

Minutes of the Town of Lake George Planning Board held on Tuesday,
June 7, 2005 at the Town Center, Old Post Road, Lake George, New York.

Members Present: Chairman Scott Wood
Keith Hanchett
Tim Kissane
Charlie Portes
Ed LaFerriere
Jack Abrahams
Ralph Bailey

Absent: Erik Ghirarduzzi
Also Present: Patty McKinney, Clerk
Robb Hickey, Zoning Enforcement Officer
Jim Grey
Joe Constantine
Joe Stanek
Betty Spinelli
Kevin Mulcahy
Jon Lapper
Dan Bennett
Scott Walton
Rick Moon
Tony Abrantes
Bob & Fonda Howard
Ed & Paulette Lindner
Mr. Edward Barbin
Jody Hadley
Stephen Blydenburgh
Heather Shoudy-Brechko
Jim Bell
Charles Simonetti
Ken Ermiger
John Mason
Tom Roach
Dean Howland
Harry Horn
Donald Mitchell
Dennis Galloway
Attorney Michael O'Connor
Dawn Koncikowski
Attorney John Caffry

Chairman Scott Wood opened the meeting at 7:00 p.m.

A motion was made by Tim Kissane and seconded by Jack Abrahams to accept the April 19, 2005 Workshop Minutes.

All in favor.

Motion carried.

A motion was made by Jack Abrahams and seconded by Keith Hanchett to accept the May 3, 2005 minutes.

All in favor.

Motion carried.

A motion was made by Tim Kissane and seconded by Jack Abrahams to accept the May 16, 2005 Workshop Minutes.

All in favor.

Motion carried.

PUBLIC HEARING

1. Minor Subdivision Lot Line Change 2-2005 submitted by Larry Clute to merge lots 16 through 19 into one 2.71 acre lot for property located on Morgan Court in Prospect Mountain Estates.

Attorney Jon Lapper was present representing the applicant. Matt Steves was also present.

Attorney Lapper stated this is an application to merge four existing lots on a prior subdivision and create one lot for one house to be constructed. When this subdivision was approved years ago, there was a right-of-way provided for some lots in the back. That land is now owned by Larry Clute. They are not proposing to do any work on that right-of-way, but what happened is there is a huge grade change, someone would have to do about an 18 to 20 foot fill to build a road. What is being proposed is that in addition to merging these four lots to create one building lot that they would convey,

subject to the easement, title to the lot owners in the back so they could connect their properties.

Matt Steves showed the board on the map where the lots in discussion were located on the map. He stated that his client owns all four lots as well as the road called Avenue A on the original subdivision. They are proposing to convey property to the lot owners on the other side of the road so they have access all the way across to all their property.

Chairman Wood opened the comments up to the audience.

Bob Howard presented a packet to each board member for clarification and reference.

Bob Howard stated: My wife Fonda and I own a home on lot number 10 in Prospect Mountain Estates. We also own lots 12, 14 and 15 in that subdivision. I refer you gentleman to item number two in the packet to clarify the lots that are owned by the Howard's, the Lindner's and Clute Enterprises. We've lived in Prospect Mountain Estates since 1977 and I was one of the original developers. Needless to say, I know a lot about the history of that subdivision. We purchased lots 14 and 15 in 2003 as an investment for future resale or perhaps to build a smaller home there for ourselves in the future. We have a deeded right-of-way to lots 14 and 15 over Avenue A. We are opposed to any plan to modify the original subdivision plat. If Clute Enterprises owned lots 12, 13, 14 and 15 along with the ones that they currently own, 16 and 17 being on Avenue A, you can be assured we wouldn't be having this discussion. There would be a road built over Avenue A to access the lots in that section. Maybe not a Town road, but certainly an improved private road. I might add that had Clute Enterprises approached us with a proposal to share the expense of building a road over Avenue A to access the lots not only that they own, but those owned by us, again, we might not be having this discussion this evening. If Clute Enterprises just wanted to merge the building lots that they own, 16, 17, 18 and 19, I doubt there would be much opposition to that. However, as you know, they want to merge those lots with the proposed Avenue A. Why do they need Avenue A? Why do they need to merge the lots with Avenue A? Perhaps the intent is to build a house partially on Avenue A, as shown in their proposal dated May 6, 2004. That was Site Plan 26-2004. I refer you gentleman to item number one. As you can see, that proposal didn't show Avenue A as Avenue A. I have it highlighted for you gentlemen with yellow dash marks. It's that narrow strip out in front of lots 16 and 17. This drawing also fails to show the rest of Avenue A in that

