

Minutes of the Town of Lake George Planning Board Meeting held on September 27, 2011 at the Town Center, Old Post Road, Lake George, New York, commencing at 6:00 p.m.

Members Present: Keith Hanchett, Chairman  
Jack Abrahams  
John Carr  
Joe Mastrodomenico

Members Absent: Charlie Portes  
Linda Varley  
Ed LaFerriere  
Sean Quirk

Also Present: Patty McKinney, Robb Hickey, Jon Lapper, Dan Ryan, Ken Collette, Jeff Holden, Kathy Bozony, Nancy Stafford, Joe Gross, Chris Johnston, Matt Steves, Tom Hutchins, Joe Gross and others

Chairman Hanchett opens the meeting at 6:00 p.m.

### **REGULAR MEETING**

A motion is introduced by Jack Abrahams and seconded by Joe Mastrodomenico to accept the September 6, 2011 minutes.

All in favor, motion carried.

- 1. Major Subdivision application #4-2011 submitted by Cohold LLC, Ken Collette and Jeff Holden, owners, to subdivide and create a 19 unit townhouse development for property located at Bloody Pond Road. Tax Map #264.08-2-33. Lot Size 2.09 RCH – 1.06 RH. Agent is Vision Engineering. Zoning Classification RCH-RH. Cross Reference area Variance #2-2009.**

#### **Attorney Jon Lapper:**

He states that this project has had numerous public hearings prior to approval. The area variance was granted by the Zoning Board for 24 units however the applicant went back to the ZBA with 19 units instead. He adds that a large part of this project is storm water.

#### **Dan Ryan:**

He walked through the project for the Board. The property is currently being maintained and utilized so the cabins can be used as rentals with the exception of few cabins that are obsolete in anticipation that everything will be demolished for this project.

#### **Jack Abrahams:**

He asks if this project was connected to Boswells regarding water pump and water pressure.

#### **Robb Hickey:**

He replies that Boswell was suppose to install a pump in the corner across the street however if this project is done first, other arrangements will have to be made.

**Dan Ryan:**

He replies that they have provided water and sewer reports. These reports indicate that there is sufficient volume and pressure just for this project based on the elevation which was lowered from the original submission.

**Jack Abrahams:**

He asks how this project will impact Mockingbird Hill and the other neighbors since it runs from Boswell all the way to Mockingbird Hill.

**Dan Ryan:**

This property would be tapping into a main on Route 9 and it would not have impact the pressure or volumes of the Mockingbird residents. They originally intended on putting in their own system and a booster pump for fire flows and not necessarily domestic needs however this analysis is completely separate based on the data they have on the existing capacity on Route 9. The issues with Mockingbird are separate because it is a completely different network of piping. This project would be tapping into the main ahead of Mockingbird rather than tying it in with Mockingbird.

**Robb Hickey:**

He states that the main comes across Beach Road into a 10” pipe which splits and this project would be connecting before the split to which Dan Ryan agrees that they would be connecting before the split most likely with a 6” pipe.

Jack Abrahams asks that if they are connecting before the split then they would not be affecting the pressure to which Dan Ryan agrees, what they do will not affect the town’s system. As for Boswell, his connection is after the split and at a higher elevation. Robb adds that the problem with Mockingbird is mainly the pressure and not as much volume which is due to the elevation. Jack Abrahams comments that he just wants to make sure that one project does not affect another since there have been problems in the past.

**Dan Ryan:**

He informs the Board that at the next submission he will provide copies of the full water report which will show those connection points and how they have to accommodate their system based on all the information. Currently there is water and sewer on the property, however some of the facilities will be removed and a new pipes network will be re-installed for the new development. The new sewer will be tapped into the Caldwell Sewer District. They have done analysis of water and sewage flows based on the current conditions as compared to the proposed project and actually the water and sewer flow demand will be less. He directs the Board to the rendering and describes the vegetation on the site. One item of importance to them is to maintain the existing buffers and vegetation on the property and have provided an idea of what they might propose for landscaping on the rendering.

