

Town of Bolton
PLANNING BOARD MINUTES
Thursday, June 15, 2023
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: Planning Board Members; Chairman Herb Koster, John Cushing, Kirk VanAuken, Sandi Aldrich, John Gaddy, David Smith, Gena Lindyberg, Director of Zoning & Planning - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

Absent:

The meeting was called to order at 6:00PM.

Herb Koster asked if there were any changes or corrections to the May 11, 2023 minutes.

RESOLUTION:

Motion by Sandi Aldrich to approve the May 11, 2023 minutes as presented with the following correction on page 5 the last paragraph should read; *Gena Lindyberg inquired about the driveway exceeding the easement and damage to Dawn Fawler’s driveway.* **Seconded by** John Cushing. Kirk VanAuken Abstained. **All others in Favor. Motion Carried.**

Public Hearings:

- 1. SD21-09 Curri Estates.** Represented by Pietrzak & Pfau. The applicant seeks a major subdivision of a 26.25-acre lot into seven (7) conforming lots of various sizes and major stormwater. 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.
- Most of the property is in the RL3 zone.
- They have an approximate 900’ single cul-de-sac serving the 7 lots.
- All houses will be on individual septic systems and town water.
- Stormwater will be dealt with by 2 infiltration basins on site.
- They have responded to all comments from the Water Department.
- They have received 2 comments from the Fire Department, 1 of which was to add an additional fire hydrant halfway down the roadway which they are amenable to.
- The other was to make sure the cul-de-sac was completely clear for turning radius.

- They have responded to comments from the Waterkeeper and Town Engineer.

Lake George Waterkeeper, Chris Navitsky spoke on the following:

- Overall, they support the project and thank Currie Estates and their agent for incorporating some of their recommendations.
- Protective mechanism for the stream and conservation easements.
- A note regarding major stormwater for future project developments.

RESOLUTION:

Motion by David Smith to close the Public Hearing for SD21-09. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

Regular Meeting

2. **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 and major stormwater. 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, SEQ, LWRP and Major Stormwater Review.

Joe Pfau of Pietrzak & Pfau stated they were here for subdivision approval tonight. They have received verbal from affirmation from the Water Department for town water.

Sandi Aldrich asked about the hydrants. Mr. Pfau explained that there would be one at the entrance, one halfway up the roadway and in the cul-de-sac. John Cushing inquired about the size of the hydrants. Mr. Pfau stated they were 750 gallons per minute, which was sufficient for fire protection of single family homes.

John Cushing asked about the conservation easement. Mr. Pfau explained that by providing a conservation easement it earns them credits for the SWIFT. They have a conservation easement running along lot 1 which is a buffer to the stream along Finkle Road and also the rear of lots 4, 5 & 6. He stated these would include these covenants and restrictions in the deeds.

Herb Koster asked if they would stay totally private. Mr. Pfau replied yes, they would stay within individual properties.

David Smith asked if the deeds would state that they would remain a conservation area that would restrict development on that portion of the lots.

John Gaddy inquired about a foot path in lots 1 through 7 for the public. Herb Koster stated it gets tricky in a legal aspect due to liability. Mr. Pfau stated these conservation areas would restrict development on those lots.

Sandi Aldrich stated that she would like a condition that each individual lot is to come back to the Planning Board for any development.

John Gaddy inquired about the 6/15/2023 LaBella correspondence. Mr. Westfall explained that this will be addressed in the office, and it is fine to move forward with preliminary approval.

John Gaddy asked if the trail in the conservation easement could be used at some point if agreeable to both parties. Herb Koster stated that would need to be negotiated between the owners of the lots.

John Cushing said when he was in the fire service, a hydrant under 1000 gallons per minute was considered inadequate. David Smith asked if there was a specific standard. Atty. Reichenbach stated that there were requirements for adequate fire flow and there were particular standards within the code and in this case the County Building and Codes Department would make the decision if it does not meet those requirements whether it is acceptable or not.

Gena Lindyberg asked if there would be an HOA. Mr. Pfau said yes for the maintenance of the private roadway and the stormwater facilities.

Gena Lindyberg inquired about a planting plan. Mr. Pfau stated they could put some plants near the infiltration devices. They are planning on maintaining the existing trees along the roadway.

John Gaddy inquired about the well detail on the plan. Mr. Pfau stated he would remove that as they will be using public water.

RESOLUTION:

Motion by John Cushing to declare the Bolton Planning Board as lead agency for SD21-09.

Seconded by David Smith. **All in Favor. Motion Carried.**

Motion by John Cushing to accept SD21-09, having held a public hearing, and having met the criteria set forth in the code, grant approval of the preliminary plat as presented with the following conditions:

1. Within six (6) months of Preliminary approval, the applicant shall be required to submit for final plat approval.
2. Full sign off from the Town Engineer shall be completed prior to submittal of the final plat.
3. Water report should be provided to Town and Town Engineer in advance of next submittal.
4. Approval of Conservation Easement by Town Counsel shall be required in accordance with §200.
5. Should recreational opportunities not be provided, \$400 will be required for each lot.
6. Engineering Fees to date should be paid prior to final plat submission.
7. Removal of well detail in subsequent submittals.
8. Site Plan Review is required for any development or clearing of each individual lots.

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. All in Favor. Motion Carried.**

The Board discussed the difference and need of final and preliminary approvals.

