

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday August 20, 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, Kirk VanAuken, John Gaddy, Sandi Aldrich, Chairman; Herb Koster, Director of Zoning & Planning; Richard Miller P.E. and Attorney; Michael Muller.

Absent: Jessica Rubin & Ann Marie Scheidegger

The meeting was called to order at 6:03pm.

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the July 16, 2020 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the July 16, 2020 minutes as presented with the correction that Jessica Rubin was absent from the June 25th meeting. **Seconded by, John Cushing.** Kirk VanAuken abstained. **All others in Favor. Motion Carried.**

1. **SPR20-10 LAGOON MANOR HOMEOWNERS** Represented by AJ Signs. Installation of (2) freestanding signs (16.25 sq. ft each) at intersection of Rte. 9N and Lagoon Manor Drive and at Rte. 9N and Stires Drive. NYSDOT approval issued on July 10, 2020. Section 157.05, Block 1, Lot 88.1. Zone PUD. Property Location Brook Hill Drive. Subject to SEQR, LWRP, WCPA and APA review.

Carly Quirk of the AJ Signs presented the following:

- They would like to update the existing signs.
- This is a carved sign with the same colors as the existing colors.
- The text will be painted gold.
- They are double sided signs.
- They are basically a directional aid for Lagoon Manor.
- They will be placed at the north and south entrances.

John Cushing asked if they planned on removing the old signs. Ms. Quirk replied yes, they would remove the old signs and replace with them with the new signs.

Sandi Aldrich asked if they would be moving the signs closer to the street sign. Ms. Quirk replied yes, and they would be trimming some of the trees back. Sandi Aldrich asked if the signs would be on the north side of the streets of both driveways. Ms. Quirk replied yes.

John Gaddy stated he asked that they make sure that the downward facing shielded lighting does not blind traffic. Ms. Quirk replied they would. Herb Koster said the problem was that sometimes the lights would shine into traffic over the top of the signs.

Sandi Aldrich asked that they are set back enough so as not to impede people coming in or out.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR20-10. **Seconded by**, John Cushing. **All in Favor. Motion Carried.**

Motion by Kirk VanAuken to accept SPR20-10 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) All lighting is to be dark sky compliant, downward facing and shielded and positioned so that it does not point toward traffic. 2) Signs are to be set back far enough so they do not block egress and ingress into the facility. 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. **SPR20-11 Twin Bolton LLC** Represented by Studio A Landscape Architecture & Engineering, DPC. Seeks Type II Site Plan Review- PUD and an advisory opinion to the Town Board to build 30 townhouses and 5 single family residence plus subdivision of Sembrich Residence on a ½+/- acre lot. Section 186.6 Block 1, Lot 14, Zone RM 1.3 & RL-3 and 186.7 Block 1, Lot 13, Zone RM 1.3. Property Location: 4804 Lake Shore Drive. Subject to APA, WCPS and LWRP review. * ***This item was heard last on the agenda****

Atty. Muller stated that this Board was here to make an advisory opinion that would be delivered to the Town Board. The Town Board would do the important legislative work of creating a Planned Unit Development (PUD) District. It is actually recreating the zoning ordinance with its own rules and regulations for this particular location defined within the Planned Unit Development. If they look at §200-88A in the Bolton Code; *The purpose of the planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economic provisions of streets and utilities; to preserve the natural and scenic qualities of open space; and to encourage, in compatibility with the goals and objectives of the Comprehensive Land Use Plan, large scale residential and/or commercial developments that are planned, designed and developed to function as integral units*

