

Town of Bolton
PLANNING BOARD MINUTES
Thursday, January 27, 2022
6:00 p.m.
Town of Bolton Town Hall

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPS = Warren County Planning Staff
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Dept. of Environmental Conservation

Present: Chairman Herb Koster, Planning Board Members; John Cushing, John Gaddy, David Smith, Kirk VanAuken, Gena Lindyberg, Zoning & Planning Director - Richard Miller, P.E; Town Planner - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach & Mary Kissane

Absent: Sandi Aldrich

The meeting was called to order at 6:06 p. m.

Chairman Koster asked if there were any changes or corrections to the November 18, 2021 minutes.

RESOLUTION:

Motion by Kirk VanAuken to approve the November 18, 2021 minutes as presented.
Seconded by John Cushing. Gena Lindyburg abstained. **All others in Favor. Motion Carried.**

PUBLIC HEARING

1. SPR21-15 David Massaroni. Represented by Studio A. Construction of three single family homes, two triplex townhouse units, and three single family residences from conversion of existing motel buildings. The pool and patio area are to remain. On-site wastewater treatment system and stormwater management practices are proposed. Section 213.13, Block 1, Lot 51/52/35, Zone RCM1.3. Property Location: 3926 Lake Shore Drive. Subject to APA, WCPA, SEQR and LWRP review. *Last reviewed October 21, 2021*

Atty. Lapper presented the following:

- They have closed on the purchase of the property and demolished some of the existing structures.
- They would like to be under construction on the project in the spring.
- They are here to listen to the public and answer questions and hopefully move forward with SEQR.

Jeff Anthony of Studio A presented the following:

- The project is on a 7.4 acre parcel on Lakeshore Drive.
- They have demolished the existing 63 motel units with 111 bedrooms which had a building coverage of 27,629 sq. ft.
- The ZBA granted variances for 10 Town Homes and 5 SFD.
- He detailed them on the plans to the Board.
- The total density of the project is 10 town homes and 5 single family dwellings.
- Of those five single family dwellings, two are conversions and three are new builds.

- The project includes no redevelopment of the shoreline.
- He detailed the shoreline on the plans.
- Each homeowner will receive an assigned slip on the existing LGPC approved docks.
- The existing swimming pool will remain in place and continue as part of the project.
- The project includes property on both the east and west sides of Route 9N.
- The lands on the west side will be used for wastewater treatment to keep it away from the lake.
- Potable water will be from onsite wells.
- Bedroom count will come down from 111 to approximately 45 -50.
- Impermeable surfaces will be greatly reduced from what exists.
- The hotel units have all been demolished and all that remains are the two single family dwellings that will be renovated.

Matt Huntington of Studio A presented the following:

- The existing development had no stormwater practices at all.
- The proposed development represents a 30% – 33% decrease of impervious areas.
- He detailed the stormwater infiltration mitigations to the Board.
- He believes they have a robust system for stormwater management.
- He stated they would be bringing the wastewater field to the west side of Route 9N for the entire project.
- This will go into an enhanced treatment tank and pumped to the west side of Route 9N.
- They will be using a Presby system.
- This project requires a SPEDES permit from DEC.

Gena Lindyburg asked if the wells would be 100' away. Mr. Huntington replied that they would be 100' away from all stormwater infiltration systems and wastewater system.

John Cushing inquired about the need of bio retention areas at shoreline being 100' from the lake. Mr. Hunting replied that they were filtration systems, not infiltration systems and did not need to be located 100' from the lake. He explained how these filtration systems works.