Jack Abrahams asks for someone to refresh his memory on whether the big house will be torn down and if the site goes as far back as the pool. Dan Ryan replies by showing the Board the map and states that as per Tom Jarrett, they will make sure that the site’s traffic does not interfere with the traffic on Route 9L. The configuration of the entrance to the site on the map is based on many principles the most important being where the safest and most convenient location to enter the parcel is and secondly the existing topography. They are proposing 4 buildings, 3 of the buildings will have 5 units each, and one building will have 4 for a total of 19 units. Part of the Zoning Application detailed storm water meeting the criteria for both local and state ordinances as well as developing a pretty extensive mitigation plan for run off since currently there isn’t one. In redeveloping the site they are trying to minimize any run off from

entering Lake George. There are 12 proposed rain gardens which will be used to filter and pre-treat some of the run off discharge with it being piped to 5 or 6 service ponds. Chairman Hanchett asks who will be maintaining the service ponds to which Dan Ryan replies it will be the Homeowners Association's responsibility as well as the sewer and water management on the property. He continues by stating that the storm water is being staged so that by the time it reaches the final polish pond it will be relatively clean and since currently there is not storm water on the site; this proposal will provide a substantial benefit. As a comparison the existing impervious surface on the site is approximately 28% however they were able to achieve a slight reduction of about 3% additionally they are considering permeable pavers for the driveways. Due to the extensive work they were asked to do by Tom Jarrett and the Zoning Board for the stormwater, water and sewer report, they would now like to resubmit a new set of plans with all the necessary information in order to get the project approved and begin construction.

Chairman Hanchett asks Dan to give the Board an idea of the slope measures.

**Dan Ryan:**

He replies that they start with an elevation averaging 385' at Route 9; half way it is averaging 405' with the steepest part going up approximately 30' more. John Carr asks how high the retaining wall is Dan believes it to be 6' however he will clarify it on the plan.

**John Carr:**

He has a few comments to make for the next meeting. He would like to see some landscaping in front of the rear building with the 5 units for several reasons but mainly due to the fact that this parcel will be fairly exposed from the lake and he would like to see more of a buffer in the upper elevation and also insure that the neighbors are sheltered from lights shining in their homes from people parking and driving through as well as planting more vegetation by the road; additionally he would like to see what the buildings will look like.

**Dan Ryan:**

He agrees with John Carr's suggestions and informs the Board that they will present renderings of the actual buildings with earth tones and an architectural style that will fit the character of the area.

**John Carr:**

He asks how the stormwater inside the curve of the driveway going up the hill is being handled to which Dan Ryan replies that one of the things they were working with Tom Jarrett, was to provide a permeable apron, in addition there is a rain garden in between each building as well.

Jack Abrahams ask if these lots have to be subdivided; Dan Ryan replies that there will be footprint ownership for each parcel and the remaining common lands will belong to the Homeowners Association.

Chairman Hanchett announces that this project will remain as a sketch plan; Dan Ryan advises that their goal is to submit all the detailed plans in November for the December meeting.

John Carr informs Dan to also show how the contours of all the grades come together on a plan. The lower part of the property seems adequate however more information will be needed for the rear. Dan adds that he expects to show the Board all the top of the foundations walls showing so they can identify them pretty easily.

**2. Application for Site Plan Review SPR32-2011 submitted by Ken Collette to install 6’x50’ walkway from exterior deck to boathouse deck for property located at 35 Front Street. Tax Map # 251.20-1-26. Lot size 0.74. Zoning Classification RSH.**

**Ken Collette:**

He shows the Board a sketch of the property stating that he proposes to build a walkway from his home’s deck to the boathouse deck. He plans to put only two supports in order to make it less intrusive.

Jack Abrahams asks if there is an existing walkway to which Mr. Collette replies that there is not an existing one; they currently walk on the grass. This walkway would also serve as handicap access to the boathouse and it would only be used by him and other family members and he is planning to use a cable rail in order not to block anyone.

John Carr asks how high off the ground it would be since it goes to the upper deck. Ken replies that it is approximately 10’ in one area and 7’ in the other.

**Robb Hickey:**

He confirms that this application has been at the County and it was denied and that it is scheduled to appear at the Zoning Board of Appeals on October 20, 2011.

The Board asks the reason for the denial, Robb could not remember nevertheless the Board Members are wondering how this project would impact the whole County and for what reason.

Patty McKinney reads the denial notice from the County which states “visual impact and building mass along the lake shore.”

Chairman Hanchett asks the applicant if he has a rendering of what the walkway would look like to which Mr. Collette replies that he does not.

Joe Mastrodomenico asks if the applicant is by a path or a road to which Mr. Collette replies that it is an easement and explains that the walkway goes to the upper part of the deck and it is elevated with support columns with cable running through the columns every six feet.

A discussion ensues among the Board Members and Mr. Collette.

**John Carr:**

He asks Mr. Collette if he has given any consideration to planting some trees so the walkway can be shielded from the lake and soften the impact. He recommends that he prepare this suggestion for the public hearing in order to expedite the project.

Jack Abrahams reads the application into the record.