independent of adjacent building sites. Built into the code is the requirement that the minimum size is to be 50 acres, however it is not written in stone, that is that if there is an appropriate site where appropriate consideration can be given to a site that is less than 50 acres, it is permitted. This is the hard work here for the Board. This is a site that is appropriate for a PUD. It is also very important to see what points or credits are achievable by this applicant for a Low Impact Development (LID) project. The applicant has said in an earlier meeting, that they could make this a LID project and this Board's task is to see that it is being met to their satisfaction. They are here to figure this out in terms of density and whatever goes into a site plan. Once they package this all up, they will send a cogent recommendation in bulk to the Town Board, where they will have to figure it out. The Town Board will have a couple of choices. Also, this is in the hamlet, where the APA usually stands aside for any kind of zoning issues, never the less, the APA considers PUD's to be a big deal, and they will comment, and it will have to pass muster, on any changes the town makes on its local land use ordinance. So, although they may be standing aside as we go through this process, as we complete the process at the Town Board level and say it is a change to the zoning code, it has to be sent to the APA for approval. Herb Koster said his concern for this is that previous history with the APA has been that any changes in the zoning has caused the APA to look for retribution in reference to density. Atty. Muller said they would not be doing that. §200-889E says the following: *The establishment of a PUD by the Town Board in essence amounts to a rezoning. In this respect, the land use intensities of the particular zone(s) listed in the zoning ordinance that are most like the proposed intensities of the PUD should be used, except that the overall intensity of the project cannot exceed the amount of available development potential of the individual APA-LUDP Land Use Intensity Zone(s) within which the proposed PUD is located.* So, they are not going to exceed those limits. They are going to hear from the applicant how they are designing this project to fit overall. Herb Koster asked if the 35 residences will fit in these 50 acres. Atty. Muller recited the code again and said they would have to hear what the applicant has to say.

Atty. Muller asked if the applicant was also looking for approval to subdivide the Sembrich residence on a ½+/- acre lot. Atty. Lapper replied yes. Atty. Muller stated that the Planning Board would be acting on this part of the application. Herb Koster asked the applicant wanted them to tie these two items together or act on them separately. Atty. Lapper replied that it was all tied up together. Atty. Muller replied that the Board was doing two things: the advisory opinion and subdivision consideration.

Atty. Jonathan Lapper and Jeff Anthony & Matt Huntington of Studio A Landscape Architecture & Engineering, DPC presented the following:

- They view this week as the start of the project and are only seeking a recommendation to the Town Board on the PUD and to start answering their questions.
- This will certainly be a LID project.
- They're still working with Chris Navitsky, who has raised some issues that they are working on.
- The conditions of approval will be part of what the Homeowners Association will be subject to.
- This is an important piece of property that is in horrible condition through no fault of the current owner.
- It is a very visible property when you come into town.

- There are 23 motel units on the roadside with a big asphalt parking lot.
- They are proposing 4 much smaller buildings which will be hardly seen from the road with lots of landscaping.
- The project itself is built into the woods.
- Of the 35 acres, 24 acres will be undisturbed.
- Right now, 16 large mansion type, single family residences are allowable, which will cause much more disturbance on this lot than what they are proposing.
- There are no stormwater controls whatsoever on the site right now.
- they are staying away from any wetland areas.

John Cushing asked for clarification on the zones and what they would be able to build. Atty. Lapper detailed it on the plans for him. John Cushing said they are asking for 30 town houses in the lower 20 acres where they could build 16 single family dwellings. Atty. Lapper stated they were looking to build 15 twin town houses plus the existing Sembrich residence. So, 30 plus the Sembrich residence on the lower section. John Cushing stated that this seems to be the gist of the whole project. Atty. Lapper agreed and said they believe that it will be designed in a way so that it will not be visible from the lake or the road. A property of this size can handle the development and still leave a lot of vacant land. Per the APA there is no density requirement within the hamlet. They are compliant with the APA density outside of the hamlet. Herb Koster said that the APA controls the PUD. Atty. Lapper said that they have already received a non-jurisdictional letter from the APA. Herb Koster said that after this PUD gets approved it goes back to the APA and his concern is that they will come back at the town and change density somewhere else to make up for what they consider the town is losing here. Atty. Lapper said he does not believe this is the case because they have a non-jurisdictional letter from them, and there is no density as far as the APA is concerned. He said that they are pretty comfortable with this. Herb Koster said, he is sure they are comfortable with this, but he is not! He does not want to lose density on other properties in town. Atty. Lapper said they would discuss this as they go forward.