Rod Cornelius neighboring property owner stated the agenda was incorrect in the number of buildings is 15 not 13. He asked if there would be a maximum square footage established on each of the individual buildings would be able to be expanded by the homeowners. He also asked if there was a timeline for the construction time frame as this could be multiple years and effect the neighboring properties. Kirk VanAuken explained that the application is for the construction of 3 new single family dwellings. 2 dwellings already exist. Mr. Anthony stated that the maximum square footages and footprints are in the original application. Anyone that wished to change this would need to get permission from the Boards. The applicant has established a size and square footages for the project. Kirk VanAuken said that the shape of the square footage can be changed. Mr. Cornelius asked if there was anything to stop anyone from coming back to the Boards to request more square footage. Herb Koster replied that they would be required to go before the ZBA for

this and then possibly back to this Board. Mr. Cornelius asked if this Board could require as a condition of approval, anyone asking for more square footage must come back before the Planning Board. Kirk VanAuken explained that they could.

John Cushing stated this project would actually increase the building site coverage. Most of the stuff they receive for the motel teardowns is less disturbance. This is more.

Lake George Waterkeeper, Chris Navitsky read his letter to the Board:

The application for the proposed development justifies the significant number of units, coverage, impervious cover, and disturbance as a reduction from the previous noncompliant development that was constructed in the 1950s, well before zoning and environmental regulations. But that is not justification for continued overdevelopment to occur. The Planning Board must view this as an opportunity to demonstrate proper implementation of the Local Waterfront Revitalization Program (LWRP) and focus on the restoration of important natural resources and ecosystem services to minimize the adverse impacts from redevelopment, as detailed in Policy 1 of the LWRP. The proposed plan fails to meet the Town regulations for stormwater management and proposes measures that will increase nutrient loading to Lake George. The proposed plan fails to implement and restore natural protective features for water quality protection as required by Policy 4 of the LWRP. The Waterkeeper strongly recommends the Planning Board to take the opportunity to improve the restoration of the important natural resources, features and water quality protection measures as required by the Town Code and State requirements.

The project fails to reduce post-development stormwater volumes for the 10-year storm event as required by the Town of Bolton Stormwater Ordinance. The proposed design utilizes storage in forebays and basins for stormwater volume reduction, which does not meet the infiltration reduction requirement of the code. For example, Forebays 5FB, 8FB, 9FB, 10FB, 11FB, 12FB and 13FB and Ponds 6P and 10P will have stormwater stored in the basins after the event. This stored stormwater will simply be discharged during the next storm event resulting in increased discharges resulting in water quality impacts. The application must infiltrate this stormwater volume to comply with the ordinance.

The application contains conflicting information regarding the stormwater practices proposed. For example, basin 6P, north side of the property with a 35-foot setback to the lake, is called a "biofiltration basin" on Sheet C-2.10 and called detention basin in the Stormwater Pollution Prevention Plan (SWPPP). Basin 10P, south side with a 40-foot setback to the lake is called a "Biofiltration basin" on Sheet C-2.10 and called both a detention basin and infiltration basin in the SWPPP. This needs to be clarified for management and reduction purposes.

The project proposes to install infiltration practices within the required horizontal setback implemented for water quality protection from high traffic areas. The Lake George Park Commission requires stormwater devices that treat runoff from high traffic areas to have a minimum distance of 100 feet to Lake George. Basin 6P and 10P fail to meet this requirement.

The project proposes direct discharge from Basins 6P and 10P to Lake George without any protection or treatment measures. This violates the LWRP Policy 5.1 that prohibits the direct or indirect discharges that would cause or contribute to contravention of water quality standards.

There is concern the limiting site conditions (shallow depth to bedrock and high groundwater) will impact the stormwater management capacity of the site and ability to comply with Town regulations. Bedrock is at a depth of 24” where the majority of stormwater runoff is directed to basins. Groundwater is at a depth of 24” below existing grade where an infiltration basin is proposed to be located in a 2 foot cut, which fails to meet separation requirements. It appears the site will not be able mitigate the stormwater generated from the proposed project in compliance with the Town’s regulations.