section or it doesn't show lots 15, 14, 13 or 12. No doubt it was probably just an oversight. As you gentlemen know, at the May 3, 2005 Planning Board Meeting, representatives from Clute Enterprises submitted a proposal for a minor subdivision modification. I was in attendance at that meeting and listened with great interest. Since then I spent time listening to the tapes of that meeting and have reviewed the minutes. Several of the statements made that evening were misleading, in my opinion, or they were flat out wrong. That evening, I believe it was Mr. Steves stated that there had been a modification to the original subdivision plan. I think he quoted it as being in the year 1986. I would ask the Chairman to inquire from Mr. Hickey as far as any input he may have on any modification that was ever made to that subdivision.

Robb Hickey stated it was 20-1986 and we have it as asking for more information, tabled and then never came back. So the file was never approved nor denied. There was never an approved modification.

Bob Howard stated: So we're clear that there was never a modification to the subdivision yet on May 3rd, it was stated that there was. I take exception to that. It was also stated at that meeting, that about the same time that section of Avenue A was abandoned. Wrong. Section 205 and 211-A of the New York State Highway Law states a roadway has to be dedicated and a resolution has to be passed by the Town Board before a road can be classified as abandoned. I would again ask the Chairman to ask Mr. Hickey, since I believe his office has most of the records on that development, if he has anything on file of a road ever being abandoned in Prospect Mountain Estates.

Chairman Wood said he didn't think it was ever adopted to turn that into a town road.

Bob Howard stated: Yet, on May 3rd, there was reference made that this Avenue A was abandoned. I listened to the tapes. Perhaps the developer at that time abandoned any plans to improve it at that time, that doesn't mean that a road can't be built there in the future. I refer to item number five in your packet. That's a letter from the Town Planning Board to BGH Enterprises, it was apparently contemplating the purchase of the remaining lots in the subdivision at that time. The letter states that this application and the plan was tabled. At the Planning Board Meeting on November 11, 1986, I have a copy of the minutes from that, there was a Mr. Joe Sporka, introduced himself as a representative from L.A. Partnership on behalf of BGH Enterprises and he continued that the developer is purchasing the

undeveloped portion of the remaining Prospect Mountain Estates. Due to the terrain that the road will not really be feasible to construct as shown on the existing plat. At that time they were talking about what is now Morgan Court. Here is a man saying that it was not feasible to construct a road over this Morgan Court area. That road has been built and there are probably a half a dozen houses in that section right now. Coincidentally, three of them have been built by Clute Enterprises. Just because someone stands in front of a Planning Board and says it's not feasible or it's not cost-effective to build a road, again I take exception to that. It was also stated at that meeting on May 3, 2005, that this proposal that is on the bulletin board would improve their lots. My wife and I and the neighbors, that's us. This will improve our lots and that this plan would benefit them. Again, benefit us and take care of neighbor's problems. One would think that after listening to these statements from that meeting and looking at the plan that we were totally in agreement with it. Wrong. I believe it was Mr. Abrahams that night that asked the question were the property owners in the area notified. And the response, if I'm not mistaken it was from the Clute Enterprise attorney, was something to the effect of I would have thought they would have been notified. I would have liked to have been notified. My response to that is who's driving the bus here, if the lawyer doesn't know why people weren't notified. Perhaps Fonda and I are just a little bit old fashioned. Because we like to decide for ourselves what benefits us or what would be considered an improvement to our property and not rely on the opinion of others. What's that saying, beware of strangers bearing gifts. That same meeting, it was stated it was not feasible, and I believe it was stated here again this evening, to build a road over Avenue A. There is a ravine approximately 40 feet deep. I would ask you gentlemen to refer to item number one. That is the rendering by VanDuesen and Steves and the drawing number is 04042 dated May 6, 2004, prepared for Clute Enterprises. I draw your attention to the elevation point where Avenue A intersects with what is now Morgan Court. That is right at the end of the driveway and that elevation reading is 596.0 and I've highlighted that and I've also highlighted the readings in front of lot number 16. The contour lines in front of lot 16 show readings of 590 and 580. I'm not a surveyor and I'm not a mathematician, but the way I figure that it's only a 16 foot elevation change, a far cry from a 40 foot ravine that has been presented to you gentlemen. There may be some ravines in that area, but it's not a 40 foot ravine in Avenue A. We live in an area where roads are built up mountains. I'd like to refer back to what I said earlier, if Clute Enterprises owned all the lots in this area, a road would be built to access those lots. It is my understanding that the drawing labeled item number three, that was never presented before this board. I've been camping out at the Zoning Office and acquired this. I

