

Minutes of the Town of Lake George Planning Board meeting held on September 3, 2014 at 6:00 p.m., at the Town Center, 20 Old Post Road, Lake George, New York.

**Members Present:** Keith Hanchett, Chairman  
Sean Quirk, Vice Chairman  
Kevin Mulcahy  
Curt Dybas  
Patricia Marek  
Dawn Koncikowski  
Heath Mundell

**Members Absent:** Grant Gentner

**Also Present:** Keith Osborne, Adele Behrmann, Tom Hutchins, Jeff Anthony, Patricia Cook, Donald Hart, Jeff Baker, Esq., Bonnie & Dave Colomb, Carla Bittner, Esq., Stephen Adler, Ed Esposito, Joe Biondo, Mike Terry, Robert Bove, Fran Souse, Ann Marie Giarnelli. Tom Wessling and others.

The meeting is called to order by Chairman Hanchett at 6:00 p.m.

### **PUBLIC HEARINGS**

**1. Application for Site Plan Review SPR11-2014 submitted by George's LG Holdings, LLC with A R Stern & Jeff Anthony form the LA Group as agents with a proposal to demo existing kitchen damaged by fire and replace and expand with new kitchen for property located at 3857 State Route 9L. Tax Nos. 264.08-2-27, 264.08-2-28 and 264.08-2-29. Lot size is 3.18 total acres. Zoning Classification is RCH. Code Reference is 175-37A. SEQR is Type 2.**

**Chairman Hanchett:** now before we start, I would like all the applicants to speak into the microphone which will help with the recordings and it will be easier for the audience to hear.

**Jeff Anthony:** Mr. Chairman, this is a public hearing and I guess the protocol would be for us to present some information for the public to see the character of the project and what is being proposed; I will attempt to do that. I will focus on the pictures what you have seen at the last meeting. This is a rendering of the proposed renovation of George's Restaurant. The front portion which is on Route 9L and it is the restaurant will remain; the rear portion which is the kitchen and the place where the fire was as well as some of the smaller structures which were outbuildings to the back and east of the building; those building were also burned to some degree. The proposed project which is to remove the burned portion of the kitchen, remove all of the outbuildings to the east of the restaurant which totals to slightly over 4,000 sq. ft. of existing buildings which will no longer exist and to replace the kitchen with a new kitchen roughly 1,185 sq. ft. larger than what is there now. The kitchen replace will essentially double the size of the kitchen that was there however the operations of the restaurant used the outbuildings as part of their food prep which was not the best situation because food had to be carried from the outbuildings, outside and then into the kitchen for continuing cooking and then served and so this will consolidate the kitchen in one overhead, enclosed unit and it will quite frankly be better in terms of food preparation and it will meet Health Department requirements as they exist today. This is basically the proposed project; in terms of architecture (he refers the audience and Board to the site plan); this is the site plan of the project and this is the existing portion of George's restaurant; this is the proposed addition and roughly half it existed and exits now which was damaged by fire and the other half will be added. All the outbuildings to the rear will be removed which, as I mentioned, will be approximately 4,000 sq. ft. There was a previous application at the Planning Board one or two years ago which proposed renovating the site and causing stormwater management to be constructed. Stormwater improvements were essentially built at that time and the parking lot to the rear which is gravel was drained to a detention and infiltration areas to the south by way of a ditch and pipe that conveyed the water there. That construction was completed but essentially was not working in the best condition and so the project as proposed now is to put a trench drain at the point where the blacktop we're paving which is the parking lot and the gravel parking meet and that trench drain will convey water to a pipe and move the water from this upper parking lot to the intended area where the water was supposed to be managed before. There is going to be a new bio-filter and rain garden placed in this vicinity opposite the proposed addition for the kitchen and that bio-filter rain garden will essentially capture all water from the upper portions of the site below the trench drain. There will be another trench drain installed to pick up the roof water so that all the roof water and site water can go into that bio-filter and rain

garden. The lower parking lot will be regarded, repaved and it will drain to the road where a new planting area will be installed in the location of the existing rain garden which quite frankly does not function at this moment. There will be a planting plan to replant the whole project, there will be lighting installed on site on both the lower and upper parking lots which will function at ½ foot candle sustained which is probably less than ½ of a normal parking lot like in a shopping center; these light fixture will be rapid cut off dark sky type of fixtures so they will not cast light either up in the atmosphere, air or on adjacent properties. That's about the proposed project, if anyone has any questions I'll be happy to answer them.

**Chairman Hanchett:** first of all I'll see if there are any questions from the Board; after that we'll open up the public hearing to see if there are any comments from the public.

None of the Board Members have any questions and there are no comments from the public as well.

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

**Ayes: 7 Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**

**A motion is introduced by Sean Quirk; seconded by Heath Mundell to approve Site Plan Application SPR11-2014 as submitted.**

**Ayes: 7 Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**  
**Nays: 0**  
**Abstain: 0**

**All in favor; motion carried.**

**2. Application for Site Plan Review SPR12-2014 submitted by Patricia Cook as agent for Sunset Lane Assoc., LLC with a proposal to replace an existing 8 ft. x 12 ft. deck with a new 12 ft. x 16 ft. deck for property located at 15 Lake Street. Tax Map No. 251.20-1-29.1. Lot size is 0.59 acres. Zoning Classification is RSH. Code Reference is 175-371. SEQR is Type 2.**

**Patricia Cook:** I am Patricia Cook and this project is for Ron Jones for his vacation home. The deck is going to be 93 ft. from the water and will be made of all composite materials and he pretty much wants a bigger deck. I have some pictures of the pre-existing deck which needs some updating.

**Chairman Hanchett:** do you have any pictures of the property itself; we need to know the location of the deck.

**Patricia Cook:** yes, I have a drawing of the location and that's it.

Patricia Marek reads the application into the record.

**Chairman Hanchett:** I am looking at your map here; there are a couple of things that are missing such as neighbors.

**Patricia Cook:** it is on a private road but there are neighbors.

**Sean Quirk:** driveway coming off the private road is it on that side of the road?

**Patricia Cook:** yes it is all the way at the end.

**Kevin Mulcahy:** is it at the corner of Lake Street and Front Street?

**Patricia Cook:** it is actually all the way down Lake Street; it is the last house on Lake Street.

**Kevin Mulcahy:** just one comment, I pulled up the GIS mapping looking for wetlands and I did not find any which should be corrected on the application; I think maybe you confused the lake with wetlands.

**Patricia Cook:** yes, maybe, sorry about that.

**Curt Dybas:** I visited the site today and I actually worked on this house years ago. The existing deck is smaller than 8 ft. x 12 ft.; it is what it is but it will reduce the distance to the lake but you're still dealing with the setback. I measured the existing deck as being 6 ft. x 12 ft. and you're going to go 12 ft. x 16 ft. and so there will be an increase. You have the cedar bushes in front and one of the things that should be considered is that since you're doing it at this time of the year you could attempt to move them.