The stormwater calculations underestimates runoff by misrepresenting land cover. For example, the catchment along the northern shoreline is classified as “Woods/Grass Combo” and not one tree is proposed for the area. Other catchments cite “Woods - Good” where trees are proposed but would not reflect “Good Woods Condition” being just planted. These calculations should be revised to reflect actual land cover and runoff conditions.

The project fails to meet the requirement of LWRP to restore natural resources such as soil restoration for the extensive pavement removal, which is also referenced in the NYS Stormwater Design Manual.

The project should be required to follow the LWRP policy requirements to “restore natural protection features” by “using vegetative approaches for natural shoreline features.” The project proposes “heavy plantings and buffers between the properties to the north and south” for privacy purposes but fails to provide any plantings where it would make water quality protection along the shoreline. At the August 2021 Planning Board meeting, Chairman Koster asked for plantings along the lakefront and Board member Aldrich asked for shoreline plantings to soften the view from the lake. Mr. Anthony stated “a detailed planting plan to address this” will be prepared but nothing has been added. The current design proposes not one planting along the shoreline where it would matter the most for the site design. The Planning Board also requested screening for the building and there is a total of 4 trees proposed on the lakeside for all the buildings proposed. Additionally, the project does not propose to save one tree on the property.

The Planning Board must set conditions that the building size (footprint and height) will remain as proposed and prevent the increase in size of the buildings in the future when development occurs.

The current application should be considered incomplete as it falls well short of the requirements of Local Waterfront Revitalization Program and there are numerous significant comments that have not been addressed by the Town Designated Engineer’s review. The Planning Board should leave the public hearing open as there may be significant revisions in attempt to meet the requirements of the Town.

Mr. Huntington stated that the stormwater is in compliance with town code for volume and flow reduction and if there are any tweaks needed, he can adjust them before final construction. They are in compliance with state standards and volume reduction practices. They are infiltrating on site. They are not infiltrating stormwater within 100' of the lake. All stormwater practices are not required to be infiltration systems.

John Cushing asked for clarification of filtration and infiltration systems. Mr. Huntington detailed the difference of the two systems.

Gena Lindyburg asked about reviewing the lake side planting plan. Mr. Huntington replied that they would.

Kirk VanAuken asked if the Town Engineer had received any updated information from the applicant since the last meeting. Town Planner - Joshua Westfall, AICP stated they had not as the applicant had not submitted any new information to review. Herb Koster said he thought this Board had requested this information at the October meeting. Mr. Huntington said they have not responded to the review comments as they are parallel to the comments they need to provide to the state. Gena Lindyburg asked if they would get the review from Chazen. Mr. Huntington stated they would get the information once they went through the state.

Mr. Cornelius inquired about blasting restrictions and if the buildings would have basements. Kirk VanAuken stated they had blasting time regulations. Mr. Cornelius said he thought they should require a bond for blasting. Herb Koster replied that blasting regulations were under the state and the blasting company had to be insured for any and all issues that may occur to the neighboring properties.

Kim Cornelius stated she agreed with Mr. Navitsky, and she believes that more plantings are needed for the lake to be protected.

Atty. Lapper said they were in a catch 22, they needed to get through SEQR and the state agencies. Mr. Navitsky's comments are all just protective review of the stormwater plans. They can't use infiltration practices because of the lake. Staying 100' from all the wells issue is due to this is the way it has to be designed.

Atty. Reichenbach recommended that the Board keep the Public Hearing open for additional information. He explained that a decision could not be made on the site plan until the Public Hearing is closed and more information is needed there are questions from the Town Engineer that have not been answered yet.

Kirk VanAuken inquired about construction plans and phases. Atty. Lapper said that the developer would be building the town homes and a home for himself. Herb Koster said he did not like the direction this project was going. Some of the buildings would be built by a developer and some of them would be built by an outside party that buys in later on. Atty. Lapper said that the developer may end up building all of the buildings, but if you think of it like a subdivision where someone buys a lot and builds a house, its similar to that. Herb Koster asked if the HOA would own all of the ground. Atty. Lapper replied yes. Herb Koster asked if the individual homeowners would own the ground underneath his home. Atty. Lapper replied no, the HOA would own it all. Herb Koster said if they are going in that direction, they can give the Board verbiage, that whatever is approved to be built is all

that will ever be allowed. Gena Lindyburg asked if the HOA agreements would be included in the final plans. Atty. Lapper replied yes.