mention this to provide you with copies to emphasize misleading data that has been placed before us. Now you can see from item number three, that a Section of Avenue A in that drawing that borders lots 12, 13, 14 and 15, this was to be, as it states on the plan, conveyed to Howard. Well isn't that wonderful. Looking at that drawing, one would think that the Howard's were in agreement with that. Wrong. And I might add, we were never contacted regarding that possibility. In addition to that, the Lindner's who own lot 13, would be totally landlocked. Now that brings us to the current proposal. What I believe is being proposed here is a Section of Avenue A that borders on lots 12, 13, 14 and 15 would be divided up and merged with those four lots and the remaining section of Avenue A would be merged with the lots owned by Clute Enterprises. However, if you look closely at that drawing, it shows the 4 parcels with little arrows, I assume identifying each parcel, it shows all four parcels being conveyed to lot 13. What's up with that? Rather confusing I'd say. This proposal is defective on its face. Allowing the merger of Avenue A with lots 16, 17, 18 and 19 without the consent of the property owners in that area, I strongly feel would create a legal nightmare. Not only for the property owners, but also for the Town of Lake George, for allowing properties to become inaccessible. The bottom line is that Clute Enterprises wants to merge Lots 16, 17, 18 and 19 with a section of Avenue A to avoid any costs involved in building a road. Then, according to what I've seen, referring back to item number one, he would then build a house partially on Avenue A, blocking our deeded right-of-way and land-locking lots 12, 13, 14 and 15. Not only would they land lock those lots, but I think what they are also trying to accomplish here, if they merge those lots with that section of Avenue A, then they can build a house 35 feet back from the southwest side of Avenue A. This would avoid the 35 foot setback from the original road. That's the covenant, 35 foot setback from the road. There are some people that just recently purchased a home at lot number 11, which is right there at the corner of Morgan Court. If Clute Enterprises builds a home where they showed it on item number one, that house would be a lot closer to these people that just purchased the home on lot number 11. My wife and I respectfully request that this proposal be denied.

Ed Lindner stated: We live on Kings Road. We own lot number 13. I mention lot number 8, because we actually sold lot number 9, which was our access to what these gentlemen are indicating is our adjoining property. We don't own the adjoining property that they are indicating that we own. That land was sold about three years ago. If this proposal would go through, we would be totally land locked from gaining any access to our lot number 13. The road currently undeveloped can definitely be made into access to lot

number 13. Allowing the undeveloped road to be made a part of the lots would change the required setback for construction of a new home, possibly effectively stopping us from developing the road for access to our lot 13. The only reason I can think of that Clute Enterprises wants the right-of-way to be made part of a lot is to change the required setbacks that they currently have to adhere to in building a home. I don't see any other reason why they would want to do that. Changing that setback would effectively make it, at the very least, extremely difficult for us to develop lot number 13 at some future date, or even just to sell it, if we decided to sell it. My wife Paulette and I, we are definitely against the proposal. It would make it very difficult to develop lot number 13 that we've owned since 1976, I believe, when we purchased it. Long before Clute Enterprises came into our subdivision.

Jack Abrahams asked Mr. Howard if he was ever contacted by the owners to discuss this project.

Bob Howard stated he was never contacted by any representative of Clute Enterprises.

Jack Abrahams asked why SP26-2004, the house is proposed in the middle of Avenue A?

Attorney Lapper stated that was before Larry Clute knew about the Avenue A right-of-way. You can't put a house there because they all have the right to access over Avenue A. Larry was not the original developer of this, Bob Howard was. Larry bought these four lots and it came with the old Avenue A road bed. Larry just bought this recently. We're not proposing to cut off their access and in fact, we thought that it would benefit their properties if we offered to convey that property to them. Obviously, that's not something they want so we'll withdraw that. We have to respect their rights to put in a road. If they want to put in a road, they can put in a road. The fact that the original developer didn't put in a road, you've got to ask him why it never got built. It probably wasn't cost effective then and it's not cost effective now. The main thing that Mr. Howard was afraid was that somehow this house was going to block Avenue A and that can't be done because there's a right-of-way and you can't put a house on a right-of-way. These people have a deeded right-of-way to cross over that land. I have another suggestion, we could keep Avenue A as a separate piece of property from the four lots. We would just change the line and Avenue A would just stay as a right-of-way that they have the right to cross over. Therefore, all we're asking for is a merger of four lots and we'll leave the road as a stand-alone lot.

