

Minutes of the Town of Lake George Planning Board held on Tuesday, June 10, 2008 at the Town Center, Old Post Road, Lake George, New York.

Members Present: Keith Hanchett  
Jack Abrahams  
Charlie Portes  
Linda Varley  
John Carr  
Joe Mastrodomenico

Absent: Tim Kissane  
Ed LaFerriere

Also Present: Patty McKinney, Clerk  
Robb Hickey  
Jim Grey  
Attorney Jon Lapper  
Betty Spinelli  
Darrell Coons  
Patricia Rizzio  
Michael Rizzio  
David Colomb  
Ed Pontacoloni  
Dana Seguljic  
Michael Seguljic  
Dana Seguljic  
Councilman Scott Wood  
Chris Navitsky  
Bruce Carr  
Tabor Dunn  
Michaela Dunn  
Chester Coons  
Nancy DePace  
Kathy Bozony  
Dennis MacElroy  
Travis Mitchell  
Anthony Casale  
Bob Howard  
Jim Hutchins

Keith Hanchett opened the meeting at 6:00 p.m.

A motion was made by Jack Abrahams and seconded by Charlie Portes to accept the May 6, 2008 Planning Board Minutes.

All in favor.

Motion carried.

### **PUBLIC HEARINGS**

1. Site Plan Application #33-2007 submitted by Anthony Casale to construct a 1,737 square foot, two story, three bedroom single family dwelling for property located on Hubbell Lane Extension (251.10-1-28).

Dennis MacElroy was present representing the applicant.

Dennis MacElroy: “We’re back this month with a similar version that we had for discussion last month. At that time some of the board members had made a comment or a question about a possible alternative location slightly different than what you see on the submittal. We did check into that to see the feasibility and between grading to the property line and room for the driveway and parking, we decided that that wasn’t really a feasible location. So the house location and elevations are the same as what we had shown last time. We finalized that and made some slight revisions to the plan. We received a variance from the Consolidated Board of Health associated with the wastewater system. Tom Jarrett has issued a letter. None of the comments that he has made, does the applicant have any problem complying with. The applicant is happy with this. We’ve made changes that got away from the length of retaining wall that troubled the board earlier on in the application process. The applicant is satisfied with this layout and wants to move forward with that.”

Keith Hanchett: “Under the Elgin system, what do you have for soil?”

Dennis MacElroy: “It’s sand for 12 feet as far as we could dig with the backhoe. That was actually a soil investigation we were doing for the original retaining wall and when we saw such good depths. It’s a sand soil. It’s a good soil for infiltration. We won’t have any problem with designing a septic system in that area. It does have a perc rate in the 2 minute range.”

Jack Abrahams: “Is the applicant willing to grant the Town an easement?”

Dennis MacElroy: “Yes.”

John Carr: “At the last meeting the applicant brought up a passive solar component to this. Below the stone wall or the retaining wall, what are his intentions with trees and what not that are on those slopes?”

Dennis MacElroy: "Actually that's a silt barrier. It's not a wall and then the hatched area is erosion control fabric that would be used on the slopes. That more or less represents the line of disturbance so there wouldn't be any need to do anything beyond that."

Chairman Hanchett: "Everything will be left after the silt fence?"

Dennis MacElroy: "Correct."

John Carr: "That should probably be noted somewhere on the plan. It's a nice lot and I think the layout lays out very well. Because of the slopes and the type of soils, if he has a chance to put some silt fence around the piles of sand that he's got up there. They are on fairly steep slopes and it's fairly loose sand. I'm just suggesting."

Chairman Hanchett: "Any plans for a sediment trap in the driveway?"

Dennis MacElroy: "That catch basin that is located on the corner of the driveway, that's where the drainage is directed to. That structure itself would provide a sump within that. Tom's comments suggested that it would be better to be a little deeper if we used a structure like that. This would allow the sediment to be captured within the sump. We've showed a one foot sump. If it's suggested to be an additional depth, than we can certainly do that."