John Cushing stated that he feels this is over development of this acreage on the lake and does not fit in with the LWRP. Atty. Lapper said they had already received variances from the ZBA for the density and the square footage. John Cushing cited town code and said this project does not meet it at the lake. Atty. Lapper stated he was talking about infiltration systems, and this was a filtration system. David Smith asked if the filtration system had different setbacks from infiltration systems. Mr. Huntington replied yes. He said filtration system had no setbacks. John Cushing said this is all disturbance within the lakeshore setback. Mr. Anthony stated that bio retention facilities in the Lake George basin within several feet of the lake have been approved by the LGPC. These are allowable practices that have no setback requirements from the lake.

John Cushing asked why they would pump and crush the existing tanks on the property. Mr. Huntington explained this was standard practice. He explained the process they went through.

The Board stated that they would like to see the following information for the next meeting.

1. Planting plans for the lake front must be submitted.
2. The square footage and general dimensions of each structure is to be labeled on the plan of the buildings
3. Verbiage for limitation on the size of the buildings with stipulations that they can't be revised.
4. Review current Labella comments and respond to them on stormwater and sewer.
5. Phases and timeline for construction of the project.
6. The majority of the stormwater is to be completed before the start of construction.
7. Label which structures may require blasting type excavating for construction.
8. Downward facing and shielded dark sky compliant lighting is required.

RESOLUTION:

Motion by Gena Lindyberg to table the Public Hearing for additional information for SPR21-Seconded by John Cushing. All in Favor. Motion Carried.

REGULAR MEETING

2. **SPR 21-22 Lands of Berberian.** Represented by EDP. Applicant seeks site plan approval for the construction of a 6-bedroom single-family residential home totaling 5,000 sq. ft. +/-, to be located on approved Lot 2 (pursuant to Subdivision Application 21-06). On-site wastewater treatment system and stormwater management practices are proposed. Section 186.00, Block 1, Lot 1, Zone LC 25 and RL3. Property Location: 4409 Lake Shore Drive. Subject to WCPA, APA, SEQR and LWRP review. Last reviewed November 18, 2021

This application was tabled at the applicant's request

3. **SPR21-23 JTR Realty, LLC. Garage.** Represented by Studio A. Applicant seeks Site Plan Approval for the construction of two-story garage (48'X30' footprint, plus 14'X30 exterior roof for outdoor storage). No water or sewer utilities are proposed. stormwater management practices are proposed. Section 200.10, Block 1, Lot 1.4. Zone RM 1.3. Property Location: 4376 Lake Shore Drive. Subject to WCPA, APA, SEQR and LWRP review.

Jeff Anthony of Studio A presented the following:

- This is a pre-approved lot in a 4 lot subdivision.
- The applicant is looking to build a garage on the empty lake front lot.
- The proposed garage is within the previously approved site plan footprint.
- Stormwater management techniques will be followed.
- This garage will be for the applicants own use.
- This will be a principal building as defined by the Town of Bolton.
- The proposed garage is a structure in excess of the required 1200 sq. ft. of floor space.
- They are not proposing any sewer or water on this parcel at this time.

Matt Hunting of Studio A presented the following stormwater:

- They will be implementing the previously approved stormwater mitigation.
- The impervious surface coverage is the same as was originally approved.

Gena Lindyburg asked about building and elevation plans. Mr. Anthony stated he believed they were submitted, but the Planning Office stated they did not receive them. Kirk VanAuken stated they would need them.