John Cushing said the Town of Bolton has a requirement of 1.3 acres per dwelling. Herb Koster said the Town also has the option of recommending a PUD. Atty. Lapper said this would create a whole new zone. Atty. Muller said that they have had these conversations with Supervisor Conover who has expressed concerns with intensity impacts to adjacent properties. In its purest sense a PUD takes an area and wipes the slate clean. Everything that is in the existing zoning ordinance will be a fresh start. This applicant proposes a rational and reasonable approach. This project is highly compatible and very attractive for Bolton for a myriad of reasons which we're about to hear. If you accept that fine if you question it, that is fine too.

Atty. Lapper said they have checked cultural resources with the State, and they are fine. They have had a traffic analysis done and there is no issue with site distance issues once they clean up all the brush. Amount of traffic generated by a residential project of this size is not a lot. John Cushing stated he had been to the site and it was hard to pull out. Atty. Lapper agreed and said that it would all be changed.

Atty. Lapper stated that they will be avoiding wetlands and in fact doing some restoration. Wastewater from this project and from the residence across the road will be pumped up to the top of the hill to a completely new system. Gena Lindyberg asked where this was pumped from

across the road. Mr. Anthony said that there is an existing sleeve under 9N and the old resort on the east side pumped to the west side of 9N. They are saving the sleeve and there are 2 onsite septic fields and one is for the neighbor on the east side of 9N and the other is for the Sembrich which will be on its own separate lot. All other waste is going to the upper northwest corridor of the property. Gena Lindyberg asked if they were keeping the east side septic next to the Sembrich house. Mr. Anthony replied yes, that is where it has been built and he believes it is complete. The Sembrich system will be built upon approvals. He said they are both new systems.

Mr. Huntington said that they are at a very preliminary stage for the engineering at this point. There is certainly opportunity to improve their LID score. They recognize that they will be going back on this score as they progress with the final engineering. They have done extensive soil testing at the top of the hill where the new system will be going. They have had a hydrogeologist up to make sure the site can handle the volume of waste that will be pumped up there. They are in the process of receiving a report from him, and he has said it could handle it. The stormwater will be broken up throughout the site, and again they are in the preliminary stages of it. He detailed some of the bio retention and infiltration areas on the plans. They will also be trying to improve a wetland area. The other main engineering point is potable water. They have done some preliminary calculations. Pressure is not an issue. There is no issue getting the water up the hill and fire flow demands have no issues either. John Cushing asked what the test is at the bottom and at the top. He said how can they say they won't lose pressure. Mr. Huntington stated that they would certainly lose pressure, but they have an excessive amount of pressure at the bottom of the hill. He said they would be rerunning the tests but there should not be much of a change in pressure. The potable water is probably the easiest issue to solve from an engineering perspective.

Herb Koster said he would like a letter from the APA guaranteeing that they would not be going after any zoning changes for the town, it would be very helpful to him. Atty. Lapper said that they would work with Atty. Muller on this and address it.

John Gaddy said it was an impressive application in the terms of the most extensive research into a lot of the aspects they ask from applicants. It is hard for him to get a sense of what is happening here with a lot of the details such as where common space is going to be and how it will be used. They are looking at a large number of people traveling to town and/or across the street and there is very poor access. The LWRP, in a number of places, tries to look at improving this. The Town of Bolton has issues with pedestrian traffic, and the last applicant that came through for this particular parcel looked at sidewalks along the lower section. The lower section seems to be an issue for visibility and the proposed area is to be re-vegetated. One of the big things he would like to see from the applicant as well as the town is them taking a look at how they can improve the pedestrian movement through there. It is dangerous. He did not see where neighboring stone walls were on this property so he could get an idea of what is happening. He read where it appears that each of the owners will have an opportunity to store a boat and do a quick launch at Chic's. He does not see any provisions for where boats will be stored here. He has concerns on getting emergency vehicles up in there. If the town is going to help out with the PUD than they should help with some of this pedestrian access. He thinks this should be included in this plan. Atty. Lapper said that they have scheduled a site visit with the engineers so that the Planning Board members can look around and get more familiar with the

proposal. The ZBA had also mentioned pedestrian access along 9N and it is certainly something they will look at.