Tom Jarrett: "I think the plan looked good and we had a few minor comments which Dennis has addressed. I think we can work out the details."

Chairman Hanchett opened the comments to the audience.

Kathy Bozony: "I did submit a letter that I'd like to give to you now. I wanted to share a couple things with the board tonight. The board had asked last month whether or not there could be an alternative location for the placement of this house and it was stated that it would not be feasible due to grading and house access considerations. So we were looking forward to seeing the new location which wasn't there. So I'm going to share with you some ideas which are really feasible in appearance. (Colored copies of the plan that Kathy shared with the board are on file in the Planning and Zoning Office). We feel that you could reduce the overall impact of development on the clearing and construction on this steep slope. The driveway could be reduced and the impermeable surfaces by about 50%, which I calculate to about 1,000 square feet. The impact on building and trying to construct and bring in all the fill on the steep slope would be eliminated and the retaining wall in front of the house does not need to be there because everything would be on level land. It's recommended that enhanced vegetative buffer could be added to the site. Roof drains we looked at and they are going to the

two proposed drywells. Other stormwater management on the steep slope is limited. There are two shallow grass swales they are located north and east of the house between the driveway and the road and they look like they are directing stormwater downhill on the existing slope. We agree with the enhanced pretreatment for the drywell that has been recommended. We feel that this project should be considered a major stormwater project. It was stated that it should be minor stormwater by the engineer due to the proposed area of disturbance, but the topography and the compromising nature of the site should require major stormwater management. We need to do everything we can to reduce the runoff to protect erosion down to English Brook. There is a lot of vegetation that has been previously removed. Some of it may become an absorption field, but we would like the board to condition that all vegetation that has been removed on that slope be replaced. The development of this parcel has been reviewed for over two years. The Town of Lake George Planning Board has expressed concerns regarding the disturbance of the forested steep slope. The conclusion of the previous Planning Boards was that this lot may be too small to accommodate a 4-bedroom home and septic system. The proposed house with an on-site wastewater treatment system and stormwater management may exceed the limited developable area of the site. Although the applicant would like to build a home on this site, there may need to be a compromise with size of house, driveway and lawn proposed. We feel that the option to relocate the placement of the single family dwelling that was previously requested by the board does appear to be a feasible alternative and should continue to be explored.”

Chris Navitsky: “I’m just submitting some information. I have concerns about the buffer and steep slopes. I’ve provided some information from the Center of Watershed Protection regarding buffers and the design of those. The optimum buffer extends at least 100 feet from a stream bank, a wetland perimeter, or a shoreline. The buffer should then be expanded to include adjoining slopes over 15% or slopes composed of highly erodible soils. We think that with the amount of vegetation that will be removed and disturbed, you’ll create an erosive condition. When slopes exceed 15% and are allowed to be disturbed, the soil can become highly erosive and whose steep slopes are 15% or greater and we’re talking about 40% slopes here, are present in any stream valley, then the buffer should be expanded to encompass all of those steep slopes or erosion prone areas. If we can expand and push any disturbance off the top of those banks, it’s very important. We all know that disturbance winds up getting expanded during construction especially when we start bringing in equipment and on those steep slopes so any additional attention to that is greatly appreciated. Thank you.”

Dennis MacElroy: “The one thing that I’m not sure is being taken into consideration as far as the alternate slopes is building height and what we have had to take into consideration beyond the Town’s limitation is

APA. There are APA regulations as far as building height. This is slightly different interpretation which is lowest adjacent natural grade to the building height and that's a factor that may not come into consideration when discussing alternatives. In terms of the slopes, we've got stormwater provisions and erosion control provisions within that and obviously is dependent upon a contractor when the work is done. There should be oversight by the engineer and by the Town when that is going on. I realize that sometimes things don't go as well as they should, but it does require that oversight. We contend that it is a proper design and a stable design and if done properly, there will be a minimal impact."