Chairman Wood suggested they come back with a modification to the application to merge four lots into one and leave the road as a separate lot.

A motion was made by Jack Abrahams and seconded by Ed LaFerriere to leave the Public Hearing open and submit a new modification with notice of new application being sent to the Howard's and the Lindner's.

Tim – Yes

Jack – Yes

Keith – Yes

Charlie – Yes

Ed – Yes

Ralph – Yes

Motion carried.

2. Site Plan Application SP22-2005 submitted by Jayson Hopper to install a 6 foot high stockade fence starting 60 feet from the lake for 197 feet to rear property line, for property located at 3604 Route 9L.

The applicant was not present.

Chairman Wood stated there has been 6 letters received regarding this application. Copies of these letters are on file in the Planning and Zoning Office.

Edward Barbin spoke, stating he is 50% of that property and he is not in favor of the fence.

A motion was made by Jack Abrahams and seconded by Charlie Portes to hold the Public Hearing open.

All in favor.

Motion carried.

REGULAR MEETING

1. Site Plan Application SP23-2005 submitted by John W. Dreps to increase the size of the enclosed porch and deck by 3 feet – Type C Style, for property located at 12 Ridgeview Lane in Green Harbour Development.

Chairman Wood recused himself.

Vice-Chairman, Keith Hanchett read the application into the record.

Joe Constantine was present representing the applicant.

Joe Constantine stated that over the years they have done several of these. They take the existing rear porches which are currently screened in and some of the people want to use them year round, they enclose it and make it a four season room.

A motion was made by Jack Abrahams and seconded by Charlie Portes to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Jack Abrahams and seconded Charlie Portes to waive the Public Hearing.

All in favor.

Motion carried.

A motion was made by Tim Kissane and seconded by Jack Abrahams to approve SP23-2005.

Tim – Yes

Jack – Yes

Keith – Yes

Charlie – Yes

Ed – Yes

Ralph – Yes

Motion carried.

2. Site Plan Application SP24-2005 submitted by Paul & Ann Silk to construct a second floor and move existing master bedroom up to new 2nd floor space and use former bedroom for sitting area, for property located at 13 Ridgeview Lane in Green Harbour Development.

Chairman Wood recused himself.

Vice-Chairman Hanchett read the application into the record.

Joe Constantine was present representing the applicant.

Joe Constantine stated that they take the existing condo, which is a one story building right now, with a substantial peak of all trusses. He takes the truss space and increases it 3 feet, put a new floor system in and make a second floor living space, so they have a master bedroom and a master bathroom. Downstairs, they take the existing master bedroom, they're going to use it for display items. They widen the hallways to that room.

Charlie Portes asked how many bedrooms were currently downstairs.

Joe stated he knows of one for sure, but imagines there is two.

Charlie Portes asked if this was counted as a bedroom. Robb stated it could be counted as a bedroom, not that it necessarily is, but that effects his septic and he has an approval letter from the association.

Charlie Portes asked if this would be considered an expansion to Green Harbour.

Robb Hickey stated that it's an expansion of a unit, not an expansion of Green Harbour. He is not expanding his footprint.

A motion was made by Tim Kissane and seconded by Ed LaFerriere to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Jack Abrahams and seconded by Ralph Bailey to waive the Public Hearing.

All in favor.

Motion carried.

A motion was made by Jack Abrahams and seconded by Ed LaFerriere to approve SP24-2005.

Tim – Yes

Jack – Yes

Keith – Yes

Charlie – Yes

Ed – Yes

Ralph – Yes

Motion carried.

3. Site Plan Application SP25-2005 submitted by Tom Roach dba Adirondack Marine, Inc., to add one 24' pontoon and one ski boat rental to what is currently existing, for property located at 3226 Lakeshore Drive.