**Patricia Cook:** those are getting removed; that is the plan.

**Curt Dybas:** try to re-establish those bushes in front of the new deck and you may get one or two to take since it is the right time to move them; they come back quickly since they are cedar. That would be my comment.

**Patricia Cook:** alright, we can do that.

**Chairman Hanchett:** I would like more information on the site plan itself like a survey map or at least delineating other lands by other people which IS information that we need. The instructions in the packet make it perfectly clear that the Board needs that information. At this time what I would like to see is the requested information for a site plan review application which is location showing boundaries, dimensions, parcels and tracks of land and this is so that we don't get involved with neighbors over the property lines and such and so what I would like to do is to table this and change it to a sketch plan. If you can bring a map showing the information and if you look at the "requested information for site plan review application" I think that it would bring things into scope.

**Patricia Cook:** I do have a map of the properties; the one that he owns next to him and then the one on the other side he recently sold.

**Chairman Hanchett:** like I said you have to show other stuff which is perfectly spelled out for you. If you would go back and re-visit your information we'll treat this as a sketch plan tonight and then you can come back with more information.

**Patricia Cook:** more details; ok.

**Kevin Mulcahy:** Keith can you provide her with that list so she knows what to have; simple things like the scale of the drawings, drawings to scale.

**Keith Osborne:** what I will do is that I will provide a tax map for her which obviously will be moving in the right direction.

**Chairman Hanchett:** do you feel that you will be ready by October?

**Patricia Cook:** yes.

**Chairman Hanchett:** we'll put you on the October meeting then.

**Keith Osborne:** and we'll send the information as a supplement in the package.

**Kevin Mulcahy:** and leave the public hearing open?

**Chairman Hanchett:** this is advertised as a public hearing but it turned out as a sketch plan, is there anyone who would like to speak on it at this time? (No response). With that since there is no response you'll be back in October.

**3. Application for Site Plan Review SPR15-2014 submitted by the Hart Family LLC (Donald Hart) with a proposal to construct a 2 ft. high, 30 ft. wide, 20 ft. deep stone wall utilizing existing stones on site for the purpose of erosion control for property located at 43 Trinity Rock Rd Ext. Tax Map No. 238.08-1-74.1. Lot size is 1.4 acres. Zoning Classification is RCH-LS. Code Reference is 175-37C. SEQR Type 2.**

**Chairman Hanchett:** I hope everyone has looked into this application and I find some deficiencies. The number one deficiency is the location map showing boundaries and dimensions of the property or track of the land involved, identification of contiguous properties, zoning districts, any easements or public right-of-ways and all features within five hundred feet of the site; this information is not in the application. Also the map of the existing and proposed topography and the contour interval not to exceed 500 ft. is not in the packet. The description of materials and methods of installation for any equipment or installation for which the permit is being sought is not in the packet. Site plan map should include north arrow, scale & date. Such additional information as the Planning Board may reasonably require to assess the proposed project is not in the packet. A stormwater design plan, refer to the Zoning Ordinance (Article V Section 175-22) for requirements concerning minor or major projects is also left out of the application and so I would entertain a motion to table this application.

**A motion is introduced by Patricia Marek; seconded by Kevin Mulcahy to table Site Plan Review Application SPR15-2014.**

**Ayes: 7 Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**  
**Nays: 0**  
**Abstain: 0**

**All in favor; motion carries.**

**Chairman Hanchett:** we did advertise it as a public hearing and so people who are here have a choice to speak on this.

**Jeff Baker, Esq.:** thank you Mr. Chairman and Members of the Board, my name is Jeff Baker and I am an attorney with Young/Sommer LLC in Albany representing Bonnie and David Colomb. I appreciate that you have identified the deficiencies in the application and since I am here, I can at least justify being here by telling you a few things about this. Obviously you are well familiar with the property since it has been well contentious in the past. I would suggest that, assuming that Mr. Hart is going to continue with this application, you also ask him to provide more information in terms of the nature and the use of the proposed terrace. I have just been to the sight before the meeting and he contends that the purpose of this terrace and retaining wall he wants to put on is to control erosion. He should provide pictures of the whole area, I have pictures on my phone and I am not going to bother showing them to you. There is no erosion in the area he is trying to control; there is erosion and an issue for the pathway coming down that everyone uses but this will do nothing to address any of that and in fact what the intent appears to be because there has been long standing litigation on this between the parties that he is trying to encroach on the beach area that is used by 50 families. I presume that whatever he is planning on building for the use is not going to be open for everyone's use and so it is the area where boats are being stored, where 50 families use it and it is completely incomparable with the purposes of your site plan review and doesn't even address the purported need for the project and in addition to the details you're asking for I think he should directed to provide further justification and photographs of what is being thee and then we'll be able to deal with it accordingly. Thank you.

**Chairman Hanchett:** is there anyone else in the audience who would like to speak on this project?

**Carla Bittner, Esq.:** thank you Mr. Chairman and Members of the Board; my name is Carla Bittner and I am here from the Bartlett, Pontiff firm and I represent 50 property owners in this area and I echo Attorney Baker's comments and I thank you for tabling this application and identifying the woefully inadequate and incomplete nature of it. That being said I don't want to delve too deep into my client's concerns however I do think it is important for the Board to know that there is extensive litigation with respect to the exact area that this wall is being proposed on. In addition to all of the issues you have already addressed for the deficiencies there is a potential settlement agreement with respect to that which precludes this exact action being taken. I sent Keith Osborne a letter last week which I believe he sent to you and I hope he also sent copies of Court transcripts and surveys that have been done. I understand that the Board doesn't generally look into property rights and as you said with the earlier application, you don't like getting involved with neighbors' disputes; I don't blame you, most of us don't. However I think that for your historical knowledge it is important that you review my August 26<sup>th</sup> letter and understand that this is a highly contentious litigation and it seems to be in the best interest of everyone including Mr. Hart and the Town that whatever issues between the parties are resolved before this application is fully submitted to you because in the event of the settlement as communicated between the parties goes forward, this application will most likely be withdrawn due to the nature of the location of the wall. I would just like to put that on the record and I would invite you to look at that knowing that you don't want to get involved with neighbors but you do need to understand and know that in your code you look at neighbors there are about 50 of them that have the right to use this particular area. I know you don't want to get involved in contentious

issues between neighbors but I think that you will understand as you get more into this that although it looks innocuous on his face, it isn't innocuous. Thank you for tabling it.