There was a discussion amongst the board and Dennis MacElroy regarding the planting of trees on the property.

A motion was made by Jack Abrahams and seconded by Charlie Portes to hold the Public Hearing open to once again submit an alternate plan and to provide a landscaping plan.

John – Yes  
Jack – Yes  
Charlie – Yes  
Linda – Yes  
Joe – Yes  
Keith – Yes

Motion carried.

2. Site Plan Application #9-2008 submitted by Edward Pontacoloni to construct a two story, 4 bedroom single-family residence for property located on Travis Trail off Flat Rock Road (238.00-1-43.1).

Edward Pontacoloni along with Jim Hutchins were present.

Edward Pontacoloni stated that he feels that all of the comments of Tom Jarrett's memo have been addressed. He stated that this was a subdivision approved in 1999. He stated that the plans show a driveway that will circle around the septic system sited to the west of the house and as a result the driveway will not slope greater than 15 degrees now and there is a natural preservation of mature hardwood and pine trees. He stated they have been in contact with Jeff Anthony of the L.A. Group and stated that if any of the trees need to be removed, they will ensure that there is no intrusion of the visual landscape. He stated this is a small 1,300 square foot, two story log cabin, with a green roof and non-reflective glass. The exterior lighting will be minimized. He stated that he felt they have addressed all of the concerns of the board.

Jim Hutchins spoke regarding the plan stating that he has responded to Tom Jarrett's memo. He went over each comment and the response with the board.

Chairman Hanchett opened the comments to the audience.

Chris Navitsky: "We did not have any further comments. We feel they were covered by the town engineer. One point we wanted to make and maybe the Town can consider this on this and other projects, when there is concerns about protecting existing vegetation and limits of clearings on slopes, that maybe there can be a protective fencing set up to maybe delineate those clearing areas if there is not any silt fence that will be added just so that doesn't get expanded."

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

John – Yes  
Jack – Yes  
Charlie – Yes  
Linda – Yes  
Joe – Yes  
Keith – Yes

Motion carried.

A motion was made by Jack Abrahams and seconded by Joe Mastrodomenico to approve with the conditions that the town engineer sign off on the project; that the vegetation remain as is; that there be no additional tree cutting outside of the disturbed area without Site Plan approval and the disturbance area be delineated by a silt fence. Jim Hutchins shall certify the stormwater management plan, conduct inspections during construction and submit a final as-built plan.

John – Yes  
Jack – Yes  
Charlie – Yes  
Linda – Yes  
Joe – Yes  
Keith- Yes

Motion carried.

3. Minor Subdivision Application #5-2008 submitted by Ken Ermiger to subdivide approximately 2.21 acres into two building lots for property located at 3541 Lakeshore Drive in Diamond Point (225.16-1-1.3).

Attorney Jon Lapper was present representing the applicant.

Attorney Lapper stated that when they were here last time they talked about conditions for this two lot subdivision. One would be Site Plan Review for each of the two homes to be built on the lots after they are subdivided; the second is to relocate the well to be 200 feet down-gradient from the Antler's septic system and 100 feet from the proposed septic system on the site for these two homes. This was done in the resubmittal and the third was that all the structures would be removed subsequent to the subdivision approval but prior to the Chairman signing the map.

It's a fairly straight forward two lot subdivision where the applicant has no intention of building the houses. He is going to subdivide the property and then market the lots.

Both houses on the property will be demolished and the pool will be removed.

John Carr asked when the trees were all cut down.

Attorney Lapper stated the owner went in and tried to clean everything up and the logger took down more than what should have been taken down.

Chairman Hanchett asked if they had a planting plan prior to the homes being constructed.

Attorney Lapper stated that the house will come down in a matter of weeks but also before they come in with a site plan they would agree to vegetate with a number of deciduous and evergreens in the middle of the site.

Attorney Lapper stated he would propose 4 deciduous and 4 evergreens on each of the lots.