Tom Roach stated that the Lake George Park Commission surveyed the site and the application and it was approved. He is now seeking Planning Board approval for this modification. Adirondack Marine is a specialty boat dealership dealing with inboard water sport boats. All the service is done on Route 9. The storage facility is on Harrington Hill in Warrensburg. On the Bayfront property there are 10 cottages of weekly rentals. The sales office for the boat business is there and the ski shop is there. What they are asking for is a non-advertised rental of a pontoon boat and one water sports 21 foot boat. They intend to mainly rent to their own customers.

Chairman Wood read the application into the record.

A motion was made by Keith Hanchett and seconded by Jack Abrahams to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Charlie Portes and seconded by Jack Abrahams to waive the Public Hearing.

All in favor.

Motion carried.

A motion was made by Charlie Portes and seconded by Jack Abrahams to approve SP25-2005 for a two boat rental.

Tim – Yes

Jack – Yes

Keith – Yes

Charlie – Yes

Ed – Yes

Ralph – Yes

Scott – Yes

Motion carried.

4. Site Plan Application SP26-2005 submitted by Charles Simonetti to replace existing deck and add approximately 45 square feet, for property located at 32 Still Bay Road.

Charles Simonetti was present. He stated he wanted to replace an existing deck and making the angle on the edge square which will increase the size by 45 square feet.

Chairman Wood read the application into the record.

A motion was made by Jack Abrahams and seconded by Keith Hanchett to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Jack Abrahams and seconded by Ed LaFerriere to waive the Public Hearing.

All in favor.

Motion carried.

No decision can be made until Warren County Planning Board has reviewed the application.

5. Site Plan Modification submitted by Donald Mitchell to modify previously approved SP28-2003 to add front porch, for property located at 2913 State Route 9.

Donald Mitchell was present. He stated that when he submitted the plan for the original building, he forgot to show the porch. He would like to add an 8 x 19 foot porch across the front.

Chairman Wood read the application into the record.

A motion was made by Keith Hanchett and seconded by Charlie Portes to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Jack Abrahams and seconded by Keith Hanchett to waive the Public Hearing.

All in favor.

Motion carried.

A motion was made by Jack Abrahams and seconded by Keith Hanchett to approve the modification to SP28-2003.

Tim – Yes
Jack – Yes
Keith – Yes
Charlie – Yes
Ed – Yes
Ralph – Yes
Scott – Yes

Motion carried.

6. Site Plan Application SP27-2005 submitted by Jane A. Powers to construct a seasonal cottage similar to the existing cottages, for property located at 34 Birch Avenue known as the Birch Avenue Cottages Association.

This applicant went before the Zoning Board and was denied. There was no one present.

A motion was made by Jack Abrahams and seconded by Keith Hanchett to table SP27-2005 until we hear from the applicant.

All in favor.

Motion carried.

7. Site Plan Application SP28-2005 submitted by Rosetta Bruni to square off second story and remodel entire home, for property located on Coulterbrook Road.

Jim Bell was present representing the applicant. He stated what they are planning on doing is taking off the two wings that are one story, squaring the upstairs off. They will eliminate one bedroom and move all the bedrooms upstairs.

Chairman Wood read the application into the record.

A motion was made by Jack Abrahams and seconded by Ed LaFerriere to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Charlie Portes and seconded by Ralph Bailey to waive the Public Hearing.

All in favor.

Motion carried.

A motion was made by Charlie Portes and seconded by Keith Hanchett to approve SP28-2005.

Tim – Yes
Jack – Yes
Keith – Yes
Charlie – Yes
Ed – Yes
Ralph – Yes
Scott – Yes

Motion carried.

8. Site Plan Application SP29-2005 submitted by Scott Walton to convert existing motel into a two-family dwelling, for property located at 2107 Route 9N South.

Scott Walton was present. He stated that he owns several properties in Lake George in the lodging business and is a Real Estate Broker. It is very difficult operating a small motel. This is only 6 units with an apartment in it. He feels the highest and best use in his opinion as a Real Estate Broker is as a residential property. He stated all of his neighbors are in agreement with this project as it will lessen the use and cut down on the noise in the summertime. He stated if he needed to, he would like to amend his application to include a tourist accommodation and to include a 90 x 10 foot deck on the rear. He stated he was not going to change the footprint at all. He would make interior changes and cut a few doors in and hallways.

Chairman Wood read the application into the record.

A motion was made by Jack Abrahams and seconded by Ralph Bailey to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Jack Abrahams and seconded by Ed LaFerriere to waive the Public Hearing.

All in favor.

Motion carried.

Tim Kissane requested some dimensions on the drawing, showing length of the building, size of the rooms.