**A motion is introduced by John Carr and seconded by Jack Abrahams to accept the application as complete.**

<b>John Carr</b>	<b>yes</b>
<b>Jack Abrahams</b>	<b>yes</b>
<b>Joe Mastrodomenico</b>	<b>yes</b>
<b>Keith Hanchett</b>	<b>yes</b>

**All in favor, motion carried.**

**A motion is introduced by Jack Abrahams and seconded by John Carr to schedule a public hearing for November 1, 2011.**

**John Carr**            **yes**  
**Jack Abrahams**      **yes**  
**Joe Mastrodomenico** **yes**  
**Keith Hanchett**     **yes**

**All in favor, motion carried.**

Chairman Hanchett reminds the applicant to do whatever he can to camouflage the walkway, Mr. Collette replies that he will prepare a sketch for the public hearing.

- 3. Application for Site Plan Review SPR20-2011 submitted by Geno Germano to construct an “E” shaped dock with sundeck roof system for property located at 48 Halcyon Lodge Road. Tax Map #251.07-1-53.11. Lot size 1600 ft. Zoning Classification RCH-LS.**

**Dennis MacElroy:**

He is representing the applicant. He begins by stating that the application was in front of the Board in July for construction of a new dock and since that time there was a “no impact” County determination and the Lake George Park Commission issued a permit. At the last meeting there was a question about the color of the dock which will be a gray/green stain to match the color of the house.

John Carr would like to have the color written on the plan. Dan Valenti from Valenti Homes states that the owners have selected a soft cream color for the trim and for the structure an ivy green and the roof shingles will be a driftwood color.

**Joe Mastrodomenico:**

He asks what the color of the dock will be to which Dan Valenti replies it will match the color of the house which is the ivy green.

**A motion is introduced by John Carr and seconded by Jack Abrahams to approve Site Plan SPR20-2011 with the condition that the boathouse shall be built as presented tonight with light or natural ivy green with soft cream color trim and the roof green to be driftwood. This condition shall be delineated on plans.**

**John Carr**            **yes**  
**Jack Abrahams**      **yes**  
**Joe Mastrodomenico** **yes**  
**Keith Hanchett**     **yes**

**All in favor, motion carried.**

- 4. Application for Site Plan Review SPR25-2011 submitted by Curtis D. Dybas to reconstruct in-kind the existing residence, sleeping cabin and dock/boathouse for property located at**

**3544 State Route 9L. Tax Map #252.05-1-1. Lot size 0.61 acres. Zoning Classification RS-01. Property Owner is Beatrice Dowd.**

**Curt Dybas:**

He announces that this parcel has been in the family for about 75 years and was inherited by Beatrice Dowd. Mrs. Dowd's eight children decided to keep the lot in the family and would like to remodel it since all the buildings on the property are in disrepair. This portion of the lake is lovely since most of the homes are original and there are no mansions. This particular property is difficult because most of it is 15% slope however Dennis MacElroy designed a 5 bedrooms septic system which was approved in March and a decision was made by the spokesperson for the children to keep the existing retaining wall but tear down and rebuild the house staying with the same footprint, the shape and the height of the current structure, basically in-kind. There are some NYS codes that they have to comply with as far as the height of the ceiling but they are keeping it to a minimum therefore the overall height will increase by 2 ½ feet. The same principle will apply to the boat house; it will be rebuilt in-kind as the current one with only one crib salvageable. There is a sleeping cabin which will be rebuilt as well and it will be the fifth bedroom with 4 bedrooms being proposed in the main house. He provided the Board with a rendering of the project, the color will be dark green with driftwood colored roof with the boat house matching the house colors. He documented the boat house with the Lake George Park Commission which had not been done before.

Robb Hickey states that the applicant is not adding to the footprint there may be some variations due to the size of the timber used, etc.

John Carr asks if the basement is coming up somewhat, Mr. Dybas replies that he raised the basement floor slab by six inches due to the water table being 4" below the existing floor currently and he agrees that the sill height at the top of the sill plate on the foundation wall is taller than what is currently there He also informs the Board that he is proposing to have a family room in the basement. Robb Hickey adds that this space is currently used as a bedroom even though it should not be used as such however on the plan, the applicant will continue to use this space as a family room and not a bedroom.

John Carr asks about the second building to which Robb Hickey replies that it is considered an accessory structure which cannot have a bathroom or kitchen and this particular cabin does not have either of them. John Carr is concerned how this accessory structure fits in the Town's codes however Robb informs him that it is strictly a sleeping cabin.

**John Carr:**

He asks about the distance from the house to the water's edge the answer being approximately 20 feet.

**Curtis Dybas:**

He continues that they will have to take down one dead tree by the boat house but other than that, the site should not be disturbed.