John Carr did not feel that 8 trees would be adequate considering what was cut down.

Charlie Portes stated that he did not want the house shown on the plan as it is now. He feels it should be removed in the case that a buyer comes in for Site Plan Review on the lot, he does not want them to think that this house location has already been discussed by the board.

John Carr asked what size trees were going to be planted.

Attorney Lapper stated 6 to 8 foot Evergreens and 2 to 2 ½ foot caliper minimum on the deciduous trees.

Chairman Hanchett opened the comments to the audience.

Betty Spinelli: "I just wanted to take a second to reiterate that I think it is important that we get those trees in there and that we get as large survivable trees as possible. I think it was a disgrace what was done with those trees taken down. I guess everybody seems to agree that we need to put some back in there, but I'd like to see as large trees as possible put back in there before there is any Site Plan Review for the future buildings."

Kathy Bozony: "I've got a letter I'll submit as well, but I'll reiterate that those trees that were taken down in areas that had nothing to do with the actual construction or development is a real shame. Currently on the Site Plan, it is still labeled wooded and I think this is a bit misleading. The areas existing between the cottage and Route 9N and to the north and west of the cottage have been cleared of wooded vegetation and this changes the runoff characteristics. We've altered the site at this point so I agree that as soon as vegetation can be restored would be good. The remaining wooded areas that are on the site that are labeled wooded are all low lying vegetation and I don't look at any of them as being wooded yet that is how they are labeled on the site map.

Stormwater plans should be required to address the change in ground cover that has recently been created by removing these large trees on the site. These trees were not in the way of construction. Tree stumps remain on the site right now where in fact the site map shows a tree is standing. I think that should be changed. Jon mentioned about the loop driveway. It does terminate up there at the end of the loop. I'm not sure what that actually meant. The north driveway is far better access to the site than the south driveway which has the right-of-way by the Antler's. I still would encourage that maybe that could be a shared driveway. You would eliminate two cuts coming down into the road and that looks like a feasible alternative to me. I think that because the driveway is steep, it is an existing driveway, but it is steep, maybe we could look into some permeable surface. Lawn on this parcel should be minimized as deeper rooted vegetation has more capacity to reduce sediment flow and infiltrate nutrients and pollutants, minimizing the stormwater runoff impact on Lake George. Because of the steep slopes of the site it would be appropriate to construct the new single family dwellings and the septic fields in areas that are already clear of trees. It looks to me like the location that are proposed for the houses are in areas that are wooded, that would need to be cleared. I agree with the Planning Board that maybe the houses can be brought down closer to the road near the septic system where it has already been cleared. When trees are brought in for this site to revegetate at this point and time and during Site Plan Review, it would be good to have native vegetation going in there. All disturbed areas during construction should be vegetated according to Town recommendations and the planting plan submitted. Town recommendations, I believe, are to vegetate within a certain period of



time and we don't always see that happening and I think that would control the runoff that exists. Thank you."

Attorney Lapper stated most of Kathy's concerns are Site Plan review issues and will be discussed when the houses come back for Site Plan approval.

Charlie Portes asked Robb is test pits needed to be completed on this site.

Robb Hickey stated they were not done.

Attorney Lapper stated these are existing systems.

Robb Hickey stated they could do them between now and the time they demolish the houses.

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

John – Yes  
Jack – Yes  
Charlie – Yes  
Linda – Yes  
Joe – Yes  
Keith – Yes

Motion carried.

Jack Abrahams read the Short Form SEQRA.

A motion was made by Jack Abrahams and seconded by Charlie Portes to declare a Negative Declaration.

John – Yes  
Jack – Yes  
Charlie – Yes  
Linda – Yes  
Joe – Yes  
Keith – Yes

Motion carried.

