

Minutes of the Town of Lake George Planning Board Meeting held on March 5, 2013 at 6:00 p.m., at the Town Center, Old Post Road, Lake George, New York.

Members Present: Charlie Portes, Vice Chairman
Patricia Marek
Sean Quirk
Kevin Mulcahy
Grant Gentner

Members Absent: Chairman Keith Hanchett, Jack Abrahams, Curt Dybas

Also Present: Robb Hickey, Adele Behrmann, Jim Grey, Attorney Jon Lapper, Ed Tomac, Christine Paeglow, Gray Paeglow, Peter & Denise Keating, Ray Hudson, Chris Navitsky, Aaron Roberts, Ethan Hall, Karen Hanchett, Rich Barton, Candy Barton and others.

Corrections need to be made to the February 5, 2013 minutes for the record. In reference to Site Plan Application SPR38-2011 (Zip Line) the corrections are as follows:

A motion is introduced by Charlie Portes; seconded by Jack Abrahams to close the Public Hearing.

Ayes: 4 Mulcahy, Abrahams, Portes, Chairman Hanchett
Nayes: 3 Marek, Quirk, Dybas

Motion carried.

A discussion ensues among the Board Members with Charlie Portes stating that the engineers have to agree; Chairman Hanchett informs him that Tom Jarrett is not clear on the plans since he just got them.

Tom Jarrett comments that his biggest issue was the pond but he does not expect any major issues.

A motion is introduced by Charlie Portes; seconded by Jack Abrahams to approve SPR38-2011 with conditions:

- **The applicant shall obtain a sign off from Tom Jarrett**
- **If the engineers cannot come to a resolution, the application shall go back to the Planning Board.**
- **The applicant shall obtain approvals from the Town of Queensbury, the APA and other agencies.**
- **A vehicle designed for EMS and /or Fire personnel shall be on the premises at all times.**

Ayes: 7 Mulcahy, Quirk, Abrahams, Portes, Dybas, Marek, Chairman Hanchett

Nayes: 0

All in favor, motion carried.

Acceptance of Minutes

A motion is introduced by Kevin Mulcahy; seconded by Patricia Marek to accept the minutes of February 5, 2013 with the above corrections.

All in favor, motion carried.

Charlie Portes introduces the new Director of Planning and Zoning, Keith Osborne.

REGULAR MEETING:

1. **Application for Site Plan Review SPR64-2012 submitted by Erik Peek with Kevin Maschewski as agent to construct a new 28 ft. x 40 ft. three stall garage for property located at 6 Park Street. Tax Map # 251.20-1-41. Lot size is 0.85 acres. Zoning Classification is RSH.**

Charlie Portes summarizes that this application was in front of the Board in February but was scheduled for March due to lack of proper authorization by the applicant.

Jon Lapper, Esq. begins by stating that the authorization form from Mrs. Peek has been received and submitted; he welcomes Keith Osborne to Lake George. At the previous meeting Curt Dybas asked if the garage could be moved a few feet to the south and to investigate the power line. They considered and measured these requests but concluded that it could not be moved due to the distance being only a few feet away and the deep for the power line. They submitted the documentation confirming it as well. The proposal is to build a three stall garage with an upstairs work area; its location is approximately 220 ft. from Lake George. At the first meeting the Board asked about screening from the lake which prompted their submission to plant 23 spruce trees from 6 ft. to 12 ft. high in addition to other vegetation that was previously submitted. The lake front portion of this parcel is very heavily wooded and the Peeks do not intend to clear it; the view in the back of the lot is limited due to the existence of substantial trees. At the same first meeting they were also asked to consider whether the height of the structure could be reduced which was done by reducing it approximately 1.9 ft. as well as substantially reducing the windows in the front in order to make it less noticeable from the lake. The architecture of the garage will mimic that of the house. This application has no permeability, lot coverage and variances issues and he believes that the current application is better than the original one.

Kevin Mulcahy noticed two doors on the south and north side of the garage but does not see on the site plan any proposed walkways accessing these doors. Will there be any sidewalks?