No decision can be made until the Warren County Planning Board has reviewed this application.

9. Site Plan Application SP30-2005 submitted by Harry Horn to increase outside seating with overhead shelter, for property located at 2183 Route 9 known as Harry's Soft Ice Cream & Coffee Shop.

Chairman Wood read the application into the record.

Harry Horn was present. He stated that this would be on the south side of the building. The roof would be made of brown and cream vinyl.

A motion was made by Keith Hanchett and seconded by Ralph Bailey to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Charlie Portes and seconded by Keith Hanchett to waive the Public Hearing.

All in favor.

Motion carried.

A motion was made by Keith Hanchett and seconded by Charlie Portes to approve SP30-2005 as a modification to original approval.

Tim – Yes
Keith- Yes
Charlie – Yes
Ed – Yes
Ralph – Yes
Scott – Yes

Motion carried.

10. Site Plan Application SP31-2005 submitted by Rick Moon to use two existing previously approved cottages for residential use, for property located at 17 Oak Street.

Attorney Veronica O'Dell was present representing the applicant. This application is for approval of two cottages on the property. They were previously approved with certain conditions back in June of 1993, but Mr. Moon had some personal issues that he had to deal with and he was unable to complete the conditions that were required of him. He does have the Certificate of Occupancies. Those cabins have been located there since 1993. The areas have been cleaned around them. The only work that needs to be completed is some scraping and painting when he was asked to stop as he was not aware that the permit had expired and he needed to come back before the board. He needs to replace the roof and there is a deck that had been put in the original design and he needs to put the deck on.

Robb Hickey stated the only Certificate of Occupancies he needed was for foundation work, which he does have. He never received a Certificate of Compliance from the Town. That is why he is in front of the board at this time.

Chairman Wood stated that the access is not delineated to the cabins from the property.

Robb Hickey stated that one of his original conditions was that it had to match the original plans that showed a driveway coming from Oak Street back to the cabin. He no longer owns that lot.

Attorney O'Dell stated that there is another access road that is depicted on the map that appears along the bottom, he does own that road and is accessible. He would need to put some gravel down so he does have access to the property and they are both existing roads. These cabins are for long-term rental. The size of the cabins is approximately 312 square feet and each of them has a 6 x 12 deck.

Chairman Wood read the application into the record.

Robb Hickey stated the septic was installed and approved by Cliff Frasier back in 1992.

Robb Hickey stated that these would be classified single-family dwellings. Robb stated that the minimum size requirement for a single-family dwelling is 400 square feet and these are under.

There was a lengthy discussion on what these could be determined as, either single-family dwelling, tourist accommodation, housekeeping units, motel units.

Robb Hickey stated that a housekeeping cottage is not a use in that zone.

Rick Moon asked if he could put a loft to increase the square footage.

Robb Hickey stated that would then increase his living space and would require a change in septic. He stated he shows a 1,000 gallon tank with a seepage pit.

Robb stated that if made the deck 88 square feet instead of 72, he would have enough to have these as single-family dwellings.

Chairman Wood stated the application would be changed to read two existing previously approved single-family residences instead of cottages with 100 square foot decks on each residence.

A motion was made by Ed LaFerriere to accept the application as complete. There was no second to this motion.

A motion was made by Keith Hanchett and seconded by Tim Kissane to not accept the application as complete. The applicant needs to show more information on the plans, such as the septic, where the power is coming from, where the water is coming from, show the completion of the road, and modify the application to read two single-family residences and the 100 square foot decks on each residence.

Tim – Yes

Keith – Yes

Charlie – Yes

Ed – No

Ralph – Yes

Scott – Yes

Motion carried.

11. Site Plan Application SP32-2005 submitted by Jeffrey M and Judith M Killeen, Trustees to modify existing 36 x 37 E-shaped rock-filled crib dock to a 36 x 37 U-shaped rock-filled crib dock; removal and replacement of existing 28'4" x 41'10" boathouse and construct a 15 x 30 closed sided canopy on south side of boathouse, for property located at 3644 Lakeshore Drive in Diamond Point.

Attorney Michael O'Connor was present representing the applicant.