A motion was made by Charlie Portes and seconded by Joe Mastrodomenico to approve with the conditions that there be (4) 2 ½ caliper trees and (4) 8-10 foot evergreens to be placed on each lot with the location to be determined by the Zoning Enforcement Officer; the test pits shall be completed on both lots; the existing pool house and cabin

shall be removed with a portion of the driveway; the septic system on lot #1 to be moved away from the house location; both houses on lot #1 and lot #2 be moved below the 230 contour line; prior to obtaining a Zoning Compliance Certificate, Site Plan approval will be required on both lots #1 and #2.

John – Yes  
Jack – Yes  
Charlie – Yes  
Linda – Yes  
Joe – Yes  
Keith – Yes

Motion carried.

### **REGULAR MEETING**

1. Discussion regarding Major Subdivision Application #4-2008 submitted by CEG Developers, LLC, owner being Allen King to subdivide approximately 84.59 acres into 37 lots for property located on the north side of Route 9N (Luzerne Road) immediately west of I-87 (264.03-1-75).

Travis Mitchell of Environmental Designs was present representing the applicant.

This is an 85 acre site located on Route 9N just west of the Exit 21 interchange. The number of lots have been reduced to 37 and the clearing and grading on the site has been reduced by approximately 20 acres.

It was suggested that they look at a temporary stormwater management area adjacent to Route 9N, rather than take the stormwater from the entrance around the east side of the commercial parcel to the larger stormwater management area. They have done that and they have created a small temporary basin to manage stormwater on the entryway. The basin is still sized for future development of the commercial parcel which will then undergo the full Site Plan Review process.

Charlie Portes asked about the easement?

Travis stated that it is his understanding that it is non-existent and they have documentation to that effect.

The applicant is intending to submit full plans for the July Planning Board meeting.

2. Minor Subdivision Application #6-2008 submitted by Carol Higgins to subdivide approximately 16.552 acres into 2 lots for property located on Higgins Road off Flat Rock Road (238.00-1-14.1).

Attorney Bruce Carr was present representing the applicant.

Attorney Carr stated that this is a 16.5 acre site with the intention of creating two lots; one lot being 9 ½ acres and the second lot being 7 acres.

Bruce Carr stated that her request is to take a 16.5 acre parcel and convey the second parcel to her daughter.

Linda Varley read the application into the record.

Charlie Portes questioned the lot lines being moved on the other lots.

Bruce Carr stated that those lots were created more than a decade ago. There will be some boundary line adjustments by those owners, which are shown on this map. This is a clarification on the map, but is not before the board for approval.

The lot line between B and A2 is the existing property line. There will be a lot line adjustment between Mrs. Higgins and the owners of Lot B.

Charlie Portes stated that owner would need to be listed on the application and sign a letter of authorization.

A motion was made by Jack Abrahams and seconded by John Carr to accept this application as sketch plan review only.

All in favor.

Motion carried.

3. Site Plan Application #16-2008 submitted by Morgan Management, LLC (Lake George Suites) to request permission to dredge close to the shore; repair falling concrete wall and provide shoreline protection along the stream for property located at 3678 Lakeshore Drive (226.09-1-11).

Todd Smith was present representing the applicant. He stated that the owners have submitted a Site Plan application for the repair of an existing retaining wall and some minor dredging into the lake for their docks. The owners intent is to repair a failed retaining wall along Smith Brook. He stated he was there under a construction permit under a DEC permit which may have been started prematurely. The applicant felt all the permits necessary had been obtained.

Robb Hickey asked the applicant to stop work until they have received Site Plan Review and the applicant complied.

The retaining wall will be replaced with a rip rap slope approved by DEC.

Attorney John Lemery stated that all they are looking to do is to get the Planning Board's permission to shore up the retaining wall. They have an application before the Zoning Board of Appeals and then the Planning Board to redo that entire site.

John Carr read the application into the record.

A motion was made by Charlie Portes and seconded by Jack Abrahams to accept the application as complete, removing the dredging close to the shore section of the application.

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 the project with the conditions that the applicant provide a scope of the project; that the Zoning Enforcement Officer monitors the project; that pictures be provided before and after and that the retaining wall be completed within 30 days of this approval.