Applicant John Roth explained that the garage was being built as a storage facility for all of his stuff. He will be using the exact same material he used on his house. Kirk VanAuken asked if the shed area would be on the lake side. Mr. Roth state no.

Kirk VanAuken asked if there was any vegetation to block some of this from the lake. Mr. Roth replied yes and said there is currently trees and vegetation. Mr. Anthony pointed out the existing tree line on the plans.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR21-23. **Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by Kirk VanAuken to accept SPR21-23 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 & LWRP analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions: 1) Any and all future work or changes done on this parcel must come back to the Planning Board for site plan review. 2) All lighting is to be downward facing and shielded. **Seconded by** John Gaddy. Gena Lindyburg opposed. **All others in Favor. Motion Carried.**

4. **SPR21-24 Bolton Studios Solar Array.** Represented by Apex Solar Power, LLC. Applicant seeks Site Plan Approval for the construction of a solar array totaling approximately 561 +/- square feet in area. Section 155.00, Block 1, Lot 36.1. Zone RR-5 and LC 45. Property Location: 609 Edgecomb Pond Road. Subject to WCPA, APA, SEQR and LWRP review.
Application contingent on ZBA Approvals 1/11/2021

Peter Kronau of Apex Solar explained that the applicant would like to install a solar ground mounted array to the north of a recently constructed building.

Kirk VanAuken asked if there would be any clearing needed for the array. Mr. Kronau replied that there would not.

John Cushing inquired if the array could be seen from the road. Mr. Kronau stated no.

John Gaddy said that he had no problems with this application, but the issues the Board needed to be thinking about in the future are the height, color and glare of these arrays.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR21-24. Seconded by John Gaddy. All in Favor. Motion Carried.

Motion by Kirk VanAuken to accept SPR21-24 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 & LWRP analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. Seconded by Gena Lindyberg. All in Favor. Motion Carried.

5. **SD 21-02 Twin Bolton Residential Sub-division, Twin Bolton, LLC.** Represented by Studio A. Subdivision for six townhouses (two triplex units) and 15 single family lots. Section 186.06, Block 1, Lot 14.1 and Section 186.07, Block 1, Lot 13, Zone RM1.3 and RL3; Property Location: 4799 Lake Shore Drive. Subject to WCPA, SEQR and LWRP review.
Last reviewed October 21, 2021.

Atty. Lapper presented the following:

- This project has been before the Board a number of times, and they are here to request a public hearing for next month.
- They have received the needed variances from the ZBA
- The Planning Board has already taken lead agency on this project.
- They have submitted the stormwater plan DEC as requested, but in order to get through SEQR at the town level DEC can't complete their review.
- They have submitted a lot of information at this point.

Gena Lindyburg asked if the houses on the back of the lot would have separate septic systems and wells and if so, they are required to be 100' apart. Atty. Lapper stated he was unsure and that they would have that information before the next meeting and make sure that it was compliant.

John Gaddy inquired about moving the stone wall back further away from the road. Atty. Lapper stated that it would be at a great expense to the applicant. It was something the applicant would prefer not to do. John Gaddy asked what the NYS right-of-way was on this road. Herb Koster said it was different wherever you went, but it usually averaged out to be 25' from the center line. John Gaddy said that would mean

that the stonewall was within the right-of-way. Herb Koster replied probably. John Gaddy asked if they would be doing construction in the right-of-way. Atty. Lapper replied yes for the driveway and repointing the wall, which would require a Highway Work Permit. John Gaddy asked if that had been applied for. Atty. Lapper stated that would happen at the time of construction.

Gena Lindyberg asked that the septic for the property across the street be shown on the plans. Atty. Lapper stated that it should be on the plans, and he would look into it.

Kirk VanAuken stated he did not see the lot number on the lots on the plans, so they reference them on the table. He would like to see this clarified on the new plans for the Public Hearing. Mr. Huntington replied that this would not be a problem.