Attorney O'Connor stated that they did not have time to complete the stormwater plan or the septic design for the house, so he did not submit the Site Plan for the house. He stated they went to the Zoning Board for setback variances on the two wings of the house. They held a Public Hearing, which no one appeared at the Public Hearing. The outside perimeters of the dock will remain the same. They will take the boathouse off the dock and will replace it with a like boathouse. The construction of the boathouse is of the same nature as the existing boathouse. On one end, there will be a canopy which is not presently there. Other than that, it's the same. The owner has talked with the adjoining owner and showed them all the plans and they have no problems with that.

Chairman Wood read the application into the record.

A motion was made by Charlie Portes and seconded by Keith Hanchett to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Charlie Portes and seconded by Tim Kissane to waive the Public Hearing.

All in favor.

Motion carried.

No decision can be made until the Warren County Planning Board has reviewed this application.

12. Site Plan Application SP33-2005 submitted by Kenneth Ermiger to construct a 4 foot high white vinyl fence and replace certain vegetation, for property located at 3494 Lake Shore Drive at Green Harbour.

Attorney Lapper stated that Ken would be willing to modify the color of the fence.

Tim Kissane read the application into the record.

A motion was made by Keith Hanchett and seconded by Ralph Bailey to accept the application as complete.

All in favor.

Motion carried.

A motion was made by Charlie Portes and seconded by Keith Hanchett to waive the Public Hearing.

All in favor.

Motion carried.

No decision can be made until the Warren County Planning Board has reviewed this application.

13. Minor Subdivision #4-2005 submitted by Lawrence and Shirley Dutcher to subdivide 4.53 acres into two building lots; one lot being 1.03 acres and the other being 3.43 acres, for property located at the end of Brook Drive.

Dennis Galloway was present representing the applicants. The applicant wishes to convey one acre of their land to a potential buyer who they are in contract with conditioned upon subdivision approval.

The board stated that he needs to show a plan showing how both lots will appear once subdivided.

Dennis Galloway stated that the potential buyer is aware that it is a privately owned road. There will be no town maintenance.

Chairman Wood stated that he would request it be written on the Mylar stating that there is no pre-determined agreement for road maintenance.

Keith Hanchett read the application into the record.

A motion was made by Charlie Portes and seconded by Ed LaFerriere to not accept the application as complete until a plan of the entire parcel has been submitted showing both lots.

Robb looked in the office for a plan showing the entire parcel. Charlie stated he did not feel comfortable looking at a subdivision plan that did not show the entire parcel. Robb stated he knew there was a plan in the office for a prior subdivision approval on this property that showed the entire parcel.

Charlie rescinded his motion.

A motion was made by Keith Hanchett and seconded by Tim Kissane to accept the application as complete.

Tim – Yes

Keith – Yes

Charlie – No

Ed – No

Ralph – Yes

Scott – Yes

Motion carried.

A motion was made by Tim Kissane and seconded by Keith Hanchett to waive the Public Hearing.

Tim – Yes

Keith – Yes

Charlie – No

Ed – No

Ralph – Yes

Scott – Yes

Motion carried.

A motion was made by Keith Hanchett and seconded by Tim Kissane to approve Minor Subdivision 4-2005 with the condition that the Mylar be submitted showing the entire parcel and the broken up parcel with a special flag on it showing that there is no maintenance agreement, but the party has the right to go onto the property and the Chairman shall sign the Mylar when completed.

Tim – Yes
Keith – Yes
Charlie – No
Ed – No
Ralph – Yes
Scott – Yes

Motion carried.

14. Site Plan Modification submitted by Robert and Lynn Wood to modify previously approved SP34-2004, to remove the condition that all stop work orders relative to the shoreline shall be released on the property prior to a Land Use and Development Permit being issued.

Chairman Wood read the Town Board Resolution.

Charlie Portes asked if all the items in the Town Board's resolution had been completed.

Attorney Caffry stated the area was seeded and some hay was spread on it. The entire steps area has been filled in. The area was filled in, graded, top soiled and seeded and in the disputed area next to the fence there has been hay bales and silt fencing placed. The fine was paid.

A motion was made by Charlie Portes and seconded by Ed LaFerriere to modify SP34-2004 to remove the condition of all Stop Work Orders being lifted with the final inspection to be completed by Robb Hickey.

Tim – Yes
Keith – Yes
Charlie – Yes
Ed – Yes
Ralph – Yes
Scott – Yes

Motion carried.

A motion was made by Tim Kissane and seconded by Keith Hanchett to adjourn the meeting at 10:50 p.m.

Respectfully submitted,

Patricia McKinney
Planning & Zoning Clerk