**Robert Bove:** my name is Robert Bove and I am a neighbor of the Harts; I live right next door and the closest party to that wall. I appreciate the comments from both attorneys however if you saw the beach historically it used to be all sand and now it is mostly grass, dug out and mostly washed in front of my house; I live on the north side and the way the current flows I have all the sand and all my neighbors have all the sand and all my neighbors' neighbors have all the sand and so as far as not being erosion I am sorry but I disagree with them. There is also a stream that comes down next to that which sediment comes down and it constantly washes in the lake. There is a path but it is not Mr. Hart's problem, it may be on his property but it is not his problem. If you look at the legal documents I believe that Fran Souse is responsible for the maintenance of that path; I just thought that I should let you know. Thank you.

**Marjorie Gilmore:** my name is Marjorie Gilmore; I am two properties from the Harts in the same direction. I have lived in my house 35 years, we built our dock in 1983 and at that time I could pull my boat totally under my dock. I have now put under what is my deck, metal roofing so that my boat can stick out where the deck used to be and the metal roofing keeps the rain from coming down onto the boat. We have so much sand that has washed north from this whole beach area that the people next to me cannot even get their boat under their dock. If you look at that beach in the spring when it hasn't been raked and maintained you will see a lot of erosion that you don't see now in the beginning of September. I am totally signed off of the lawsuit; I have nothing to do with how it is going to be settled but something has to be done to address the problem of the stream that is bringing dirt down the hill; we are looking at English Brook and every other brook and nobody is looking at this one at all and the fact that from Hart's beach north, we are getting sand and sand. I think it is easy to go look at a piece of property but if you see it day in and day out, year after year, it is a different situation.

**Chairman Hanchett:** maybe we can send a letter to the Park Commission?

**Keith Osborne:** they don't have jurisdiction on that.

**Chairman Hanchett:** then who does?

**Keith Osborne:** the Town because you're talking about the on the land side.

**Chairman Hanchett:** but underneath the water that's (interruption).

**Keith Osborne:** that's the Park Commission, yes.

**Chairman Hanchett:** is there anybody else who would like to speak on the project?

**Don Hart:** I am Don Hart property owner who is before the Board tonight. I am surprised that this thing has gone as far as it has because I cannot understand the regulation that I have boulders over here and I want to move them here; I don't understand how that fits into site plan review but maybe Keith can give me a better explanation. I have certain rights on my property to do certain things. I hear the attorneys for a lot of the people who have the rights to go to the water to bathe; several of them have a boat in the easement area; they say they keep their boats in the shorefront which they don't do and so because it is up in the easement area, Mr. Sause, his clients come down, they drag the boats from the high spot of the hill down to the water and with that comes the sand to the water area as Mrs. Gilmore and Mr. Bove have indicated. All I am trying to do is a simple remedy to alleviate some of the situation down at the beach area and it should not take several lawyers and everything to come; it is kind of a small thing. Someone mentioned the law suit which has been going on for 8 years and I don't know where it fits into this picture. Their deed says that they cannot object to my building structures on that easement area but all they have done is to object for 8 years and here we are trying to move some rocks from this point to this point and here they all are objecting. This is all I have to say at this time anyhow.

**Chairman Hanchett:** Keith, could you tell Mr. Hart why he is here?

**Keith Osborne:** Don, you are here for site plan review because you are proposing to bring fill in within 100 ft. of the shoreline.

**Don Hart:** if that's it then I won't bring the fill in, I'll just move the rocks and eliminate the rocks.

**Keith Osborne:** what purpose would that serve?

**Don Hart:** (Comments not audible since he is not using the microphone).

**Ann Marie Giarnelli:** Mr. Hart is talking about the boulders but where they are going there is a berm of trees which I feel stops the erosion; the main erosion is coming from that beach path that just runs right down when there is rain and it does wash the beach out. How far the sand travels I don't know but I think that this really needs to be addressed and the other question is if this wall is constructed, where do those boats go? I haven't heard anyone bring that up.

**Frank Sause:** my name is Frank Sause and I am the owner of Cramer's Point Motel and we have rights to use the beach. My concern is where are we going to put the boats, I'd love to have them closer to the water and the reason why they are where they are at is because that's where they have always been. I have been the owner for 28 years and we've always had three or four boats all the way towards the back and now I am down to three and so my concern is where the boats will be going and also if that land is leveled out, it is part of the easement, will the people still be able to use the beach area where it is leveled out.

Someone from the audience asks "this wall going towards Hart's house is it passed that berm of trees? It is not coming forward."

**Chairman Hanchett:** his map is not very clear which is why we didn't accept it and we have asked for more information if he wants to continue.

Someone from the audience asks "can I ask Mr. Hart that question?"

**Chairman Hanchett:** no, you can speak on the project but if you want to speak with him you can do so later on after the meeting.

The lady from the audience continues "I have a mental picture of where the trees are and the boats go and I thought the wall was going to be up towards his house."

**Chairman Hanchett:** that's the same problem we had looking at the maps that he provided us.

**Sean Quirk:** are we going to keep the public hearing open?

**Keith Osborne:** I would keep it open and you have an incomplete application. When an application is deemed complete by the Board (interruption).

**Chairman Hanchett:** then we'll leave it open. Did we make a motion to table the application?

**Patricia Marek:** We tabled the application but we did not make any notations to leave the public hearing open.

**Keith Osborne:** for the record I would go ahead and re-vote on the tabling for the Hart property.

**A motion is introduced by Sean Quirk; seconded by Kevin Mulcahy to table Site Plan Application SRP15-2014 as well as leaving the public hearing open.**

**Ayes:** 7 **Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**  
**Nayes:** 0  
**Abstain:** 0

**All in favor, motion carries.**

- 4. Application for Site Plan Review SPR16-2014 submitted by Joseph Biondo as agent for T. Terry et al with a proposal to expand by volume the second floor of a single family dwelling by replacing 3 ft. knee walls with 8 ft. walls as well as expanding the existing front deck for property located at 19 Washington Avenue. Tax Map #251.20-1-49. Lot size is 0.36 acres. Zoning Classification is RSH. Code reference is 175-37I. SEQR is Type 2.**

**Joe Biondo:** good evening everyone I am Joe Biondo with Mike Terry, my builder. Just as the description says I am asking permission to remodel my second home in order to get more usable square footage out of it. This is going to be my primary residence for my wife and me; in a couple of days my wife and I will own the house 100% outright. We bought it in 1995 with Tom Terry and I am closing tomorrow to buy him out. The purpose of remodeling is to make it a primary residence as oppose to a camp. I did manage the stormwater and I have a plan for that; I worked extensively with Keith trying to address everything that you may have questions about and I think I have done that. As you know Woodfin Park is a pretty close knit group and the Vice President has written a letter to Keith saying that all the members of the Woodfin Association are on board with my project. It is really going to do nothing but improve; it will just be a better looking more livable house. Can I answer any questions for you?