John Gaddy said another concern he had was the idea of public transportation. Mr. Scott stated that the trolley pulls off in that area.

John Gaddy asked how this property would be subject to Airbnb type rentals. Atty. Muller said the Town Board has a draft local law before it that attempts to regulate short term vacation rentals. It is in its early stage of consideration. If enacted, it will be broadly applied throughout the town. Herb Koster asked if they could recommend that certain rules apply strictly to this project. Atty. Muller stated it would strictly be an advisory opinion.

John Gaddy said that the back of the Sembrich house appeared to be about 380' more or less and the upper homes seemed to be about 500', but he did not see anything staked out there so he could get a sense of what the view would be. Mr. Anthony said all they have done so far is to have the center line of the road staked so they could start to study the vertical profile. They did take pictures looking 90 degrees straight into the site and they took pictures southeast of Chic's. These are the two vantage points from the lake where this project site is potentially visible from. Right now, the only things you can see from these two views sheds are the two motel buildings and the Sembrich residence. John Gaddy said his question is that he could not see where the upper houses are going to be placed when he was walking the property. Mr. Huntington replied that they had stopped flagging the road somewhere around 20 or 21. He would be more than happy to take a walk with him up there and point everything out to him, before having it reflagged. John Gaddy said he could not make a decision without seeing it staked out.

John Cushing stated that he was personally against the town approving a PUD and he wanted to go on record for this. He read the following from §200-89: *The developer must also demonstrate that he/she is reaching as broad an economic market as possible. The absence of any but middle income and higher income housing in the proposed PUD shall be considered grounds for disapproval of the proposed application* and asked if they had made any consideration for this. Mr. Anthony said that they had three products available here. The most prevalent products are the townhouses. They have five single family lots and then they have the Sembrich lot. If you look at other PUD's in town, they only offer one product. John Cushing asked if that was his answer to that section. Mr. Anthony replied yes. Atty. Muller said he had looked at it as well and just so they have a clear definition of what middle income is, he looked it up on the Internet under the Pew Research Organization and they reported in July of 2020 that in 2018 the national middle income range was between \$48,500 to \$145,500 for a household of three. John Gaddy said this is the first time he's seen it, and he's never seen it applied to anything in town.

Kirk VanAuken asked if Twin Bay owned the residence on the lake side. Atty. Lapper replied no, that is Twin Bolton II. Kirk VanAuken asked if this property across the street would be some type of add on development where the Twin Bolton PUD residents would have access to the lake and or a marina on the Twin Bolton II property. Atty. Lapper replied no. No one will have access to the lakeside property except the homeowner. There is no connection or lake rights.

Herb Koster inquired about the quick launch option and asked where they plan on parking the boats. He said quick launch for other marinas in town has been a great concern. Mr. Anthony

said they are not calling it quick launch. Herb Koster said they can call it what they want, but if they are giving someone the option to launch their boat on a daily basis, it is a quick launch. Mr. Anthony said they were calling it concierge service which would be worked out with a marina, where they would come and pick up the boat, launch it and bring it back when they were done. According to the LGPC regulations, as long as you own property, which everyone of these people does, when you park your boat on your property you can launch it as many times as you want and it is not considered a quick launch. The people here will have two choices; they can contract for a concierge service or they can launch the boat themselves. He detailed a grassy area on the plans where they plan on storing the boats behind the Sembrich house. Sandi Aldrich asked if they could accommodate 30 boats in that area. Mr. Anthony stated they would design it for 30 boats, they have not gotten that far yet in the design aspect. John Cushing stated that his suggestion is for them to rent a dock space and put their boats in for the season. As a fireman, he has seen many accidents in this area and to put boats in and out of there continuously during July – September would be a traffic nightmare. Mr. Anthony stated that would be the choice of the homeowners. If that had to be a condition, they could talk about it. Herb Koster said if they put in a sidewalk in or they have a design with the sight distances are greatly increased then it may be a viable thing, but they need a lot more information on this. Atty. Lapper stated they would have a great deal more information. Gena Lindyberg said that one of the things that should be studied in the traffic report is the fact that 35 boats will be moving in and out of there on a daily basis. Herb Koster said that with other marinas in town, the possibility of them having quick launch was of great concern to a lot of people in town. Sandi Aldrich stated it was a nightmare for marinas too. Atty. Lapper said they were here tonight to get a list of their concerns so they could address them. They are just getting started.

