Board.
- In the studio space itself it is open with a library/sleeping area.
- This will be an accessory structure to the principle farmhouse structure.
- There is an existing well on the site and they will be tying the accessory structure into it.

Brandon Ferguson of Environmental Design presented the following:

- The applicant previously purchased the 4 lots under this previously approved subdivision.
- Lot 2 is where the farmhouse is located and where they would like to place the artist studio.
- When this subdivision was approved, there was an easement that went through lot 2 to access lot 3.
- In order to make this lot more usable, they have moved that easement over to lot 4.
- Lot 3 & 4 are both empty wooded lots at this time.
- This freed up lot 2 of the setback requirements to allow the artist studio to meet the front yard and side yard setbacks.
- They will be tearing down the existing garages and cleaning up the existing farmhouse.
- The new artist studio/guesthouse will have a carport off the side.
- A new septic system that meets all the current standards will be servicing both the existing home and the new accessory structure.
- This is a minor stormwater plan.
- The increase of impervious area will be handled with 3 rain gardens and stone eave trench.

Gena Lindyberg inquired where the existing well was located. Mr. Ferguson detailed it on the plan on lot 2.

Mr. Flynn stated that the materials will be natural wood and reclaimed lumber from the garages that are being deconstructed. He detailed the plans to the Board. They have lowered the roof from what was previously proposed.

Gena Lindyberg asked if the studio was to be a guest house. Mr. Flynn replied yes. Gena Lindyberg asked if it had kitchen facilities. Mr. Flynn stated it was a kitchenette. Gena Lindyberg stated that ovens, stoves and sinks were not allowed in a kitchenette. Mr. Flynn stated

that sinks were allowed, you were not allowed a stove or oven. Gena Lindyberg stated that the information she had does not allow for this. Atty. Muller explained that in Bolton, the critical determining factor from the prior Zoning Administrators determination is the stove. Everything else that would ordinarily belong in a kitchen is ok as long as there is not a stove. Gena Lindyberg stated that the definition she had researched did not say this. Atty. Muller stated that guest cottages and accessory structures in Bolton may have kitchens as long as they don't have a stove. This is the law today and it has not changed. Gena Lindyberg stated that it was not in the code. Atty. Muller agreed and said it came from the interpretation of the Zoning Administrator which was challenged and upheld by the Zoning Board.

John Cushing asked if there was a size limit on an accessory structure. Atty. Muller stated 1,500 sq. ft. and if you would like to go in excess of that you needed to receive site plan approval from the Planning Board.

Kirk VanAuken asked about the SEQRA form questions 5, 6 & 9 that had not been completed. He asked for the answers to these questions. Mr. Flynn answered yes to all of the proposed questions.

Kirk VanAuken asked what the size of the accessory structure was. Mr. Flynn replied 3,662 sq. ft. Kirk VanAuken asked what the square footage was of the existing structures that were to be removed. Mr. Flynn replied 1,270 sq. ft. John Cushion inquired as to why the total square footage on the plans for total building was larger than 4,315 sq. ft. Kirk VanAuken explained that there was a little addition on the entryway of the existing house.

Mr. Ferguson stated that they had received a non-jurisdictional impact letter from the A.P.A.

John Gaddy stated he would like all exterior lighting to be downward facing and shielded and dark sky compliant.

Sandi Aldrich asked if they intended to clear these lots like the estate across the street that has all the open area. Mr. Flynn replied that there would be no clearing of the and the applicant's intent is to preserve the property. Her goal is to keep them subdivided for her children. Sandi Aldrich said she likes the buffer of trees along the road. Mr. Flynn said they would not be clearing near the roads except for the driveways.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR20-03. **Seconded by,** John Gaddy. **All in Favor. Motion Carried.**

Motion by Kirk VanAuken to accept SPR20-03 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. 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. Gena Lindyberg abstained. **All others in Favor.**
Motion Carried.

- 3. SPR20-04 SUZANNE & CURTIS SPACAVENTO.** Represented by Dennis MacElroy. To construct a 2,580 sq. ft single family dwelling with driveway, porch & deck. Seeks Type II Site Plan Review to build a single-family dwelling. Section 171.19, Block 2, Lot 4. Zone GB5000. Property Location: 15 Congers Point S. Subject to WCPS and LWRP.

Dennis MacElroy presented the following:

- This is a vacant lot in the Congers Point Subdivision.
- They are proposing to build a single-family residence similar in character to the other developed lots in the subdivision.
- They have sited it on the property with access from Congers Point Road South.
- There is municipal sewer and water available.
- They are proposing to connect to the mains located in the Bolton Landing Marina Road area.
- They are only proposing access to the property from Congers Point Road.
- There is a minor stormwater design included with this project.

John Cushing asked if they have received a variance for this project yet. Mr. MacElroy replied yes. He explained that they were 15' from the back line due to having two front yard setbacks on the property. John Cushing asked if they were 15' from what would normally be considered the backyard setback. Mr. MacElroy replied yes.

John Gaddy inquired about symbols in the proposed dwelling. Mr. MacElroy replied that they were the roof pitch showing which way the water would be running.

John Gaddy said that the buffer trees planted along the marina road were probably planted by the marina and he would like to make sure that they are maintained and stay intact. He asked if the vegetation toward the lake over the sewer line would be disturbed. Mr. MacElroy said some of it would be disturbed based on the grading and stormwater management in the southeasterly corner. Mr. MacElroy said he could not give him a definitive answer as to the location of the sewer line and if it is even there. His guess is that there is not a conventional 8" sewer line there. They do believe that the properties to the north have sewer connections which go through that area. There is something there which is why they have provided away from that area.

John Gaddy said that he would like the condition that all exterior lighting is darks sky compliant and downward facing and shielded.

Sandi Aldrich stated that there is a mature maple in the north corner and if it would stay. Mr. MacElroy said he was not positive due to the installation of the driveway. He said that from his discussions with Spacavento's he believes that they will be trying to maintain any mature vegetation that there is. Obviously, there will be some loss of vegetation in order to get the house and driveway in. It is not a large lot or necessarily a large house, but there will be a need for some disturbance.

John Gaddy asked if there would be any drilling or blasting on the project. Mr. MacElroy stated that he was not aware of any. Herb Koster stated if there was blasting and drilling, he would like them to come back before the Board to determine how extensive it would be. John Gaddy stated there would be limitations on the hours that construction would be allowed.

Kirk VanAuken asked for the answers to questions 15 & 16 on the SEQRA short form. Mr. MacElroy replied the answer was no to both questions.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR20-04. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR20-04 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 downward facing and shielded. 2) The applicant must return to the Planning Board if there is any need for blasting to be approved. 3) Hours of construction will be limited to Monday through Friday 8:00AM to 5:00PM with work on to be done on Saturday or Sunday. 4) the vegetation buffers to the southside of the property are to be maintained and the natural vegetation to the east side be maintained to the extent possible. 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** John Cushing. **All in Favor. Motion Carried.**

Sandi Aldrich stated that there were a couple of items with the applications that she has concerns with. The first being that adjacent property owners are being left off the site plans. The second was that the building areas are not being staked out by the applicants for the Board to see. These are requirements that are needed for all applications.

The meeting was adjourned at 6:54

Minutes respectfully submitted by Kate Persons.