**Kevin Mulcahy:** on the application it states that the proposed plan is to expand by volume the second floor resulting in 3 bedrooms and two bathrooms, is that correct, you'll have three bedrooms on the second floor?

**Joe Biondo:** yes.

**Kevin Mulcahy:** because on the plan I have it shows 2 bedrooms.

**Joe Biondo:** I went to Eric & Eric and I should have (hesitation). He told me to mention this too without spending a ton of money I didn't want to go back and forth with Eric & Eric until I got an indication from you if I could do the whole thing and so this plan is not an exact. If you look at the front page, the deck goes across almost the entire floor when all I wanted was a little 6 ft. deck with two chairs so I can go out with my wife and look at the lake from my bedroom. The exterior dimensions are not going to change at all and he just didn't do exactly what I asked him to draw but the square footage did not change. If I get permission then I'll continue with Eric & Eric.

**Chairman Hanchett:** certainly we need to see exactly what is going to happen.

**Joe Biondo:** it is just that front deck instead of going across the whole front is only going to be a 6 ft. indentation.

**Sean Quirk:** and so your exterior walls are going to move out.

**Joe Biondo:** yes.

**Kevin Mulcahy:** is your roof line going to be different then?

**Joe Biondo:** no.

**Chairman Hanchett:** Keith do you know about the stormwater?

**Keith Osborne:** yes, it was designed by Curt Bedore and as an ancillary piece to this part of Washington Avenue is on his property and the half is not but it goes all the way down to the lake; Curt was retained by the Homeowners Association. I don't know what happened on Saturday if in fact they're going forward with that plan or not; I haven't seen anything on my desk. That is associated with this project also but for the purposes of site plan review, he is taking care of the stormwater on his property for his packed surfacing; I have looked at it but haven't run numbers but it is sealed.

**Kevin Mulcahy:** I have a couple of things on the stormwater. We have a drywell basin adjacent to the driveway area, I believe that it is getting drainage from the driveway to keep it away from the property, is that true?

**Joe Biondo:** yes.

**Kevin Mulcahy:** Keith, you'll have to check on this but I don't believe I don't think you can put a drywell to drain a driveway within 100 ft. of your well.

**Keith Osborne:** within 100 ft. of the shoreline but not the well; I am not sure about the well.

**Kevin Mulcahy:** I think according to 175-21 that there is a question there. The other thing is the pervious area that he is showing seems to show the area of the roof and then I think he has driveway runoff and I scaled these and they seem to be pretty close but what it doesn't show is the fact that part of Washington Avenue impervious area is on the

property and I believe there is a shed as well which is not shown on the site plan but the pictures show a shed adjacent to the garage; is that correct?

**Joe Biondo:** right, I had two trees taken down and I am going to replace the shed since it is old and dilapidated.

**Kevin Mulcahy:** that is another pervious surface that is part of the property that is now shown on this. I guess where I am headed is without everything on there, walkway, sheds, Washington Avenue you really don't know what the lot coverage is and down there you are 30% lot coverage. It looks like everything has worked just fine with the lot coverage but it appears that we don't really have everything on the site plan.

**Keith Osborne:** is that this?

**Kevin Mulcahy:** yes, I went out on Google Earth and the only other place it could be would be in the middle of the road and so it has to be his property.

**Keith Osborne:** this shed here? It is not the garage?

**Joe Biondo:** that's the garage.

**Mike Terry:** there was an old shed in the back but it is gone now.

**Keith Osborne:** that's the garage and so it is represented here.

**Sean Quirk:** that's the garage that is attached to the house?

**Kevin Mulcahy:** is there a parking area next to where the trailers are?

**Keith Osborne:** there seems to be, yes. Is it hard surface?

**Mike Terry:** no, (not audible).

**Joe Biondo:** actually we're getting rid of some concrete in the back on the south side of the building it is all concrete and where the stormwater management is, it includes getting rid of all of that concrete and so that's impervious that we are going to turn into pervious.

**Kevin Mulcahy:** basically he is not over 1,000 sq. ft. of newly created impervious surface and so he doesn't have to do the stormwater. The other question on this map is Washington Avenue label points all the way up to the top line and then it points over to a line that seems to go through the top third of your property or north third, is that part of an easement?

**Joe Biondo:** no.

**Kevin Mulcahy:** is the arrow going to the wrong spot? There is another note that says "deed parcel" to there. This says deed to that line, the property line shown here it shows Washington Avenue going there too and so I don't know if this is a deeded easement for the property or why does it say "deed parcel" to there?

**Joe Biondo:** "deed parcel 1" goes from there to there (referring to a map); this is "deed parcel 2."

**Kevin Mulcahy:** now Washington Avenue according to this, what does that tell me?

Comments from applicant are not audible since the microphone is not being used.

**Kevin Mulcahy:** so half of the street is on his property?

**Mike Terry:** yes. (Remainder of comments not audible).

**Kevin Mulcahy:** do you know where the sewer line comes into the house?

**Mike Terry:** in this corner.

**Chairman Hanchett:** I think what we ought to do on this since there are a lot of questions and a lot of things that are not on this map and since it is right on the lake I think that it is going to help the building itself but we need more information so that we can make a good decision on this. I am going to do the same thing that I did with the other application and I am going to treat this as a sketch plan; go back to your drawings and put everything like the deck depicted with the correct size, any of the questions that were asked make sure that they are on the drawings. This is a unique situation with Washington Avenue coming into your property; work with Keith some more on it, get some stormwater and we'll go from there and as far as you going ahead, I would say go ahead but we need more information.

**Joe Biondo:** yes but specifically I need to know what to ask for.

**Kevin Mulcahy:** here is one thing that I have that is easy. Your application asks for three bedrooms on the second floor my plan is showing me two bedrooms; show me a plan that shows me what you're going to have up there.

**Mike Terry:** I think Joe's question is more about the stormwater and outside.

**Chairman Hanchett:** (pointing to Keith Osborne) there is your man right there. I think he knows what you're doing.

**Keith Osborne:** yes, we need to verify the 100 ft. from the well, I think we're ok with the infiltration device handling water coming off a road, I think we're outside that distance but I'll look at that also. You're correct with the amount of new impervious being less than 1,000 sq. ft. and we're getting something here and it is a comprehensive plan associated with the other side of Washington Avenue too. There is some vetting that I have to do with this I would ask the Board "Are you leaning towards sending this to the engineer?" If so let him know now if not I think we can handle it with Curt's seal on it or wait until it comes up next time if you feel it is necessary.

**Chairman Hanchett:** because you said that there is some other stuff going on with this area behind the scenes.

**Keith Osborne:** yes there is with Woodfin Park, with the HOA, we probably need to get some more information on that.

**Joe Biondo:** Dave said that they are going to go forward with it but they are not sure who they're going to go forward with. They are in the process of getting bids from different people. They only receive one bid and there were a lot of questions that did not (not clear).