John – Yes

Jack – Yes

Charlie – Yes

Linda – Yes

Joe – Yes

Keith – Yes

Motion carried.

4. Site Plan Application #17-2008 submitted by Donald Hart to install culvert in existing ditch which is causing erosion on the beach and cover pipe and provide gravel path to the beach for property located at 43 Trinity Rock Road (238.08-1-74.1).

Donald Hart was present. This project is to connect two pieces of existing culvert that has been on that property for a long time. The lower one nearest the water is clogged up which has created the new ditch heading north to wash out into the lake.

Chairman Hanchett read the application into the record.

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

All in favor.

Motion carried.

Charlie Portes stated he would like to see the 18 inch pipe to be removed and line the brook with rip rap and put check dams in to slow it down before it goes into the lake.

John Carr asked how often the stream runs.

Don Hart stated whenever it rains; it will run for probably two or three days.

Chairman Hanchett requested Tom Jarrett to visit the property to conduct a site visit and report back to the board his opinion at the July 1<sup>st</sup> Planning Board Meeting.

5. Sketch Plan Review submitted by BDB of Albany, LLC, to request permission to subdivide approximately 31.2 acres into 26 lots, for property located at 328 Bloody Pond Road (264.08-1-27).

Attorney Jon Lapper was present representing the applicant.

Attorney Lapper stated this is a 24 townhouse unit project, one single family home and the homeowner's association lot. He stated that he would like to get this information to the Town engineer to begin review of the stormwater plan.

Dominic Arico stated all the roads and buildings are accessed as previously shown.

Attorney Lapper stated this is two acres or less of disturbance than what was proposed as a single family subdivision.

A motion was made by Jack Abrahams and seconded by Joe Mastrodomenico to request Tom Jarrett to begin review of the stormwater plan for this project.

All in favor.

Motion carried.

6. Site Plan Application #18-2008 submitted by BDB of Albany, LLC, to prepare site modifications for construction of a private road, 24 townhouse residences, municipal water and sewer for property located at 328 Bloody Pond Road (264.08-1-27).

Attorney Lapper was present representing the applicant.

Attorney Lapper stated they will submit full engineering plans, but would like to have Tom Jarrett begin to review the stormwater management plan.

A motion was made by Charlie Portes and seconded by Linda Varley to request Tom Jarrett to begin review of the stormwater management plan.

All in favor.

Motion carried.

7. Site Plan Application #19-2008 submitted by Nancy Bolen/Chester Coons to construct a 1,600 square foot single family dwelling with 3 bedrooms and a 2 car garage below for property located at the end of Journey's End Road in Diamond Point (225.08-1-58.2).

Nancy Bolen-DePace was present. She stated this is a 1,600 square foot home. They have received a variance from the Zoning Board of Appeals and received Subdivision approval. They are now here to construct the home on a 23% slope.

Robb Hickey stated the very back of the house is a 23% slope which the house is being tucked into. This is the exact location of the house where it was place for subdivision approval.

Charlie Portes stated they would need to see a topo map.

Nancy Bolen-DePace stated she could not see spending the money for a topo map. She was willing to move the house closer to the road to avoid this.

Charlie Portes stated that if they moved the house forward, they would not require Site Plan approval because they would not be building on the slope.

Nancy Bolen-DePace stated that it was there plan to be level with her father's house.

The applicant agreed to move the house up 20 feet to alleviate the need for Site Plan approval.

A motion was made by Jack Abrahams and seconded by John Carr to withdraw application #19-2008.

All in favor.

Motion carried.

8. Site Plan Application #20-2008 submitted by Green Harbour Homeowner's Association to restore dock space to a safe and navigable waterway by dredging to a 4 foot depth for property located at 3014 Lakeshore Drive (238.8-1-48).

Chairman Hanchett asked Robb Hickey to relate to the board what transpired between the Green Harbour Homeowner's Association and the Town.

