

Town of Bolton
PLANNING BOARD MINUTES
Thursday, November 17, 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, David Smith, John Gaddy, Kirk VanAuken, Sandi Aldrich, Acting Zoning & Planning Director - Joshua Westfall, AICP & Town Counsel – Mary Kissane

Absent: Gena Lindyberg

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

Regular Meeting

Chairman Koster asked if there were any changes or corrections to the October 13, 2022 minutes.

RESOLUTION:

Motion by John Gaddy to approve the October 13, 2022 minutes as presented with the following correction: *Atty Reichenbach was present as opposed to Atty. Kissane.* **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

- 1. SD21-09 Curri Estates.** Represented by Pietrzak & Pfau. Applicant seeks a major subdivision of a 26.25-acre lot into seven (7) conforming lots of various sizes ranging from 1.50 to 5.14 +/- 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, LWRP and Major Stormwater Review.

Joe Pfau of Pietrzak & Pfau presented the following:

- This is a 7 lot subdivision on 26 acres of land with most of it in the RL3 zone.
- The density allows for 8 lots, and they are only proposing 7 with a 900' cul-de-sac.
- They have responded to and completed the comments from LaBella.
- The major comment was whether it would require a permit from DEC pertaining to soil.
- They do not believe they need this permit as they will not be building on the steep slope.
- They would like to know about the fire code for the roadway due to a proposed hydrant at the end of the line. They do not believe they need the required 26' road width, but if it is required, they will just remove the hydrant from the end of the roadway.

Herb Koster asked if they had to follow the state fire code for the road width for the hydrant. Atty. Reichenbach said he would look into this and let them know. Herb Koster stated it would

be a shame to lose a hydrant due to the excessive road width requirement. John Gaddy agreed stating that it would be a shame to lose a hydrant back there even if the road was not the required 26' wide. It is just common sense to have a hydrant if the developer is willing to put it in. The configuration of the roadway looks like it would allow any of the current fire vehicles to make that turn. Mr. Pfau said that was correct and it met Town of Bolton code.

John Gaddy asked about working in a trail system or any recreational opportunities that would be available as this was a major subdivision. Mr. Pfau said he would be amiable to this.

Sandi Aldrich asked if they had approvals from the water department to hook into the town water system. Mr. Pfau replied they were in the process of this.

Mr. Pfau stated that they were seeking subdivision approvals and stormwater for the road construction. John Gaddy asked if there was enough engineering to approve the stormwater at this point. He stated that he was not interested in providing site plan review for the individual structures at this point.

Sandi Aldrich inquired if there were any lake views. Mr. Pfau replied, not that he is aware of.

John Gaddy asked if this would be considered a sketch plan. Acting Director of Planning & Zoning Josh Westfall replied that it would be a sketch plan approval. Mr. Pfau questioned this and stated that they were previously granted sketch approval. Atty. Reichenbach explained that there was a 6 month limit in the code.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD21-09.
Seconded by Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Cushing to accept SD21-09 as a sketch plan, for 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) The applicant is to answer all engineering and comments/questions satisfactorily to the Acting Director of Planning & Zoning before the next meeting. 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** David Smith. **All in Favor. Motion Carried.**

2. **SPR22-22 Carusso Timbering.** Applicant seeks Type II Site Plan Review for timber harvest per §200-14, on 8.03-acre lot. Approximately 7+/- acres are to be disturbed. Applicant has reviewed project with Warren County Soil and Water (10/2022). Section 156.00, Block 1, Lot 75. Property Location: North Bolton Road. Zone: RL3. Subject to APA, WCPA, SEQR, LWRP review.

Kurt Koskinen of Sustainable Forestry presented the following:

- This is a minor harvest of trees 14” or bigger which will amount to 8 or 9 truckloads of logs.
- There is an extensive analysis and logging report with Warren County Soil & Water plan that will be followed in detail.
- Nothing will be harvested within the 75’ no cut zone.
- The landing site will be using the existing driveway to the home.

John Gaddy asked if this was the same logger that cleared the Berberian property. Mr. Koskinen replied, no it was Tyler Baker of Hadley. He said they would not be cutting any hardwood on this site, only pine and hemlock.

John Cushing stated his concerns with the Berberian project and Mr. Koskinen’s involvement. Mr. Koskinen told the Board that he had no oversight on that project, and this was a different logger. John Gaddy said this would be a wonderful project if the recommendations were followed that were submitted by Mr. Moore of Warren County Soil & Water. He asked where the construction entrance was. Herb Koster explained that they had stated they were using the existing driveway. Mr. Koskinen stated that they would be following Mr. Moore’s plan to the letter.

Kirk VanAuken asked when this would take place. Mr. Koskinen stated in the fall and winter.