**Keith Osborne:** did they retain Kurt as a design engineer?

**Joe Biondo:** yes.

**Keith Osborne:** that's a positive right there.

**Joe Biondo:** they have a plan.

**Keith Osborne:** I haven't seen the plan; I have asked Kurt for that the other day and just to let you know I am in contact with the engineer and asking for the plan but he wasn't exactly sure if he was going to be retained. I have not seen a plan; is Nancy the Board President?

**Joe Biondo:** Dan Pasek is the Vice President and is the one who has taken the lead and the one you should talk to.

**Chairman Hanchett:** at this point I'd like to take a motion to treat this as a sketch plan and then I need another motion to keep the public hearing open.

**A motion is introduced by Sean Quirk; seconded by Curt Dybas to table Site Plan Review SPR16-2014, deem it as a sketch plan and to keep the public hearing open.**

<b>Ayes:</b>	<b>7</b>	<b>Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett</b>
<b>Nayes:</b>	<b>0</b>	
<b>Abstain:</b>	<b>0</b>	

**All in favor, motion carries.**

## **REGULAR MEETING**

5. **Application for Site Plan Review SPR13-2014 submitted by Michael Feldman with Stephen Adler as agent with a proposal to build an approximately 1500 sq. ft. 2 story single family dwelling with a walkout basement and attached garage for property located at 59 Watershed Drive – Lot 13 Diamond Lookout Subdivision. Tax Map No. is 225.00-1-80. Lot size is 7.19 acres. Zoning Classification is RR-10. Code reference is 175-37. SEQR is Type 2.**

**Stephen Adler:** yes Mr. Chairman and members of the Board, this is the first lot that is getting a building on the Craig Brown's Diamond Lookout subdivision. It was a little bumpy but I think we have everything under control now. What we are proposing is to use the existing gravel entrance to get into the building; the slopes on this property are very moderate and I took a lot of photographs for you folks to look at. It is a very buildable site where very little disturbance will occur. We actually moved the building back from the bank side; on the original layout I saw the building was encroaching on bank and actually was causing a lot more clearing and disturbance of the ground around it. We want to bring this to you guys now; I have Ed Esposito with me who does my stormwater and site design. I don't know if you have any questions, I have tried to give as much information as I could in your packet.

**Curt Dybas:** I have one question visiting the site. I noticed that when you're coming up Diamond Point Rd you have to be (comments no clear). A little bit further up there appears to be erosion clearing or something on the steep slope which I think is running up to the top of the slope.

**Stephen Adler:** yes; I have copies of when the sub-division was approved and if you want to look at them I can pass them on out to you (interruption).

**Curt Dybas:** but is this the slope that you're talking about?

**Stephen Adler:** no, we are way back from that now.

**Keith Osborne:** no, that's not on this lot.

**Stephen Adler:** we moved everything back up slope from it.

**Curt Dybas:** that is all I wanted to know because walking in there and looking around I could not with the tree growth get an orientation as to where I was in relationship to that; that's one heck of a drop in relationship to that.

**Stephen Adler:** oh yes; we don't go there, we are staying away from that. In fact, Keith, I think you walked it after I marked the trees. We are proposing to take down one cluster of trees for the installation of our septic tank, 85% of the septic fields have already been cleared in the previous cleared area. We are going to thin the small second growth scrub pines; we're going to leave all the remaining trees along the front of the slope. We moved the building so the view out will still catch the view of the lake but from any point on Diamond Point Rd you will not see the building and you'd be hard pressed to be able to see it from the lake since it is so far away. We tried to respect and do as little clearing as we can but anything on the stormwater management I would refer it to Ed who is with and has made all the calculations.

**Chairman Hanchett:** do you want to tell us a little bit about the proposed stormwater?

**Ed Esposito:** sure. I think that Steve submitted the graphics that show that we analyzes. Because the site is 7 acres and we're disturbing less than ½ acre we analyzed the home site and showed that on pre-development it came down approximately 10% slope and we've slowed down the time of concentration with the use of infiltration trenches around the home and so all the impervious goes into the trench and is re-absorbed and the run off will slow down. Secondly we analyzed the driveway as a drainage area #2 and showed that on the post development we're actually converting the gravel road to lawn which again the time of concentration slows down and so the net result on a 100 year storm, the infiltration trench and the combination of lawn actually retains about 700 cu ft. of volume runoff which is more than the 500 cu ft. that we analyzed. If we look at the big picture for the 7 acres, the impact of the home site development with that driveway which will remain gravel on the main driveway is very negligible and actually reduces the runoff coming off the property on the post development for the overall site.

**Curt Dybas:** Keith, don't we use the 25 year storm?

**Keith Osborne:** for this yes but they went above and beyond.

**Chairman Hanchett:** are you happy with the proposed stormwater calculations?

**Keith Osborne:** yes, some of the practices I am not overly wild about but it is a lot better than what typically would be associated with something like this. This was put on as a condition of approval that this site plan comes before you. I think it is marginal at this point to me but I think it had to do with the fact that the site was located in an area in the view shed and not so much because of stormwater.

**Chairman Hanchett:** Dawn, could you read this into the record?

Dawn Koncikowski reads the application into the record.

**Chairman Hanchett:** questions from the Board? Is this the first lot that is being built in there?

**Stephen Adler:** yes; actually another one sold that is a little more complicated, it has some slopes on it but we hope to start designing a plan on that soon; it is starting to move now.

**Keith Osborne:** yes, one of the issues that I would like on the record is that the way the subdivision was approved and specifically that lot, they had the house and the septic on one side of the waterline. They have to approach Dan Davis on this and rectify how they are crossing that. There are certain rules to crossing a waste water line over a water line; there has to be a certain distance, I believe that there has to be blocking, I am not exactly sure but it needs to be mitigated. If you are thinking of approving this, I would say that this condition be part of the approval.

**Stephen Adler:** we actually noted that on the drawing.

**Kevin Mulcahy:** you checked off that this is a Class B regional project, is that correct?

**Keith Osborne:** it is a Class B regional project, that's correct.

**Sean Quirk:** does that mean that it goes to the APA?

**Keith Osborne:** no, Class A projects go to the APA. Is there a notation on here that states (pause)?

**Stephen Adler:** yes, the rule governing the separation between water and sewer.

**Chairman Hanchett:** it says "proposal of 18" of clearance of water and septic."

**Keith Osborne:** so, we had discussed this prior to you submitting it and then you added that line to this?

**Stephen Adler:** yes.

**Keith Osborne:** I did not see that, excellent.

**Sean Quirk:** is this driveway going to be a coarse driveway or just a gravel driveway.

**Ed Esposito:** it is unpaved and will remain unpaved.

**Stephen Adler:** it will remain the same gravel driveway that it is.

**Curt Dybas:** it is a gravel driveway now.

**Kevin Mulcahy:** would this have any interference with the Town maintaining that water?

**Keith Osborne:** no, not at all. The Town has an easement there and so they have rights to maintain that but I would caution that you definitely need to get Dan's sign off on this, not necessarily for approval but as a condition.