- 3. SPR 23-12 Pijanowski** Represented by SRA Engineers. Applicant seeks Site Plan Approval for the construction of a single-family home with attached garage. Will include onsite well and septic. The application also seeks major stormwater approval. District RCM 1.3. SBL 156.16-1-32.2. Location: 24 Pioneer Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Eric Sandbloom of SRA Engineers presented the following:

- This is an existing lot near the top of the development in Pioneer Village.
- The property is about 1,500' from the lake.
- They have a HOA 100' setback requirement from the road.
- This is a garage with an apartment above.
- It is designed as a major stormwater project due to the slopes.
- This will have an on site well and septic system.
- Due to a well on the neighbor's property line, they will require a septic variance.
- They received engineering comments about an hour before the meeting which he has gone through, and they do not seem significant.
- He detailed the rock wall which is similar to what exists on the neighboring lot.

John Gaddy asked about the well on the parcel to the south. Mr. Sandbloom detailed it on the plans.

Sandi Aldrich asked if this would be an accessory structure. Josh Westfall stated it was a single family dwelling with a garage underneath. It is his interpretation that it is the principal structure.

John Cushing asked if the stormwater for the site would be adequate. Mr. Sandbloom stated that they had modeled the stormwater to exceed a 100 year storm. He said they created a swale for the overflow of the basin to dissipate in the woods behind.

Gena Lindyberg asked for information on the well and septic. Mr. Sandbloom detailed them on the plans and stated that the grades were tricky, and they would need to be put in before the construction of the home. He stated at this time it would be a conventional system but they may need an enhanced treatment system.

RESOLUTION:

Motion by David Smith to declare the Bolton Planning Board as lead agency for SPR23-12. Seconded by John Gaddy. All in Favor. Motion Carried.

Motion by John Gaddy to accept SPR23-12 as complete; waive a public hearing, having met the criteria set forth in the code, grant final approval of the project as presented with the following conditions:

1. Final sign-off from the Town Engineer shall be required.
2. Prior to the issuance of any compliance certificates, the subject lot must be under separate ownership in accordance with §200-54.
3. All lighting shall be downward facing and shielded.
4. All engineering fees shall be paid prior to the issuance of any Town permits.
5. The applicant shall provide details related to the retaining wall at the time of obtaining Town Zoning Compliance certificates.
6. This approval is not for septic approval. Septic approval will be performed by the Planning Zoning Office and/or the Local Board of Health as appropriate.

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

4. **SPR 23-13 Zebroski** Represented by SRA Engineers. Applicant seeks Site Plan Approval for the development of a lot with road access along existing rough gravel road. The application considers the design for a septic system related to the construction of a single-family residence. The application also seeks major stormwater approval. District RR5. SBL 123.00-2-42. Location: 161 Alderbrook Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Eric Sandbloom of SRA Engineers presented the following:

- This is an existing vacant lot straddling the Horicon town line.
- 26.7 acres are in Bolton and 6 acres are in Horicon.
- All of the proposed work is within the Town of Bolton.
- This is not part of the Lake George watershed.
- The owner hired a contractor to build a driveway 7 or 8 years ago.
- Work was stopped due to no permits being issued.
- The site has been dormant since then.
- They are here to get the proper approvals for the road and house to sell once it is approved.
- They still need to have this project looked at by the fire department for their input.
- They have tried to utilize the rough graded area as much as possible and avoid any additional significant disturbance to the site.
- There is a maximum slope of 20% which is where they are at in some areas.

Herb Koster stated that they try to stay within 15%, they have never approved a 20% grade. Mr. Sandbloom stated he realized that 20% is steep but there are many driveways in town with that grade. He said they were trying to minimize the disturbance but if they needed to change the grade in areas, they would.

John Gaddy asked if there were any views. Mr. Sandbloom stated there were not views of the lake, but there were of Sutter Mountain. John Gaddy stated that it seemed like there was suitable building lots below the top. Mr. Sandbloom detailed where they would like to place a structure on the plans.

Sandi Aldrich asked if the applicant was going to put the driveway in or just get the approvals. Mr. Sandbloom said he did not think the owner would be doing the work, he just wanted permits in place for a new owner. Josh Westfall stated this was cleared in 2017 without permits or knowledge of the Planning Board. Sandi Aldrich asked if it could be sold as is. Josh Westfall replied yes. Mr. Sandbloom stated they wanted to get the permits so it would be a more sellable lot.

Josh Cushing stated that they would never be able to get fire trucks up there. Herb Koster stated if it was 1 single family dwelling on the lot, it was the homeowner's problem. If they were subdividing, then it was up to the Board to tell them that they would need adequate fire protection. Josh Westfall explained that it was before the Board because it was a major stormwater project due to the amount of disturbance.

Mr. Sandbloom stated they would be incorporating turnouts and areas to turn around.

Herb Koster stated that he could not see the Board approving a 20% slope on the drive. Mr. Sandbloom stated that a 20% grade was the maximum for a single family dwelling. Herb Koster stated that the Board could not deny them for a single family dwelling. Josh Westfall explained that they were here for major stormwater and by right could build with major stormwater approvals. Mr. Sandbloom stated they were not asking for anything more than what is in the actual code.

RESOLUTION:

Motion by Sandi Aldrich to table SPR23-13 for additional information. **Seconded by** John Cushing. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:13 PM.

Minutes respectfully submitted by Kate Persons.