Herb Koster asked if the homeowners would own the land under each town house. Atty. Lapper replied yes. Herb Koster inquired about the HOA. Atty. Lapper explained that there would be a separate HOA for the town houses and a HOA that would manage the road and the common facilities such as sewer, potable water and stormwater. Kirk VanAuken stated that it would be nice to see this all laid out on the drawing.

Gena Lindyburg said that these were 2 unit townhouses not 3 unit townhouses.

Herb Koster asked if all the land on lot 8 where the 6 town houses were to be located, would be HOA property used solely by the 6 town houses. Atty. Lapper replied that it was solely for the 6 town houses with the exception of the road which would have an easement.

Planner Westfall supplied the following general information on the project and what was still required before receiving any approvals for the project:

Stormwater:

- The applicant has confirmed they have submitted materials for review to NYSDEC related to an individual SPEDES Permit. NYSDEC has confirmed receipt of materials and the Agency expects to provide written comment within the next four weeks.
- Chazen (LaBella) has reviewed stormwater and provided additional comments (letter dated January 21, 2022). This has been provided to the Planning Board.

COMMENT: *The applicant should address any concerns and/or comments from both the DEC and Chazen. Copies of any DEC approvals should be provided for the project files and planning review.*

Wastewater:

- DEC will be required to review wastewater. To date, no materials have been submitted to the agency. The applicant's agent indicated that they are waiting to set up a transportation corporation (notes below) and will have DEC review wastewater at that time. DEC has indicated a review could begin now; however, no permits shall be issued until a corporation has been set-up.

- New wastewater details have not been provided for Town Engineer (Chazen) review.

COMMENT: *The applicant should provide greater detail related to wastewater to the Town Planning and Zoning Department for review by professional staff and Chazen. It is advisable to provide materials for review to DEC as soon as feasible.*

Transportation Corporation: *(Community Utility Delivery and Maintenance Service)*

- The applicant has indicated that they are in the process of establishing a Transportation Corporation related wastewater disposal.

COMMENT: *The Applicant should work with the Town Attorney in the establishment of the Transportation Corporation. The corporation will likely need consent from the Town to form and should include protection provisions for the Town (guaranties, surety, etc.). The corporation shall be required to be subject to the provisions of Article 10 of the Transportation Corporations Law of the State of New York.*

Atty. Lapper stated that they could not get with the Town Board on the Transportation Corporation until they get through SEQR. Kirk VanAuken stated they could not make any determinations until they did the site plan review and made any kind of approvals. Atty. Reichenbach said that they could not get through the SEQR until they had a solid wastewater plan. This will be critical for the analysis, and they have not received this yet. He understands that DEC won't approve it until a SEQR review is done by the lead agency, but the approval is not necessary for them to review it. Planner Westfall stated they would review it and send them their comments, but they would not issue any permits or approvals. Kirk VanAuken said if the applicant submits the wastewater plans to DEC and LaBella, they then can start the review process so that any and all of comments can be addressed before they come back.

John Gaddy asked about the proposed placement of the snow above the wastewater absorption field. Mr. Huntington stated they would revise this, there was ample room adjacent to this. Kirk VanAuken suggested a note on the drawings stating this.

John Gaddy said he would like information on the stormwater and how it would be moving around. He inquired about the flow of water to restored stream beds and asked if this was the unclassified stream. Mr. Huntington detailed the plans and said that the stormwater would be staying on property.

Kirk VanAuken stated the Board would like to see this information before the next meeting:

1. Take into account all of the items they have discussed during the meeting.
2. Clarification on the lot numbers on the plans to make it easy to reference them on the table.
3. Plans for the triplex.
4. Look into moving the stone wall back from the road.
5. HOA to be completed for the townhouses.
6. Lot size and acreage on the charts and plans.
7. Address the LaBella comments.