Robb Hickey stated that in approximately February, Dave Wick called and said they had a permit to dredge into the harbor and did they need a permit from the Town. Robb stated he asked if they would be disturbing any of the shoreline and they stated no. Robb advised them they did not need a permit and they begun proceeding with the dredging operation under the DEC permit. This process began on a Monday and on Thursday Robb went to look and there was significant shoreline disturbance in his opinion. There was some vegetation removed from the shoreline and there was a lot of open disturbed soil and there was rip rap put into the lake. At that point, he advised them to come into Site Plan Review. It escalated into a violation and by Monday, it escalated into a Stop Work Order. This was precipitated because they had done more shoreline disturbance than what was allowed. There were thick shrubs cut down in three different areas. There was a meeting on Monday afternoon with the Town Supervisor and it was decided that they come back to Site Plan Review.

Jack Abrahams read the approval in 1984 with conditions.

Dave Wick of Warren County Soil and Water spoke. He stated that Warren County Soil and Water was commissioned by Green Harbour Association. They had issues with depths of their docks. They approached DEC who referred them to Warren County Soil and Water to put together all the necessary permits for this project. He stated in his best estimation, this was done. He stated they contacted DEC, the Army Corp of Engineers, the APA, the Lake George Park Commission and the Town of Lake George where the question was asked what permits are required from your entity to complete this project. He stated he had this discussion with Robb and stated this is a mechanical dredging project. As Robb perhaps misunderstood the depth of the project, there were no plans requested on behalf of Green Harbour Homeowner's Association. Dave stated this was not a complicated project as the whole thing took 5

days. There were three shrubs that were in the visible area of where the operator needed to work so these were removed and replaced with something much nicer. He stated he didn't feel this was a major shoreline modification so this was their error however, there was an error on the Town of Lake George in not understanding the full scope of the project as they described it. DEC was on the project every day. They brought their staff down to train their staff on how to do these projects because it was such a text book job. If there are any issues that still remain on the site, they are happy to comply with them.

Jack Abrahams read a letter from Kevin Bruce of the Army Corp of Engineers. A copy of this is on file in the Planning and Zoning Office.

Dave Wick stated that Marc Migliore stated that this project does not entail the Corp of Engineer approval because there is nothing that is impacting the Corp regulations. The project may not have gone down to Kevin in full authority.

Chairman Hanchett stated he visited the site and stated the plantings that are there is a joke. He stated there should be more plantings on the strip of bank than there is now.

Dave Wick stated that whatever was taken out as far as shrubs was replaced, one for one.

Charlie Portes asked if that was the reason why they were here was for the removal of the shrubs.

Robb Hickey stated that in reading more of the regulations, dredging should have come to Site Plan Review and that was his error. Also, altering the shoreline should have come before this board. He cut shrubs, he disturbed the shoreline, put rip rap into the lake.

Dave Wick stated there was a portion of the corner of the property where the excavator as it was reaching the end of the grass, the machine started to tip up. The operator asked if they could bring in a little bit of rock to keep the tips of the tracks from going in. Approximately two cubic yards of rock was brought in to stabilize the machine for about one hour until he could get that area cleaned out and then the material was brought back out. That's the rip rap that they are talking about.

John Carr stated that he thinks this is an opportunity to take a better look at this and do the right thing.

Jack Abrahams read the application into the record.

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



All in favor.

Motion carried.

A motion was made by John Carr and seconded by Joe Mastrodomenico to schedule a Public Hearing.

All in favor.

Motion carried.

Dave Wick asked what they would like to see at the Public Hearing.

John Carr stated that if this was an application that had not been done yet, they would take the opportunity to review the entire project such as plantings, buffer zones, etc.

Dave Wick stated that there have been no additional trees taken out and invited anyone from the board who wished to visit the site to go take a look with Dave.

A motion was made by Jack Abrahams and seconded by Linda Varley to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Patricia McKinney  
Planning & Zoning Clerk