**Chairman Hanchett:** I'll entertain a motion to accept the application as read and it appears to be all in order at this time.

**A motion is introduced by Kevin Mulcahy; seconded by Curt Dybas to accept the application as read.**

**Ayes: 7 Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**  
**Nayes: 0**  
**Abstain: 0**

**All in favor, motion carries.**

**Chairman Hanchett:** I will entertain a motion to waive the public hearing at this time or move it on to a public hearing.

**A motion is introduced by Curt Dybas; seconded by Sean Quirk to waive the public hearing at this time.**

**Ayes: 7 Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**  
**Nayes: 0**  
**Abstain: 0**

**All in favor, motion carries.**

**A motion is introduced by Kevin Mulcahy; seconded by Curt Dybas to approve application SPR13-2014 with the following condition:**

**Disturbance with waterline easement to be reviewed by the Town Highway Superintendent and if any alterations are required from it they need to be re-reviewed by the Planning Board.**

**Ayes: 7 Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**  
**Nayes: 0**  
**Abstain: 0**

**All in favor, motion carries.**

**6. Site Plan Application SPR14-2014 submitted by Thomas Wessling with Tom Hutchins as agent proposing to construct an approximately 5,460 sq. ft. 2 story single family residence with walkout basement and a 1080 sq. ft. single story guest house for property located at 3675 Lakeshore Drive. Tax Map No. 225.12-1-15. Lot size is 12 acres. Zoning Classification is RCH-LS. Code references are 175-37C, 175-21F(2) and 175-13B(2). SEQR is Type 2.**

**Jeff Myer, Esq.:** I am an attorney on behalf of Mr. Wessling, his wife Mrs. Wessling and Tom Hutchins and I am pretty much here to introduce everybody and then get out of the way. The description does a pretty good job trying to locate two single family residences on the opposite portion of the Blue Lagoon property. There is existing infrastructure there with the road; there is a large septic system that serves Blue Lagoon. This is distinct and separate, they don't intertwine or get tapped. The separation distances are all there. With that very brief overview, I'll turn it over to Tom Hutchins.

**Tom Hutchins:** good evening Board. I will give you a brief overview. Off of Route 9N there is existing (not audible) gravel drive up to this area right here (referring to a map). There is a clear area which is the waste water system which was installed two or three years ago and it serves Blue Lagoon. There are a series of septic tanks, there is an equalization tank and a couple of septic tanks and three large fields down in this area. There is an intermittent stream that runs sort along the northerly border although it meanders this way; where is it across the road Tom, is it here?

**Tom Wessling:** yes, there is a culvert.

**Tom Hutchins:** the proposed main house will be in an area just above where the existing septic system is. If you went up there, there is an existing loop drive and the driveway from the main house will come off in that loop, come across in front of the slope to a side entry way. This will be a walk out lower basement. The wastewater system will be set back a little bit and there is also a proposed guest house 40 ft. x 40 ft. square which will be down here. The wastewater system is a Presby Environmental System device for both residences; this one will involve a septic pump station which will be gravity fed from the septic tank from the main house to the system. For the stormwater we use a combination of approaches, we have some diversion of up gradient water that we're going to capture here and divert around our project to an existing drainage channel, there is a drainage channel right here so we have some diversion here. We have some infiltration trench around this driveway; we have some eave trench along the side of the house and the front of the house with an overflow to our main stormwater which is here. There is a small rain garden here with plantings which will basically serve half of this driveway area and any

runoff from this upper section driveway and again this will overflow to our main stormwater base which is a fairly good size here with a control outlet overflow which will then divert to an exit channel and then move to the infiltration trench around the guest house. We put the water supply back here trying to maintain our triangle setbacks between the waste water systems, the water systems and the water supply so they will be operating (not audible). No real improvements are required to the road which is in relatively good shape and with that I guess I'll turn it over for questions.

**Curt Dybas:** Tom, I was up there today and that road in certain areas is quite rough. It is in rough shape especially down by the garage where the steep slopes are; it is quite rough down there.

**Tom Hutchins:** it is something that certainly has to be maintained; I don't recall it being an issue the last time I was up there but that was a couple of weeks ago.

**Curt Dybas:** we had a lot of rain last night but anyway (interruption).

Comments from the Tom Wessling in the audience are not audible.

**Curt Dybas:** I was up there today, got out of the car, turned around and a bald eagle took off.

**Chairman Hanchett:** Keith, have you looked at the stormwater on this project?

**Keith Osborne:** I have and I am sealing it also. Did you talk about the subdivision and the commercial component that currently exist at all?

**Tom Hutchins:** do you mean down here? We have shown at Keith's request a phantom subdivision line which would separate these two residences on two separate parcels which was something that he asked us to show which is a requirement if you have two residences on one parcel.

**Curt Dybas:** how about the septic if you have combined septic; is it on the deed?

**Keith Osborne:** you would have to do a deed addendum for that but they are not going to do that now but when they do they'll have to do it.

**Curt Dybas:** I am just asking how that can be handled; I thought it would be with a deed.

**Kevin Mulcahy:** Tom as far as the Presby system I went to a seminar last month and at their seminar they were saying that the rule of thumb is to do 70 ft. per bedroom and I know that I looked at the tables and they were showing 50 ft.; does the Presby need to go to the Consolidated Board of Health?

**Keith Osborne:** the Presby needs to go to the Consolidated Board of Health.

**Tom Hutchins:** I have designed it I think in accordance to the New York design manual for a Presby system.

**Kevin Mulcahy:** I looked at it today, went through it and I came up with the same conclusion. Basically at their meeting they said that rule of thumb in New York State it should be 70 ft. per bedroom. They said that the only thing that changes is the amount of sand in these systems; the length of trench stays the same based on a bedroom and then your sand base gets bigger if you have a worse percolation rate.

**Keith Osborne:** under the current regulations the Presby would have to go to the Consolidated Board of Health. By the time that this is going to be built which is in the spring but before that's installed, it is my hope that I can get 75A into the Consolidated Board of Health racks with the other accruelements that we were trying to add before such as the use and all that. That might be a moot point by the time there are ready to go.

**Tom Hutchins:** I think it is a pretty good system; I have installed several of them now and the system sand is very, very important.

**Kevin Mulcahy:** the size of the sand. I like the theory behind it because you are basically using air to digest the grease and bacteria assuming someone doesn't put it too deep in the soil (interruption).