Kevin Maschewski responds that the plan is to keep it grassy and use the existing driveway and sidewalk; he indicates that the doors are mainly for fire code and safety issues. Kevin Mulcahy asks if an apron will be put in where the pavement stops in front of the garage to which the response is that due to the gutters a 3 ft. pervious pavement will be put in this area.

Kevin Mulcahy in referring to the design asks if a different roof line that might open up the view to the west has been considered? Kevin Maschewski's reply is that he did not consider this option since the design is mimicking the house; the shed that was built two years ago has the same roof line. The plan is to use green shingles since they blend in well.

Kevin Mulcahy responds that the reason he is mentioning it is that if the peak of the roof would be turned the other direction similar to an L shape roof, it would open up the view in the back a little more.

A discussion ensues with Kevin Maschewski stating that the proposed roof line's view from the lake will blend in better especially with the additional pine trees, the green shingles and roof lines.

Patricia Marek is still pursuing the idea of moving the garage's location. Has he explored and could he share his findings about discussions with National Grid about moving the utility pole and therefore facilitating moving the garage back.

Jon Lapper comments that there are two issues. The easement is owned by National Grid and they would have to give the applicant permission secondly the utility pole services other houses also.

Kevin Maschewski adds that they spoke to National Grid asking if the poles could be cinched tighter and was given a "no" answer. Patricia Marek asks if National Grid offered any other options or suggestions and Kevin replies that since the house is built with granite, there is only one National Grid truck capable of relocating the poles and this truck is in Syracuse. The waiting list to get this truck could be 6 months...

Patricia Marek asks how long has the applicant been planning to put the garage in; Kevin Maschewski replies that the plans started in November however the homeowner would incur the cost for a pole that services other homes as well. She then asks about the size of the garage's overhead doors and the possibility of lowering them somewhat.

Kevin Maschewski's response is that at the last meeting, Kevin Mulcahy, who brought up this issue, may have been referring to 7 ft. high doors. Years ago doors were 7 ft. high and 8 ft. wide because vehicles were smaller. Today's vehicles' heights are higher with luggage racks on the top which justifies the need for 9 ft. wide and 8 ft. high doors.

A motion is introduced by Sean Quirk; seconded by Kevin Mulcahy to approve SPR 64-2012 with the condition that walkways to or aprons in front of the doors be made up of pervious material.

Ayes: 3 Mulcahy, Quirk, Portes
Nayes: 1 Marek
Abstain: 1 Gentner

Motion denied.

Only three "ayes" members voted to approve when 4 "ayes" votes are needed.

Grant Gentner comments that he has read through the application and considered it but is concerned with the fact that he was not present during the public hearings and although he feels that he can intelligently make a decision on this project, he did not want to step on anyone's toes. He believes that it is a well thought out plan and the Board addressed a lot of issues.

A motion is introduced by Sean Quirk; seconded by Kevin Mulcahy to approve SPR 64-2012 with the condition that walkways or aprons in front of the garage doors are made up of pervious material.

Ayes: 4 Mulcahy, Grant, Quirk, Portes
Nayes: 1 Marek

Motion carried.

Grant Gentner asks if the fact that he has dealt with the following two applications while a member of the Zoning Board of Appeals precludes him from participating on the Planning Board; Robb Hickey replies no.

- 2. Application for Site Plan Review SPR69-2012 submitted by Curtis Dybas as agent for Chris Corbett to remove existing seasonal residence and construct a new residence with a new holding tank for property located at 31 Old Lake Rd. Tax Map # 252.09-1-12. Lot size 0.46 acres. Zoning Classification is RS-1.**

Curt Dybas is representing Chris Corbett and Kathleen Creveling who are siblings and jointly own this property. He received a variance by the Zoning Board for infill in the north east corner of the existing building. There are two residences on this site, the one in questions is on the north corner and it is referred to as the studio. It is a 3 bedroom seasonal camp and the proposal is to tear it down and replace it with a dwelling with the same footprint with the exception of a 150 sq. ft. infill in the northeast corner. This site is natural with forest and trees with the owners being very cognizant of the lake and although some trees will have to be removed, they want to keep as many of them as possible. There is no intention to do anything to the shoreline other than a new water line down into the lake. The main floor level is the existing floor level of the cottage and the proposed building will be on the same footprint as the existing one. The height will be increased in order to replace the flat roof with a new metal roof with minimum slope. He provided the Board with a colored south elevation as well as pictures of the existing structure and pictures he took in October from the lake. This house is not visible from the lake due to the thick vegetation.