RESOLUTION:

Motion by Kirk VanAuken to schedule a Public Hearing SD21-02 to be held at the March 2022 meeting with the condition that they review and reply to all the comments that the Board has discussed this evening. **Seconded by Gena Lindyburg. All in Favor. Motion Carried.**

6. **SD21-07 Beckley Subdivision.** Minor subdivision of a conforming lot into two conforming lots. Proposed Lot 1-A will total 5.13 +/- acres and proposed Lot 1-B will total 5.05 +/- Acres. Section 212.00, Block 1, Lot 6.3, Zone RR-5. Property Location: Dickinson Hill Road. Subject to WCPA, APA, SEQR and LWRP review.

This application was tabled at the applicant's request

7. **SD21-08 Sheridan Subdivision.** Represented by Studio A. Minor subdivision of a conforming lot into two conforming lots. Proposed lot 1 will total 18.71 +/- Acres and proposed Lot #2 will total 7.01 +/- Acres. Section 199.00 Block 1 Lot 35. Zone RR-5 and RR-10. Property location: 15 Woodview Lane. Subject to APA, WCPA, SEQR and LWRP review.

Jeff Anthony of Studio A presented the following:

- This is a 2 lot subdivision in the RR5 and RR10 zones.
- Lot 1 would be about 18 acres in size.
- Lot 2 would be about 7 acres in size.
- They are only looking for subdivision approval at this time.
- They will be back to this Board for site plan review once they have a building plan.
- The lot will have an access easement across lot 1.

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SD21-08. **Seconded by Gena Lindyburg. All in Favor. Motion Carried.**

Motion by David Smith to accept SD21-08 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 & LWRP analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following condition: 1) Site Plan Review is required for any development of lot 2. **Seconded by Gena Lindyburg. All in Favor. Motion Carried.**

8. **SD21-09 Curri Estates Subdivision.** Represented by Pietrzak & Pfau. Sketch Plan Review. A major subdivision of a 26.25 +/- lot into seven (7) conforming lots ranging in in size from 1.85 to 5.85 +/- acres. Section 156.00 Block 1 Lot 38.4. Zone RL3 and

LC25. Property Location: Finkle Road (E. of Town Highway Garage). Subject to WCPA, APA, SEQR and LWRP review.

Joseph Pfau presented the following;

- This is a 26+ acre lot on Finkle Road.
- This parcel is in 2 zones.
- The density calculations allow for 8 lots, and they are proposing 7 lots.
- They will be using the existing entrance to access the lots.
- All the lots will be served by individual septic fields.
- The road will have all the required stormwater mitigations.
- They will be coming back with an application for stormwater and wastewater as they progress with the subdivision.
- He handed out proposed footprints for the lots to the Board.
- They have oversized the footprints to show a large footprint to develop the stormwater implementation.
- They will be looking into existing wells due to the proximity of the capped landfill.
- Town water goes by the site, so they will be checking into that too.
- They are here this evening

Herb Koster asked if they would be tapping into town water. Mr. Pfau stated that they would be looking into it, they were checking into all avenues available. John Gaddy stated he had spoken to Mr. Pfau about investigating the ground water quality through the area. He said he did not want the Board to approve something that could be a headache upon discovery of water quality after the wells were drilled. This was his only concern with the project and it appears to be a well laid out plan.

Gena Lindyburg about easements. Mr. Pfau stated that he was not sure if they would be doing an HOA or easements. Gena Lindyburg stated they would need that information.

Kirk VanAuken inquired about firetruck access on the roadway. Mr. Pfau stated that he believed the radius of the paved area was a 55' radius. John Cushing asked what the width of the road would be going into the lots. Mr. Pfau replied that the code was 18'.

John Cushing asked if any of the structures would be seen from the road. Mr. Pfau replied possibly 1 lot.

Mr. Pfau stated they would be submitting a site plan application with all the required information when they came back to the Board.

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SD21-09. **Seconded** by Gena Lindyberg. **All in Favor. Motion Carried.**

The meeting was adjourned at 8:21PM

Minutes respectfully submitted by Kate Persons.