**Keith Osborne:** this is a vented system right?

**Kevin Mulcahy:** yes.

**Chairman Hanchett:** have you given any thought to emergency vehicles getting in there?

**Tom Wessling:** during the construction of the septic system we had to get a full, large axle dump truck there and we had no problems getting this equipment there and so I assume that there should be no problems getting an ambulance or a fire truck in there.

**Sean Quirk:** do we have to concern ourselves with turnarounds for the length of that driveway?

**Tom Wessling:** there is an existing turnaround. (Referring to a map) I guess with the various construction; this is originally the access road to maintain and care for the septic system and mow the lawn, to get those large dump trucks and excavators and other equipment out there. It is a big massive system; it does the whole lakeside parcel with motels, cottages and whatever else is there. Currently it comes up and it has a big loop here and Tom has it coming off the driveway to the main house which continues here and he has (remainder of comments not audible since applicant is not using the microphone).

**Sean Quirk:** isn't it every so many feet though?

**Tom Hutchins:** we have to have turnouts every 500 ft. if the finished width is less than 20 ft. of surface.

**Keith Osborne:** is that not associated with subdivisions specifically?

**Tom Hutchins:** no, that's NYS Fire Code. I can't sit here and tell you that I have verified (interruption).

**Tom Wessling:** I can speak to that because National Grid came up to look at laying the underground line and they needed that 20 ft. to fit their truck and the reel and they figured that they could get that all the way up and so I assume (pause). The final width will be more and obviously it will not be less.

**Kevin Mulcahy:** there are other things that they can get from the County that far back but they are part of Warren County Building and Codes.

**Keith Osborne:** that's Warren County Building & Codes but I thought that the driveway length was a subdivision issue.

**Tom Hutchins:** all I can say on that is that I'll make sure that the drive as it exists gets to a condition that is compliant with that turnout as per Fire Codes requirements.

**Sean Quirk:** do you know about how long the driveway is?

**Tom Hutchins:** 1,300 ft.

**Chairman Hanchett:** it has pretty good slopes too.

**Keith Osborne:** which is the reason why they are here but the slopes are more in the rear.

**Tom Hutchins:** yes, the driveway is greater than 10%.

**Chairman Hanchett:** Heath could you read this into the record for us?

Heath Mundell reads the application into the record.

**A motion is introduced by Curt Dybas; seconded by Patricia Marek to accept the application as read.**

<b>Ayes:</b>	<b>7</b>	<b>Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett</b>
<b>Nays:</b>	<b>0</b>	
<b>Abstain:</b>	<b>0</b>	

**All in favor, motion carries.**

**Kevin Mulcahy:** one last question for Mr. Hutchins; replacement area?

**Tom Hutchins:** it will be essentially a replacement in place situation.

**Kevin Mulcahy:** is that how the system works?

**Tom Hutchins:** yes, you have to excavate a fair amount of material but (pause).

**Kevin Mulcahy:** do they recommend a 50% replacement area for a new system, right?

**Tom Hutchins:** DOH recommends a 50% replacement area when you can and they indicate when feasible. This is really the best location for it (referring to a map); I can show a replacement area up here but if you're going to replace the system you'll want to replace it in the same place; it makes sense.

**Kevin Mulcahy:** is there any practicality in putting it down where all the other systems are?

**Tom Hutchins:** I didn't really want to influence that other system at all because it has been there, it is working and it is doing a big job and we frankly want to stay away from there.

**Keith Osborne:** the SPDES permit too.

**Tom Hutchins:** it is under the owner's SPDES permit and I don't want to add to it. We dug test holes right there and the soils are great, they are sandy and for Lake George on that side there is really a lot of granular material; I am not uncomfortable with that location which is why we picked it there.

**Chairman Hanchett:** will there be any blasting?

**Tom Hutchins:** we didn't find any rock. There is ledge back here (referring to a map) but I didn't dig to the depth of that basement but I don't believe so but we didn't find any evidence of it; we didn't find any hard pan, it was just nice gravely sand.

**Chairman Hanchett:** so, actually your nearest neighbor is Blue Lagoon.

**Tom Wessling:** yes and to the side it is Hillview Cottages and on the other side is Lake George Suites.

**Curt Dybas:** Tom, is Slywka's property to the south?

**Tom Wessling:** yes, that's Hillview Cottages.

**Curt Dybas:** but their house isn't back this far.

**Tom Wessling:** no, it is a few hundred feet away. Their well is over 500 ft. away and their septic is about 900 ft.

**A motion is introduced by Sean Quirk; seconded by Dawn Koncikowski to waive the public hearing.**

**Ayes: 7 Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carries.**

**A motion is introduced by Sean Quirk; seconded by Dawn Koncikowski to approve Site Plan Review SPR12-2014 with the following condition:**

- **Tom Hutchins shall confirm that the length of the driveway is compliant with fire codes.**

**Keith Osborne:** do you want Tom to confirm the fire code?

**Sean Quirk:** yes, the length of the driveway which would be with the fire code or Warren County?

**Keith Osborne:** is it 500 ft.?

**Tom Hutchins:** I believe so; if it is less than 20 ft. in travel width, I believe every 500 ft. you have to have a turnout but I will have to look that up.

**Keith Osborne:** would that be with the Fire Marshall?

**Tom Hutchins:** I believe so.

**Ayes:** 7 **Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**

**Nays:** 0

**Abstain:** 0

**All in favor, motion carries.**

## DISCUSSION ITEMS

### 1) **Site Plan Review submission by DEC request by Peter Keating for the Beach Road Project**

**Chairman Hanchett:** we have a gentleman, Mr. Peter Keating (interruption).

**Keith Osborne:** sorry to interrupt but we have a discussion item with AT&T do you want Peter to go first?

**Chairman Hanchett:** yes; I think he has been very patient and I think we can take care of the other after. Peter is going to make a resolution and we will vote on that resolution and send it to the Town Board.

**Peter Keating:** good evening Mr. Chairman, ladies and gentlemen, my name is Peter Keating and I live on Rose Point Lane. On July 10, 2013 the Director of Planning & Zoning, Mr. Keith Osborne sent a letter to the NYS Department of Environmental Conservation informing DEC that as per Town code 175-21D, 175-23C and 175-36 that site plan review per those codes was required for the proposed project at Million Dollar Beach; it is required by the Town of Lake George Planning Board. DEC on October 6, 2006 had come before the Planning Board for a similar project and as such has set a precedent for site plan review for work down at Million Dollar Beach. DEC has ignored the Town code which has undermined the integrity of the Planning and Town Boards also. If I as a property owner am instructed to go before the Board for site plan review and refuse to obey by the Town code, I would be issued a "Stop Work Order." None of this has been done for the DEC's project at Million Dollar Beach; shouldn't there be parity for our Town code for all of the citizens, residents and establishments here?