Jack Abrahams reads the application into the record.

**A motion is introduced by John Carr and seconded by Joe Mastrodomenico to accept the application as complete.**

**John Carr**                **yes**  
**Jack Abrahams**        **yes**

**Joe Mastrodomenico** yes  
**Keith Hanchett** yes

**All in favor, motion carried.**

**A motion is introduced by Jack Abrahams and seconded by John Carr to schedule a public hearing.**

**John Carr** yes  
**Jack Abrahams** yes  
**Joe Mastrodomenico** yes  
**Keith Hanchett** yes

**All in favor, motion carried.**

John Carr asks the applicant to clarify on the plan the proposed use of the attic area of the boat house and the basement.

**5. Application for Site Plan SPR28-2011 submitted by Thomas Gilman to conduct selective timber harvesting for property located at the north end of Butler Pond. Tax Map #276.00-2-15. Lot Size 228.68 acres. Zoning Classification LC-25/RR-5. Owner City of Glens Falls.**

Tom Gilman from Fountains Forestry, they are the forest managers for the City of Glens Falls watershed and have been so for over 30 years.

**Tom Gilman:**

He starts by stating that 229 acres are in the Town of Lake George and the last harvest was done over 20 years ago. They are proposing a selective harvest with the next harvest most likely occurring in another 20 years. Every year they harvest a different area of the watershed not only as income for the City of Glens Falls but also for the benefit of the forest. The majority of it will be conducted in the winter following NYS Best Management Practices. The harvest is selective removing quality timber such as hemlock, mature pine and oak leaving behind good quality stems for the future. A 50' buffer will be left by the stream and a no cut buffer on either side of the stream. This forestry operation on watershed properties is exempt from the view because they do a good job. Their access to this site is from Buckbee and Butler Pond Road.

Robb Hickey explains where this site is to the Board Members.

John Carr reads the application into the record.

**A motion is introduced by John Carr and seconded by Jack Abrahams to accept the application as complete.**

**John Carr** yes  
**Jack Abrahams** yes  
**Joe Mastrodomenico** yes  
**Keith Hanchett** yes

**All in favor, motion carried.**

**A motion is introduced by Jack Abrahams and seconded by John Carr to waive the public hearing.**

**John Carr**            **yes**  
**Jack Abrahams**      **yes**  
**Joe Mastrodomenico** **yes**  
**Keith Hanchett**     **yes**

**All in favor, motion carried.**

John Carr asks the applicant to provide the staging areas and where the roads will be.

**Tom Gilman:**

He replies that there is a small existing road on the Lake George lands which continues on the western part of Butler Pond; it is an old logging road. There are two staging areas and upon completion these areas will be seeded and mulched as per Best Management Practices.

**A motion is introduced by Jack Abrahams and seconded by Joe Mastrodomenico to approve site plan SPR26-2011 with the condition that the Zoning Enforcement Officer shall be called to oversee the harvest.**

**John Carr**            **yes**  
**Jack Abrahams**      **yes**  
**Joe Mastrodomenico** **yes**  
**Keith Hanchett**     **yes**

**All in favor, motion carried.**

Jack Abrahams reads the Short Form SEQRA.

**A motion is introduced by Jack Abrahams and seconded by Joe Mastrodomenico to declare a Negative Declaration for this application.**

**John Carr**            **yes**  
**Jack Abrahams**      **yes**  
**Joe Mastrodomenico** **yes**  
**Keith Hanchett**     **yes**

**All in favor, motion carried.**

- 6. Application for Site Plan Review SRP31-2011 submitted by Joseph Gross to construct a single family dwelling on property located at Route 9N. Owner is Michael Kent/Stover. Tax Map #276.00-2-16. Lot size 68.26 acres. Zoning Classification LC-25/RCM-2SA.**

Matt Steves of Van Dusen and Steves and Tom Hutchins are representing the applicant.

**Matt Steves:**

The property is just a little over 68 acres on the south side of Route 9N and tonight's proposal is to put in a driveway in order to construct a single family home. The driveway will be constructed where the

existing logging road is and it will be approximately 1,800 feet on a 12% slope. The proposal is to construct the house with a big barn to store a truck, equipment for plowing, a tractor, snow mobiles etc.

Jack Abrahams asks the distance from the house to the road to which Mr. Steves replies that it is about 1,100 feet.

**John Carr:**

He is reasonably familiar with the site and is concerned with the ledge on the site and would like to make sure that the storm water pits are not on ledge.

**Tom Hutchins:**

He replies that due to the topography of this site, they will be building berms and leaving the woods as much as they can.