John Gaddy asked if they were proposing common areas for the clustered development. Atty. Lapper said yes, in the form of walking trails. Gena Lindyberg asked if they would be having a swimming pool. Atty. Lapper replied no.

John Gaddy asked if there were turn arounds or hammerheads for the upper 5 units for emergency vehicles. Atty. Lapper said that he does not think it is necessary. Herb Koster stated that he believes the fire department asks for at least a 25' radius so they can navigate. Sandi Aldrich asked if this roadway would be wide enough for 2 vehicles to pass safely with one of them being an emergency vehicle. Atty. Lapper replied yes.

Gena Lindyberg asked what they would be planning on using for a heat source. Mr. Anthony said most likely propane. Gena Lindyberg asked where the tanks would be located for the units and if the roadway would be adequate for these propane trucks to maneuver. Mr. Anthony replied that the tanks would be for each building and the propane trucks would be able to maneuver.

John Gaddy stated that with the existing vegetation, it was hard to get a look at where the houses would be getting their best view of the lake. He may ask that they fly some balloons so they could see where these houses are going to be situated on that bench area. It seems as though anyone on top would be looking toward Huddle Bay and/or Dome Island and he wants to know what kind of views would be developed there. Mr. Anthony stated they would be following the APA guidelines. They will be preserving as much natural vegetation as possible. He said this project as it is designed right now has 74.55% of the existing vegetation or 23.15 acres remaining

untouched. There is also 1.6 acres of native vegetation will be redeveloped in current open areas. 1.2 acres of vegetation will be restored in areas that are proposed to be disturbed. .73 acres will be redeveloped immediately adjacent to the townhouses in terms of landscaping with indigenous materials.

Kirk VanAuken inquired about the septic. Mr. Huntington explained that the plan is to gravity feed everything down the hill to a series of large septic tanks, probably a membrane bioreactor, which increases the aeration in the wastewater and improving the effluent prior to pumping it up the hill. At the top of the hill they will have subsurface infiltration. He detailed the locations on the plans. Everything would be buried with manhole access. It would be designed like a municipal system. He detailed all the alarms and safety systems. He said there will have to be an actual operator to maintain this system and a special SPEDES permit from DEC.

Gena Lindyberg asked how many bedrooms the townhouse units would have. Mr. Huntington stated that they would all have 3 bedrooms. The single-family homes would have 5 bedrooms. John Gaddy asked how many parking spots would be provided for each unit. Mr. Anthony replied 2 surface and 2 garage spaces for a total of 4.

Kirk VanAuken asked if they have had any discussions with the town water department on the capacity. Mr. Huntington replied that was the next step. They have looked at the pressure and flow and it is adequate.

John Gaddy inquired about the gravel access maintenance road at about the 500' level. Mr. Anthony explained that it was a proposed route for the service vehicles to go to the absorption fields for the septic.

John Cushing asked how wide the road was. Mr. Anthony replied 22'.

Gena Lindyberg asked if the people would own the land under their townhouse units. Atty. Lapper replied yes.

Herb Koster asked if 40 lb. pressure at the top of the hill was adequate to put out a fire. Mr. Huntington said yes, according to the American Waterworks Standards guide. They discussed the necessary pressure needed for fire vehicles. Herb Koster said this is why they request hammerheads. Atty. Lapper stated they were prepared to address everything the board has been requesting tonight.