Currently the septic is a leach pit and one of the conditions of approval from the Zoning Board is to address the septic system. There are three holding tanks and a pump grinder tank set up that was designed by Nace Engineering and for the record both cottages will be going into it. The grinder tank will be located in front of the new structure near the leach tank and three 1,500 gallons tanks will be placed up on the road where all the controls can be placed as well. The intent is to never use this dwelling year around. The possibility of getting a septic system on the site was researched but it was quickly ruled out because of the steepness of the slope and proximity to the lake. The owners decided to go with a holding tank for both houses since designing and installing a septic system would be costly and may not be approved as well. The installation of a double silt fence is another condition imposed by the ZBA.

Charlie Portes asks if the septic is currently failing to which Curt Dybas replies no with no indication of failure. He then informs Patricia Marek that the current system is a leach pit and not a leach field. Charlie Portes confirms that the applicant has not been to the Consolidated Board of Health to which Curt Dybas responds that the paperwork has been filed and has discussed it with Dennis Dickinson.

Robb Hickey continues by stating that the application has been submitted to the Consolidated Board of Health and as a result of a conversation he had with Dennis Dickinson who would like to know how much thought has the applicant given to an enhanced treatment system on this lot. The other day he met with Curt Dybas and Dennis Dickinson and after a discussion, Dennis Dickinson was more comfortable with the fact that the applicant researched it but could not find a spot a suitable spot.

Curt Dybas agrees and says that the plot plan shows that there is only one spot in the south east corner that is 100 ft. from the lake but is not big enough to accommodate a system. If one is installed it would most likely need many variances as well as not knowing what the sub soils are in this area. The existing cottage has a walkway in the basement which has a dirt floor with no indication of ledge and an 8 ft. wall however there are big boulders on the site.

Charlie Portes comments that New York State does not allow holding tanks on new construction unless it is an emergency. Robb Hickey adds that NYS DOH also states that holding tanks can be put in until sewers become available which may never happen with this application. In this case it is considered to be a replacement system and if they get an approval from the CBH it will supersede the NYS DOH requirements which state that a replacement system states that is "to the best extent practical." Regarding this application, the house is not considered a new house but a replacement one with an existing system.

Charlie Portes asks if the same application is submitted to the NYS Board of Health will it be approved. Robb Hickey replies yes due to the fact that there is an existing system.

Grant Gentner remembers that Peter Keating, a member of the ZBA, statement that this existing system needs to be upgraded with holding tanks that can support the weight of vehicles since this area will be driven upon. Another condition of the ZBA was that the applicant obtains approvals from the Consolidated Board of Health.

Robb Hickey reiterates that the documents have been submitted to the Consolidated Board of Health but he does not know when it will be finalized.

Patricia Marek asks Curt Dybas to indicate where the leach pit is located on the plot map. Curt Dybas replies that the existing leach pit is not indicated on the map however it can be found in front of the building proposed to be torn down to the left side and off the porch. Patricia Marek confirms with Curt that it is approximately 40 ft. from the lake; he does not have the exact measurements but the one area within 100 ft. of the lake is not big enough. The logical area for the grinder pump is by the leach pit because that is where the pipes go from the remaining house on the site.

Kevin Mulcahy adds that the leach pit is basically made to infiltrate into the ground and the distance separation in this case is 150 ft. whereas a leach field would only be 100 ft. making it a worse situation for the soils over time. He then asks Curt if it is located by the fire pit.

Curt Dybas directs the Board to a map in order to show them the location of the grinder pump and the leach pit. Kevin Mulcahy's concern is whether there is good infiltration to the sub-soils if not it will work its way to the lake to which Curt rebuts that this home will only be used on occasion since Mr. Corbett lives in Philadelphia and Ms. Creveling lives in Rochester; they only come up in the summer for two to three weeks and some weekends.