Chris Navitsky asked if they looked for the woolly adelgid when harvesting the hemlocks. Mr. Koskinen stated that in Warren County, DEC had released a beetle that will feed on the woolly adelgid.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR22-22. **Seconded by** David Smith. **All in Favor. Motion Carried.**

Motion by Kirk VanAuken to accept SPR22-22 as complete; waive a 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** David Smith. John Cushing, John Gaddy & Sandi Aldrich opposed. **All others in Favor. Vote: 3 in favor & 3 opposed. No Action Taken.**

Herb Koster asked if they had to have a public hearing if they turn it down. Atty. Reichenbach stated that the applicant can bring this item back before a full board without any prejudice. Herb Koster asked the applicant if he would like to bring it back to a full board. Mr. Koskinen replied yes.

John Gaddy stated he had concerns with Mr. Koskinen’s involvement in a previous project that did not work out with the goals the town has. He is afraid of this happening again. The Board discussed this and the needs for a forester to oversee the entire project. Herb Koster said they

would like some detail on how they are enhancing the entrance to mitigate the concerns of dragging. Atty. Reichenbach suggested that they could propose that the clients post a bond to make sure the project is completed within the confines of the vote. Mr. Koskinen replied that he would do whatever they thought would work. He would pass it on to the owners and the logger.

The Board asked if Mr. Koskinen would be monitoring the project. Mr. Koskinen stated that he would do whatever the client wanted. David Smith suggested that the Code Enforcement Officer go up and check out the project as it progresses. Herb Koster stated that he wanted a forester to oversee the projects.

Motion by David Smith to table SPR22-22 for a full board and to hold a public hearing at the January 12, 2023 meeting. **Seconded by** Sandi Aldrich. Kirk VanAuken abstained. **All others in Favor. Motion Carried.**

Lake George Waterkeeper, Chris Navitsky

- 3. SPR22-23 Auletta Timbering.** Applicant seeks Type II Site Plan Review for timber harvest per §200- 14, on 28.71-acre lot. Approximately 24+/- acres are to be disturbed. Applicant has reviewed project with Warren County Soil and Water (10/2022). Section 123.00, Block 2, Lots 57.21; 57.22;57.23; 57.24. Property Location: 522 New Vermont Road. Zone: RL3. Subject to WCPA, SEQR, LWRP review.

This application tabled due to lack of a full Board

RESOLUTION:

Motion by David Smith to table SPR22-23 to the January 12, 2023 meeting for a full Board. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

- 4. SPR22-24 Bernstein (Jumbo Realty).** Applicant seeks Type II Site Plan Review for the construction of a 120' x 80' accessory structure (open-sided gymnasium). Section 185.00, Block 1, Lot 32. Property Location: 429 Trout Lake Road. Zone: RCL3, LC25, and LC45. Subject to APA, WCPA, SEQR, LWRP review.

Scott Miller of CLA Site presented the following:

- They are looking for sketch plan approval tonight.
- 120' x 80' with a black top surface.
- The roof and gable end will be a green fabric material.
- No outside or exterior lighting.
- 35' tall at highest point.
- Stormwater pond will be installed to mitigate additional runoff.
- This will not increase campers or staff.
- They have done some line of sight projections.

Kirk VanAuken inquired about the roofing material. Mr. Miller explained that it was a fabric material.

Herb Koster inquired about the side panels. Mr. Miller stated there would be no side panels.

John Gaddy asked for hours of use of this structure as he has concerns for the noise. Mr. Bernstein replied 10:00PM at the latest.

John Gaddy asked if they could utilize plantings to minimize the sound. Mr. Miller stated they had discussed this and detailed this on the plan.

John Gaddy asked if a Public Hearing was needed.

Sandi Aldrich asked about construction time. Mr. Bernstein stated in the fall after the 2023 season.

John Cushing stated his concerns on the overall density.

Peter Loyola said that many of the buildings are replacement buildings and there have not been many new buildings added. In terms of new structures to this site, there has been less than a handful. They have significantly upgraded the wastewater systems, infrastructure and environmental improvements. They have also greatly improved the stormwater mitigations on the property.

Kirk VanAuken said he personally did not have a problem with this project, but they would have appreciated a heads up on the change to the master plan. This is quite the view shed from the lake. The camp has been updated quite a bit, and more grandiose than what existed. Mr. Loyola stated that they have made significant improvements to the plantings along the front and as they continue to grow it helps immensely.

Herb Koster stated he appreciated the fact that they have cut down on the lakefront usage and tried to accommodate the neighbors to some extent.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR22-24.

Seconded by Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Kirk VanAuken to accept SPR22-24 as completed sketch plan and schedule a public hearing at the January 12, 2023 meeting. 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. Dark colors used for structure.
2. Hours of operation are to be submitted to the Board and posted.
3. Additional plantings are to be added for a noise buffer.
4. Any exterior lighting is to be 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. All in Favor. Motion Carried.**

5. **SPR22-25 Bolton Landing Marina LLC.** Applicant seeks site plan review related to a Major Stormwater project per §125-13(D) Applicant proposes to pave an existing (gravel) parking lot area. Stormwater management practices are proposed to be added beneath current parking lot. Section 171.19, Block 2, Lot 3. Property Location: 4932 Lake Shore Drive. Zone: GB5000. Subject to WCPA, SEQR, LWRP review.