Sandi Aldrich asked if they were planning on having a HOA agreement. Atty. Lapper replied yes. Herb Koster asked if the Sembrich lot would be a part of the agreement. Atty. Lapper said, not necessarily. They have a right to the road. Their septic would be on their own property adjacent to the house. Mr. Anthony stated that the Sembrich property as it is configured has its own septic system.

Atty. Lapper stated that if they would like to schedule a site visit, they would be happy to set it up. John Gaddy said that once they have everything laid out, he would love to go up there.

John Gaddy inquired if the stone wall on the upper end on their property or on the neighbors. He said he did not see it on the map. Someone from the audience stated they believe it is on the Bixby property.

John Gaddy asked if the Town Board was interested in improving the pedestrian passageway from the center of town to the south. Atty. Muller stated he was unaware of any opinions for or against. They are really looking for the Planning Board's recommendations. John Gaddy said that the town would have to help out. Sandi Aldrich stated it would seem as though a sidewalk would help with the sightline for traffic coming in and out of the property. The Board agreed. Gena Lindyberg stated that for the safety for people coming and going to town it would be a good thing.

John Cushing said he gets a kick out of how they call it a LID project. It is 36 units clustered on 18 acres of the 36 acres. Atty. Lapper said this was a good thing because it leaves the rest of it untouched. John Cushing asked how you can call that low impact. Atty. Lapper replied that LID pertains to 20 or 30 topics with one of them being stormwater. Mr. Anthony said they have submitted a LID summary in the packet.

Atty. Muller stated that customarily the districts throughout the town that allow outdoor boat storage have a general requirement that they are not viewable from the public right-of-way and are double the normal setback allowed in that district. This is a PUD so they can address this issue and how they propose to do it.

John Gaddy stated he wanted the view sheds for the houses on the hill.

Gena Lindyberg said she would like to see where they will be addressing guest parking.

The Planning Board stated that some of the items they would like addressed for the next meeting are the following:

- 1) The plans updated so everyone feels comfortable with them and they confer with Chis Navitsky to make sure they meet the LID criteria.
- 2) Sidewalks or walkways to be added along Route 9N.
- 3) Parking areas for any boats or outside storage on the lot with buffers.
- 4) Balloons flown if possible, or renderings done so more view sheds are shown for the proposed houses on the hill.
- 5) Additional guest parking is to be shown on the plans.
- 6) Consideration is given for boat launching.

RESOLUTION:

Motion by John Gaddy to table **SPR20-11 Twin Bolton LLC** for the applicant to provide additional information. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

3. **SPR20-12 KEN RIFENBURG** Represented by Verdant Architecture PLLC. Seeks Type II Site Plan Review for demolition and construction of new single-family dwelling, restoration

of portion of asphalt driveway and area walkway to grass or dirt, installation of new septic system, underground propane tanks, well and natural stormwater management. Section 156.12, Block 1, Lot 19, Zone RCM1.3. Property location 8 Willow Lane. Subject to APA, SEQR, WCPA and LWRP review.

Tim Waite of Verdant Architecture PLLC. and Nick Zegland of Environmental Design presented the following:

- They are proposing to remove the existing house completely.
- They are proposing to remove a sizeable portion of asphalt drive between the existing house and existing garage.
- They are proposing to remove some of the hardscape up near the road where the new septic is proposed to go in.
- They are proposing a new residence with a slightly bigger footprint.
- Everything will be within the required setbacks.
- They have a new septic system drainage field that will go up near the road.
- They have already been granted a septic variance for the project.
- No changes have been made to the approved septic system.
- They are proposing a new well on the north property line.
- He detailed on the plans where they were proposing the new well, septic and buried propane tanks.