John Carr asks that considering the amount of ledge will the bermed areas along with the basins be satisfactory. He agrees with the process of building berms however berms can be built on rock and it may a good idea for the engineers to bring in data about the pits as well as details on the blasting should any blasting occur.

Matt Steves adds that test pits were performed on the site of the house and septic and they were suitable however they can do some more investigation but as he mentioned prior the natural swales allow them the option of not digging a pond. They are keeping the driveway at the existing grade even though they may be able to reduce the slope.

Jack Abrahams asks if DEC should be looking at this application considering the amount of disturbance, the storm water and the length of the driveway and is told by Robb Hickey that since the area of disturbance is over 1 acre, the applicant will have to apply for a SPEDE's permit.

Tom Hutchins comments that DEC does not look at storm water controls but they require erosion controls. DEC requires that the storm water can be designed to Town's standards and not their standards.

John Carr informs the applicant about the potential dangers of the cut of the road due to the corner. Matt Steves replies that they will be planning the entrance to the driveway according to DOT standards.

Robb Hickey also states that NYS Building Codes mandate turn outs to which Matt Steves replies that they have turn outs every 500 feet and a turn around at the end of the driveway by the house.

Jack Abrahams asks the applicant if he will bring water into the 3,000 sq. ft. barn; the applicant replies that he has not thought this far ahead but it would be nice to be able to wash the truck. Jack Abrahams informs the applicant that the reason for this question is to make sure that the barn is never used as a residence.

John Carr reads the application into the records.

**A motion is introduced by John Carr and seconded by Jack Abrahams to accept the application as complete.**

**John Carr**            **yes**  
**Jack Abrahams**    **yes**

**Joe Mastrodomenico** yes  
**Keith Hanchett** yes

**All in favor, motion carried.**

**A motion is introduced by Jack Abrahams and seconded by Keith Hanchett to schedule a public hearing.**

**John Carr** no  
**Jack Abrahams** yes  
**Joe Mastrodomenico** no  
**Keith Hanchett** yes

**No action.**

Chairman Hanchett states that the reason for scheduling a public hearing is to get more information on the clearing, etc. John Carr agrees and Joe Mastrodomenico agree that more information is needed but do not agree that it has to be done in the form of a public hearing.

**John Carr:**

He needs to see more information on test pits, storm water, drawing of the house, etc. before he can make a decision and feels that the public would like to see this information as well prior to scheduling a public hearing.

**Chairman Hanchett:**

He advises the applicant that the best to handle it would be to consider this application as a sketch plan until they submit the information request.

**Tom Hutchins:**

He states that they do not need a permit by DEC since they can operate under the permit from the Town. DOT will not provide them with a permit until the project is approved by the Town but he talk to them.

John Carr states that he is concerned with the topography and sub soil composition. The terrain is aggressive with a good amount of rock therefore he would like to see test pits with storm water and at the septic's site.

Matt Steves replies that they have done several test pits, the one by the house shows ledge at 46 feet, the first test pit for storm water was at 36 feet. There are a few more storm water area that they could do test pits in. They are staying away from the northwest area which is all rock and ledge.

Robb Hickey states that it is not necessary for the applicant to show a rendering of the house, he could, however, bring in a picture of a house similar to the proposed one and advice of the color etc., as well as the provision that the house will not skyline the ridge, which in this case it will not.

Joe Gross informs the Board that right now he is concerned with getting the driveway in since no architect is willing to go to site the way it currently stands. Once the driveway is in he will then submit plans of the house which will have 4 bedrooms.

Chairman Hanchett recommends staging this project. First move along with the driveway and the road and then the applicant can come back with the plans for the house.

John Carr's concern with staging the project is segmentation. Robb Hickey adds that in order to avoid segmentation, the Board would have to approve the whole project with the proposed house and its location and then it can be phased.

John Carr adds that the Board could conditionally approve the project with the applicant returning to confirm that the future house plans meet the conditions. Joe Gross believes that if he were to build a house the impact would be minimal to which John Carr states that the Town Codes require that critical information be provided. Mr. Gross mentions that as some point he will have a professional architect draw plans for the house.

Robb Hickey suggests that if the Board agrees to it, the application can be put on the October 4<sup>th</sup> agenda assuming that all the information is submitted.

Patty McKinney asks if any of the Board Members besides Chairman Hanchett, are interested in attending the North Country Storm Water Trade Show on October 20, 2011.

A motion is introduced by Jack Abrahams and seconded by Joe Mastrodomenico to adjourn the meeting at 8:15 p.m.

All in favor, motion carried.

Minutes typed by Adele Behrmann.

Respectfully Submitted,

Patty McKinney  
Planning and Zoning Clerk