Charlie Portes' concern is the degree of awareness by the applicants, who own the road, on the need for proper maintenance since trucks will driving on it and the fact that they are responsible for any damages.

Patricia Marek reads the application into the record.

A motion is introduced by Sean Quirk; seconded by Kevin Mulcahy to accept the application with a correction of the address from Old Lane Road to Old Lake Road.

Ayes: 5 Mulcahy, Grant, Quirk, Marek, Portes
Nayes: 0

All in favor, motion carried.

Charlie Portes asks Robb Hickey if he knows the status of the Consolidated Board of Health application. Curt Dybas adds that the plan is to begin the project in the fall therefore if approval is not received by CBH soon, the application can go on the May's agenda.

Charlie Portes informs Curt Dybas that he does not want to bring up any issues prior to approval from the CBH therefore the application will be put off until such time the applicant receives an approval from the Consolidated Board of Health.

A motion is introduced by Patricia Marek; seconded by Kevin Mulcahy to set up a public hearing only after the Consolidated Board of Health approves the application.

All in favor, motion carried.

- 3. Application for Site Plan Review SPR2-2013 submitted by Curtis D. Dybas as agent for Richard Barton to demolish an existing seasonal dwelling. Build a 2 story residence 31 ft. 6 in. high with a 1240 foot print and total living area of 2348 sf. and improve the site; for property located at 3 Rose Point Lane. Tax Map # is 264.07-2-6. Lot size is 0.155. Zoning Classification is RSH.**

Curt Dybas states that this site is on a private road and the Bartons purchased it in the fall of 2012. There is an old 4 bedroom, 1700 sq. ft. camp with a garage and the intent is of demolishing the camp and replacing it with a 2 story, 4 bedrooms year around residence. The parcel has municipal sewer and water. A variance was granted for the side yard setbacks; the one to the south is being maintained and the one to the north changing from ½ ft. to 7 ft. The front setback from the lake was moved to 50 ft. and the rear yard was made compliant with the current zoning. He provided the Board pictures of the existing house, plans for the proposed residence, proposed elevation along with a rendered elevation from the lake. This is an old site with the grass expanding from Rose Point down to the shoreline therefore they have been working with Toadflax to come up with a planting plan to handle permeability and make it attractive. One of the conditions from the Zoning Board was that the permeability of the site had to stay at 78%. As for the patio, they will be using the area below it as retention and infiltration. The rear of the house will be used as a grassy parking area with plastic inserts which will handle the weight of the cars; the lawn, the walkways and everything around the house will remain as permeable surfaces. The front lawn will become turf as well as creating a buffer area on the shoreline, get rid of the dis-repaired seawall and handle it with more of natural rock area rather than a formal wall. The site plan is still being developed and worked on by the owner; hopefully it will be finalized by the next meeting as far as plants selections. The structure has a hip roof therefore an eave retention drain will be used around the entire building to handle roof run off.

Charlie Portes asks if some trees will be planted for screening in the front. Curt Dybas replies yes however Barbara Bailey, who is the southerly neighbor, is adamant about having trees block her view of the lake as a result trees that will give an airy view and not totally block it will be used.

Kevin Mulcahy asks how much higher this building will be compared to the neighbor's on the south to which Curt Dybas responds that he has not measured the neighbor's house. Kevin Mulcahy comments that an excellent job was done in showing the other large buildings in the neighborhood. Curt Dybas informs that this building will not be any higher than the other buildings in the neighborhood however he does not know about Mrs. Bailey's building since it is an old house whose height seems to be 28 ft. to the ridge which makes the proposed building approximately 3 ft. higher than the neighbor's.

Curt Dybas adds that this building is still well below the 40 ft. requirement; the footprint is 1240 sq. ft. which was considerably reduced, the total area is 2300 sq. ft. which is not large for a 4 bedroom house.

Patricia Marek states that there is no legend attached to the Toadflax's layout and she cannot tell what the proposed trees and shrubs will be.

Aaron Roberts from Toadflex comments that all the species have not been decided upon yet although they will all be natives to Lake George, small to medium shrubs and medium size trees about 12 to 15 ft. tall.