Matt Huntington of Studio A presented the following:

- The existing south side parking lot is gravel and slopes toward the lake.
- This has a drywell that routinely fills up with gravel from the parking lot.
- In order to mitigate the gravel, they would like to pave the parking lot in the exact same footprint and add new stormwater management.
- He explained that the additional stormwater mitigations are what bump this up to a major stormwater project.
- He detailed the stormwater mitigations to the Board.
- They have conversed with Mr. Navitsky and will be making a couple of modifications that he has suggested.

John Gaddy said he would like additional trees planted in this area if they were resurfacing it to shade some of this. He explained that § 200-48 of the code relates to this request. He also asked that the existing exterior lighting and any additional exterior lighting be tilted downward and dark sky compliant.

Sandi Aldrich asked if it was possible to put shrubbery along the fence line next to the park to break up the lighting. Mr. Huntington stated they could look at this. Mr. Parillo stated they would be happy to do this.

John Cushing asked why they would not be using permeable pavement vs stormwater mitigation. Mr. Huntington stated that in their experience porous pavement has been marginal. It pulls up a lot, and it becomes a maintenance headache. They stay away from it whenever possible. John Gaddy inquired about grids. Mr. Huntington stated that due to slope it would become a maintenance issue and cost prohibited in a parking lot this size.

John Cushing mentioned that one of the drywells on the north side of the building is clogged up. Mr. Parillo said that they would look at this and get it cleaned out.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR22-25. Seconded by David Smith. All in Favor. Motion Carried.

Motion by John Gaddy to accept SPR22-25 as complete; waive a 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. The applicant will present an additional planting plan for the proposed parking lot.
2. The applicant will incorporate modifications discussed with Mr. Navitsky to improve the project.
3. All existing exterior lighting will be adjusted downward to mitigate light trespass and any new exterior lighting shall be 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. **All in Favor. Motion Carried.**

Discussion Item

6. **Galeano Campground.** Applicant seeks Planning Board input for upcoming Type II Site Plan Review proposal for the development of a campground facility to feature platformed tent structures. Section 123.00, Block 2, Lot 1, Zone RR10 and LC 25. Property Location: 193 Hendricks Road. Will be subject to WCPA, APA, SEQR and LWRP review.

Sebastian Galeano presented the following:

- This is a 14 acre lot that they are proposing to build a campground facility that would consist of two 14' x 14' high end glamping tents with a 7' x 14' porch.
- Each structure would have a shower and composting toilet.
- They would like to operate for 7 months between May and November.
- These tents would sit on a platform and stay up year round.
- They will each have parking for two vehicles.

Kirk VanAuken asked if they would be using drywells for the showers and if the units would have electricity. Mr. Galeano replied they are proposing to use drywells. He stated that they had electricity on the property, and they could use solar panels for pumping the water. He explained that they would be pumping water from the stream to holding tanks.

Herb Koster inquired if they were complete bathrooms in the tents. Mr. Galeano replied yes, they would have composting toilets and showers. They would be using drywells or septic tanks for the grey water. David Smith asked if a drywell was acceptable for a shower. Josh Westfall replied that they would probably have to go with a holding tank, but he would have the town engineers look at the project once they got further along.

Sandi Aldrich stated it was difficult to find the site and it would have been very helpful if they had put out the pink identification placard. She asked where they would be putting the glamping sites. Mr. Galeano replied that they would be approximately 200' from the existing cabin on the

left hand side and 300' from the front entrance. Sandi Aldrich said it was kind of steep up there. Mr. Galeano agreed and stated he would be using some of the level areas on the property.

Sandi Aldrich inquired about the timber harvesting mentioned in the application. Mr. Galeano replied that it would be very light and was for the roads to get to the tents.

John Cushing asked how close to the stream they would be. Mr. Galeano stated that they would be a minimum of 200' away from the stream.

Herb Koster asked if the tents would be up year round. Mr. Galeano said this was correct and they were designed for 4 seasons and to handle the snow loads.

John Cushing asked if the water from the stream that they were using for showers would be used for cooking or drinking. Mr. Galeano replied, no.

Herb Koster asked if they were planning on adding more of these structures. Mr. Galeano said not for now, they were starting with these two to see how it went.

John Gaddy wanted to know about lighting. Mr. Galeano replied that they would be using solar lighting. John Gaddy stated that all lighting would need to be dark sky compliant.

John Cushing asked about road access for fire vehicles. Mr. Galeano stated that it was adequate.

The Board stated that they did not have a problem with the project and would like to see more information on the driveway and the mater of the grey water.

The meeting was adjourned at 7:41 PM.

Minutes respectfully submitted by Kate Persons.