I therefore request that you issue a resolution to the Town Board requesting a written, published opinion from the Town Counsel addressing these issues and advising the direction the Town Board should proceed with. In summary, the precedent was set in 2006, DEC was notified of the requirements in 2013 and I believe, and Mr. Osborne correct me if I am wrong, they had 60 days to challenge the requirement to come before site plan review; is that correct, 60 days sir?

**Keith Osborne:** I believe it is 62 days.

**Peter Keating:** excuse me, 62 days to challenge it which they have not done to my knowledge. The integrity of the Boards has been diminished and undermined; there is no parity for the Town's citizens for the code if they are allowed to get away with not coming before site plan review. Are there any questions of me? Thank you for your time, I appreciate it.

**Chairman Hanchett:** thank you very much Peter; at this time we will vote on the resolution that will be sent to the Town Board.

**Sean Quirk:** what is the resolution?

**Keith Osborne:** what I am getting out of this is that the resolution is to present to the Town Board that counsel weigh in on this issue with something in writing.

**Chairman Hanchett:** I think that Peter said it very well and we have it on the tape.

**Keith Osborne:** and provide the minutes to the Town Board.

**Chairman Hanchett:** exactly.

**Patricia Marek:** so, you are saying that DEC cannot override the (interruption).

**Keith Osborne:** that's the hope but they are obviously the State and we're less than the State in their eyes.

**Patricia Marek:** absolutely, just like the Feds. The Feds can pretty much come in and do whatever they want and I am wondering if this is a moot issue.

**Keith Osborne:** I would agree with you that it would be a moot issue if they had not come for site plan review in 2006 for a similar project; that's always been my stance on this.

**Peter Keating:** they set a precedent.

**Chairman Hanchett:** that was Phase I of the project and I was on the Board at that time.

**Patricia Marek:** I got the feeling that when they were here a few months ago it was more to include the citizens so they could comprehend and understand what is going on and not that they were looking for our approval.

**Chairman Hanchett:** but they also said that they were going to come back.

**Peter Keating:** they did state that they were going to come back.

**Patricia Marek:** it seemed as though it was more like a fact finding mission that they were going for our opinions (interruption).

**Keith Osborne:** it was a mollifying approach by them I believe. We asked for a presentation, they gave it to us but not under the guides of site plan review.

**Curt Dybas:** they were basically telling us what they were going to do.

**Kevin Mulcahy:** I thought they said they were going to come back one more time.

**Patricia Marek:** I got that "we are going to take all of your information and consideration into consideration."

**Keith Osborne:** no, they stated on the record that they would come back.

**Chairman Hanchett:** that's the resolution; it is what Mr. Keating has said. We are going to send it to the Town Board and I'll take a roll call vote at this time.

**Ayes:** 7 **Koncikowski, Mulcahy, Quirk, Dybas, Marek, Mundell, Chairman Hanchett**

**Nayes:** 0

**Abstain:** 0

**All in favor, motion carried.**

## **2. AT&T Cell Tower at the Highway garage.**

**Chairman Hanchett:** next on the agenda we have a story from AT&T about Verizon; please tell us what is going on.

**John Lawrence:** sure, my name is John Lawrence and I am with Centre Line Communications and we are a site acquisition and real estate consultants to AT&T. Initially we came in and worked a lease with the Town and also came back in 2013 for both site plan approval and variance approval from the Zoning Board. Is this more of a discussion or a presentation?

**Keith Osborne:** it is more of a discussion; just bring the Board up to date as to why we still have the COW on site.

**John Lawrence:** sure. We received site plan approval back in May of 2013, AT&T's goal for 2013 and going forward at that point was to initially provide coverage to Americade as well as get on the air for the busy times in Lake George. Getting the approval in May did not give us enough time to construct our permanent tower and still be on air for Americade in the

summer since generally it is a 3 month period which would have pushed us into August. We talked to Supervisor Dickinson and we discussed with you Keith putting up what we call a COW which is a "cell on wheels." Basically it is a trailer with an extendable tower which is the same height of 39 ft. that we were approved for and so we put it up with the intention of taking it down in the fall of 2013. Due to the fact that there is also a Verizon tower there, Verizon's Frequency Engineer started talking to AT&T's Frequency Engineering saying that they started to have some interference issues initially pointing the finger at AT&T stating that the cell site was causing interference. This turned to be not the case; Verizon concluded that what caused the interference but it wasn't AT&T. I should back up a little bit. We took the COW down at the end of 2013; at that time the interference issues were not fully resolved. Verizon thought that AT&T might have been the cause of the issues. AT&T was reluctant to build their permanent structure in the same location knowing that there was a potential for interference with the Verizon tower. On April 2<sup>nd</sup> of 2014 we reached out to Supervisor Dickinson and asked if we could put the COW back out for the summer and take it down the end of September of 2014 with the goal being to see if the interference issues could be resolved and if everything was satisfactory between Verizon's and AT&T's engineers we would move forward toward with the permanent built. It was this summer of 2014 that Verizon determined that AT&T was not the cause of the interference and so in order to provide coverage through the summer we kept our COW up; it is still up there and sometimes I believe in October build the permanent structure that we were approved for through the site plan and the variance. The permit from Warren County expired in June, I talked to the building department and they said that it would not be a problem to renew it in fact AT&T paid half of what the original fee was and they did renew it. This is how we got to this point.

**Chairman Hanchett:** when does ours run out?

**Keith Osborne:** the approval was in May 7 of 2013 and so the approval will run out on May 7, 2015.

**Chairman Hanchett:** they just want to keep the COW on for maybe another month.

**Keith Osborne:** now, before we put you on the agenda there was the potential that this was to possibly move and since you got the frequency issues taken care of (pause).

**John Lawrence:** yes, apparently it wasn't frequency issues but I don't pretend to know what is causing it. I know that Verizon said that AT&T is not causing the issues or experience no interference throughout this summer; Verizon is satisfied; AT&T is satisfied that they are not going to cause interference with the permanent structure and their goal is to pull out that KOW and build a permanent station.

**Keith Osborne:** the impetuous was for me to have John come to you and explain what was going on with the COW specifically since you had no idea about KOW. Now you do, it is on the record and it sounds like at this point, that they are going to go ahead with the building of it which is great; that's what we want and so it is a pretty easy discussion at this point.

**John Lawrence:** do you have any questions for me?

**Chairman Hanchett:** I don't; just give people good service, that's all.

**John Lawrence:** since we initially put up that COW I believe in May of 2013 we have been paying rent the entire time with no lapse during the winter.

**A motion is introduced by Sean Quirk; seconded by Curt Dybas to adjourn the meeting at 8:00 p.m.**

**All in favor, motion carries.**

Respectfully Submitted,

Adele Behrmann  
Planning & Zoning Clerk