Charlie Portes announces that the submission of a final planting plan will be part of the conditions put on this application.

Grant Gentner is informed that the current planting plan is a preliminary one and it is the second revision.

Charlie Portes states that the Board can read the application and accept it however a detailed planting plan will be needed prior to the public hearing.

Kevin Mulcahy reads the application into the record.

A motion is introduced by Patricia Marek; seconded by Sean Quirk to accept the application as complete.

All in favor, motion carried.

Charlie Portes announces that when an application states "seasonal" dwelling, it has to be looked at by the Board Members as a year around dwelling.

A motion is introduced by Sean Quirk; seconded by Grant Gentner to schedule a public hearing for the April meeting only if the planting plan is finalized and more thorough and submitted by March 12, 2013.

Ayes: 5 Mulcahy, Grant, Quirk, Marek, Portes
Nays: 0

All in favor, motion carried.

PUBLIC HEARINGS

- 4. Application for Site Plan Review SPR70-2012 submitted by Raymond & Michelle Hudson with Ethan Hall as agent to construct an addition for a family room and screened porch for property located at 68 Christiana Court. Tax Map # is 238.20-1-34. Lot Size is 0.024 acres. Zoning Classification is RCH-LS.**

Charlie Portes announces that during a public hearing the time allowed for comments is three minutes with answers to questions being addressed at the end.

Ethan Hall is principal with Rucinski Hall Architecture and with him tonight are Raymond & Michelle Hudson as well as Peter Kudan who is the President of Village Estate Condominium Association. This project is within the Village Estates Homeowner Association; the first site plan submitted shows the entire site with all the units with the second showing each unit's exclusive use area. This is a one bedroom seasonal cabin with a screened porch on the front of the building that will be taken down in order to put in a family room and subsequently rebuild the screened porch on the front of the new family room. (He then proceeds to show the Board the location of the cabin on a map). As for the details for the addition, the existing ridgeline will remain with the gable facing the lake; the screened porch will not have any glass.

Sean Quirk asks when the subdivision was originally approved and were there any restrictions.

Robb Hickey responds this is a condo association that originally had seasonal cabins with seasonal water and no expansions allowed. Approximately 6 years ago they were granted approvals to upgrade their septic system in order to allow each cabin to expand up to 3 bedrooms and be year around with the caveat that all expansions need to be approved by the Condo Association. The Association instituted whole criteria for these expansions one of which is that the maximum allowable expansion is 2,000 sq. ft. including all decks and garages and each one can only go in a certain direction within the individual cabin's exclusive use area and not affect the neighbors. All and any expansions need to come back to the Planning or Zoning Boards for approvals. Their proposal for a major stormwater plan that covers the entire site was approved and implemented however each individual cabin needs to direct its own stormwater into an infiltration system. This particular application does not add bedrooms.

Kevin Mulcahy would like to know the distance from the oak tree located on the side of this cabin to the new addition. Ethan Hall replies that the base of the tree will be approximately 13 ft. distant. Kevin Mulcahy adds that it looks as though the proposed rain garden is going around this tree to which Ethan replies yes. Kevin then asks if anyone has looked at whether this tree will withstand the additional amount water into the soil since its habitat will change.

Ethan Hall responds that they will not dig down too deep in fact it will be very shallow. The infiltration trenches along the sides of the building are meant to catch most of the water and get it into the ground however Kevin Mulcahy is concerned with the excavation being too close to the tree, damaging the roots could possibly kill it and he would like to see it preserved. Ethan Hall states that their intent is for the frost wall to be just as deep as it needs to go avoiding damaging the roots.

Patricia Marek asks if they are working with the Waterkeeper; Ethan Hall responds that the president of the Association met with them to address the damage done to the docks and lakeshore by tropical storm Irene as well.

Chris Navitsky confirms that the applicant and the Association have worked with Kathy Bozony from his office and has just one technical question on the rain gardens; has there been any sub soil investigation since they may not function properly without the right soils.

Shelley Hudson shows the Board a picture of the cabin from the lake which shows how well it blends in.