Herb Koster asked if the well would be 200' from the septic system as it is down gradient from the proposed well. Mr. Waite stated that it was about 100' and he did not realize that it had to be 200' if it was downhill from the septic. Atty. Muller said that it would need a variance by the Town Board as the acting Local Board of Health. Herb Koster advised them to do a soil analysis between them to verify the liability to put them that close.

Gena Lindyberg asked where the neighboring septic was in reference to the proposed well. Mr. Zegland said they had verified the septic on the one neighboring property, but they were not sure exactly where it was. Gena Lindyberg said if the neighbor's septic was upgradient they need to determine where it is. Mr. Zegland agreed.

Herb Koster asked where the existing water comes from now. Mr. Waite replied the lake. Herb Koster stated that there is the possibility that both neighboring properties were less than 200' too. Mr. Waite stated that they would look into that so they could get the required variance.

Mr. Waite detailed the proposed area of disturbance stating they were just over 5,000. They are well under the 35' height limit and have their non jurisdictional letter from the APA.

Sandi Aldrich asked if the east side of the house would be closer to the lake than what already exists. Mr. Waite replied yes, by approximately 8' but they were still within the required shoreline setback.

John Gaddy stated they had moved the house closer to a steeper area and the town is trying to keep the disturbance within 20' of the footprint of the house. Mr. Waite stated he believes the basic offset from the footprint of the proposed is 12'.

John Gaddy said he would like to see the vegetative buffer between the existing neighbors to the north and south be maintained to allow the privacy. Mr. Waite stated that they agreed and the neighbor to the north had planted trees and a garden on the applicant's property, so rather than taking them out they have adjusted their retaining walls.

John Gaddy said that all exterior lighting is to be dark sky compliant, downward facing and shielded.

Gena Lindyberg asked if there were any easements on this property. Mr. Waite said not that he knows of.

John Gaddy stated that there was some erosion down by the boat house and he would like to see that addressed. Mr. Waite said ok and that he believes that there will be improvements down there to make it safer.

Sandi Aldrich asked if the trees that had ribbons tied on them would be removed. Mr. Waite replied yes, they would be removed on proximity to the proposed home and septic system.

Gena Lindyberg said she would like to see a planting plan. Mr. Waite replied they would be doing plantings with the rain gardens, but they did not have a specific planting plan right now.

John Cushing asked if they would be able to get a well digging truck in there once the house is built. Mr. Waite stated that logistically they planned on removing the existing house and then putting in the new well before the new home is built.

Gena Lindyberg asked if there would be any blasting. Mr. Waite stated that they did not anticipate it. Sandi Aldrich said if they did need to blast, they would need to follow the town regulations for blasting and drilling.

Herb Koster asked if the stormwater on the east side of the house would be done before they started working on the house. Mr. Zegland said that they will be putting in silt fence in before they start and stabilize the area. Mr. Waite stated that they have had discussions about the silt fencing with the contractor and excavator. Herb Koster said they would need to use double bales of straw to make sure that it will hold the silt fence in place. Mr. Waite stated they have had conversations with the contractor and excavator about the silt fencing.

John Gaddy asked about some of the responses to the questions on the LWRP and suggested they be amended.

Kirk VanAuken stated they needed to fill out the SEQRA form more completely. Mr. Waite stated that he would resubmit the form.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR20-12.
Seconded by, Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR20-12 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 exterior lighting is to be dark sky compliant and downward facing and shielded.
- 2) The installation of a well will be contingent on receiving a variance from the Town Board acting as the Local Board of Health after the applicant had determined the location the neighboring wells and septic areas.
- 3) The disturbance for this project is to be within the town limits of 20' beyond the footprint.
- 4) If there is extensive blasting, the applicant must return to the Director of Planning and Zoning and adhere to the Town of Bolton Blasting and Drilling hours of operation.
- 5) The applicant will maintain the vegetative buffer on the north and the south property lines with particular attention to the installation of the new septic area and they will conform to the planting plans that were submitted.
- 6) The applicant will do remedial work to stabilize the slope down at the lake side.

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 8:10PM

Minutes respectfully submitted by Kate Persons.