Ethan Hall responds that as far as the sub-soils they dug some shovel tests although they did not use an excavator to dig real deep; it is their intent that the eave trenches on the sides to be at least 32" deep and full of stone. As for the rain garden, they do not want to dig too deep so not to damage the roots of the tree therefore the infiltration trenches along the sides are meant to take most of the water. He noticed the suggestion by the Waterkeeper to use different plantings which he will research.

Kevin Mulcahy reminds Ethan Hall that the frost wall needs to be 48 in. below the grade.

Charlie Portes confirms with Robb Hickey if an architect can sign off on stormwater; Robb responds yes.

A motion is introduced by Kevin Mulcahy; seconded by Sean Quirk to close the public hearing.

All in favor, motion carried.

A motion is introduced by Patricia Marek; seconded by Sean Quirk to approve the application for Tax Map #238.20-1-34 – SPR 70-2012 with the condition that the architect sign off on the stormwater on the as built.

Ayes: 5 Mulcahy, Grant, Quirk, Marek, Portes
Nayes: 0

All in favor, motion carried.

- 5. **Application for Site Plan SPR72-2012 submitted by Cheryl Christiana with Ethan Hall as agent to add a new bedroom and family room for property located at 64 Christiana Court. Tax Map # 238.20-1-28. Property size is 0.014 acres. Zoning Classification is RCH-LS.**

Ethan Hall begins by stating that this cabin is the same layout as the prior application although this one has a rock outcropping and it is significantly higher. Their intent is the pour slab for the new family room on grade and pin it on the rock without excavating or blasting. They conducted a few shovel tests in the area where the new bedroom will be and were able to get down to 30" with one and hit a boulder on their second try. Their intent is to dig until they get to 4 ft. or until ledge rock is hit and pin the new footing to it. The infiltration and stormwater is all in the downhill side since the site drops off quickly, in fact the front porch of the existing cabin has a deck that runs all around it and they intend to do away with the front part of the deck since the view of the lake is from another part of the house.

Grant Gentner asks what the square footage of the existing building is; Ethan Hall replies 1,978 sq. ft. which will remain the same after the new addition. In fact they had to take a portion of the deck out otherwise it would be more than 2,000 sq. ft.

Charlie Portes confirms with Robb Hickey that an approval letter for this application has been received by the Home Owners Association and the response is yes.

Chris Navitsky asks that the calculations for the area of the infiltration trench be checked since it seems to be 40% undersized for the new impervious area.

Ethan Hall responds that they can do that. One of the things they discussed with the applicant is to open up the boards underneath the deck to allow the water that comes off the roof to come down and go through the deck; they can also expand the trenches around the underside in order to catch whatever comes through the deck and under the ground before it gets a chance to run off.

Robb Hickey comments that in reality the applicant does not have to do any stormwater; there is one caveat in the code that any new impervious surface has to stay on site. In this case and the Hudsons' case it is necessary due to their proximity to the property lines; Ethan Hall insures that any water stays on their properties.

Grant Gentner asks if any blasting will occur, Ethan Hall replies no, they are going to drill and pin the new floor to the ledge.

Kevin Mulcahy asks if the HOA's stormwater design was based on the existing or what the maximum build out of the cabins would be. Robb Hickey responds that it was based on the existing site, the maximum build out and on how the buildings would be laid out.

Ethan Hall informs the Board that 5 (including the two in front of the Board now) out of 11 cabins have been expanded.

A motion is introduced by Kevin Mulcahy; seconded by Sean Quirk to close the public hearing.

All in favor, motion carried.

A motion is introduced by Grant Gentner; seconded by Sean Quirk to approve SPR 72-2012 with conditions that the architect sign off on the stormwater management plan submitted to the Planning Office and no blasting on the property shall occur.

Ayes: 5 Mulcahy, Grant, Quirk, Marek, Portes
Nays: 0

All in favor, motion carried.

A motion is introduced by Patricia Marek; seconded by Sean Quirk to adjourn the meeting at 7:20 p.m.

All in favor, motion carried.

Respectfully Submitted,

Adele Behrmann
Planning & Zoning Clerk