

Minutes of the Town of Lake George Planning Board meeting held on December 13, 2016 at 6:00 p.m., at the Town Center, 20 Old Post Road, Lake George, New York.

**Members Present:** Sean Quirk, Chairman  
Kevin Mulcahy, Vice Chairman  
Curt Dybas  
Heath Mundell  
Patricia Marek  
Fred Pape, Alternate  
Bob Flacke, Alternate

**Members Absent:** Dawn Koncikowski

**Also Present:** Dan Barusch, Adele Behrmann, Tom Hutchins, Chris Navitsky, Kevin Maschewski, Rebecca Holmes, Jim Rose and others.

The meeting is called to order by Chairman Quirk at 6:01 p.m.

### **Acceptance of Minutes**

Kevin Mulcahy indicated a correction that needs to be made on the November 9, 2016 minutes. On page 4 where he mentioned the size of the building the correct comment is “the width of the building on the brook side is 14 ft. wide while the roadside is 14.6 ft. wide.” He believes these corrections are important since there were discussions on the size of the building.

A motion is introduced by Curt Dybas; seconded by Patricia Marek to accept the minutes with the above corrections.

All in favor; motion carries.

### **PUBLIC HEARINGS**

**Chairman Quirk:** is everyone good with next year’s meeting schedule excluding Patty since she won’t be here?

**A motion is introduced by Kevin Mulcahy; seconded by Curt Dybas as submitted by Dan Barusch.**

**All in favor, motion carries.**

- 1. Application for Site Plan Review SPR23-2016 submitted by Adirondack Designers & Builders, Inc. (Kevin Maschewski) with a proposal to replace a current 1,200 sq. ft. home with a new 4 bedrooms, 3,600 sq. ft. single family dwelling with attached garage, new driveway, enhanced treatment wastewater system, landscaping and stormwater; for property located at 34 Colony Cove. Tax Map No. is 226.17-1-2. Lot size is 0.86 acres. Zoning Classification is RCH-LS. Code References are 175-21, 175-23, 175-27 & 175-37. SEQRA is Type II.**

**Chairman Quirk:** our first application is from Adirondack Designers and they are looking to replace a home with a new 4 bedrooms, 3,600 sq. ft. home and I’ll open up comments to Tom Hutchins.

**Tom Hutchins:** good evening Board; my name is Tom Hutchins and I am here with Kevin Maschewski to speak on behalf of Adirondack Designers & Builders. We’re all familiar with this parcel which is owned by Adirondack Designers & Builders and they propose to remove an older camp that is essentially right on the shoreline or within a few feet of the shoreline. What we see here is the existing building, the driveway which runs right down to here (referring to a map); the septic system with unknown details is right here and this dotted area shows the outline area where we’ve proposed to build the new structure. This is a little bit of challenging site topography wise; we laid it out, the house has been designed to fit on the lot and I believe we’re compliant with all the property line setbacks. We’ve included an enhanced treatment for the wastewater system and it’s located in this area just as far away from all the waters; located on this lot we have a well as water supply in this area although there was a discussion about locating it in that area and I understand some concerns were expressed with that location. In hindsight this is a better location for it and we’re certainly prepared to do that; I didn’t want to make a change because I didn’t want to show up before the Board with a

change that you don't have. The house is a two story with basement and attached garage. The site plan is completely graded out; there is a lot of topography on this site; it's not a simple, straight forward one but it's one that we believe we've laid out in a compliant manner. We've included permeable asphalt in this area (remainder of comments are not clearly audible since the microphone wasn't used). I am sure there are some questions; we have included a landscape plan; in this area there is a significant slope there now in the neighborhood of one on one. This parcel is sloping this way and again right now there is a driveway right there. I guess with that I would turn it over to the Board for comments.

**Chairman Quirk:** does the Board have any questions? Tom you were saying that you want to do something different but I didn't understand what you were saying. What's going to change?

**Tom Hutchins:** the well. We discussed relocating the well. Dan had expressed some concerns with this location and then we looked at it again and we may be happier with it being over here; I believe it remains compliant and it would be further away from the water with still having the setbacks from the wastewater. We haven't shown that but it's something that we have in our minds that we may be able to do to improve it a little bit.

**Kevin Mulcahy:** the southern location of wells, the southern property, the Presby system appears to be just about the minimum off the property line; do you have any idea as to where Rebecca Holmes' well is?

**Tom Hutchins:** I don't have a well location for her. I have a septic system which is right here; it's just on the opposite side of the driveway about 40 to 50 ft. where ours is; I don't have the location of her well on the survey either although it's something that we can work with them to verify.

**Kevin Mulcahy:** I see that there are only 3 test pits on this one; 1, 2 and 3?

**Tom Hutchins:** correct.

**Kevin Mulcahy:** and on the stormwater runoff summary design, pit 1 and 2 are those parallel to those other test pits or are they designed pits for the water runoff? On your stormwater runoff summary it says "northerly runoff is designed pt.1," is that what it means or am I reading it wrong?

**Tom Hutchins:** design .1 is a design point within the model. When you do a stormwater model, you break it up into various sub catchments and sometimes you have different design points.

**Dan Barusch:** this is the map that pretty much references everything (showing the map to Kevin Mulcahy).

**Kevin Mulcahy:** ok. So, other than the three test pits two of which show bedrock at less than 4 ft., has there been any other testing on this to see where bedrock might be?

**Tom Hutchins:** we've done three test pits and bedrock is an issue here since it's shallow and we know that.

**Kevin Mulcahy:** has there been any perc test for the septic area?

**Tom Hutchins:** I didn't do a percolation test since it's a cut and fill type of system with a specified per rate for the material that's going in there. I looked at the whole area of the septic and it's fill material from sometime; it's old fill with a lot of big stuff in it. As you get down it gets very compact, not ledge, but fill can typically do that if it's in the same for a very long time. If you look at this site it is evident that at some point years ago, this site was filled. We have designed the septic to take that material out and put in good stuff.

**Curt Dybas:** this whole peninsula that comes right down through as you drive down Colony Cove and then you drive out, is similar to a big rock dome as compared to the west where the road goes out to the Antlers, because you're sitting way up; it's a big rock pile; it's all ledge.

**Tom Hutchins:** it's predominantly ledge but in this area there is a fair amount of old fill and then it drops off pretty good.

**Kevin Mulcahy:** we have test pit #2 that was at a depth of 34" to ledge and then we're putting a pervious pavement on top of that.

**Tom Hutchins:** there is no question that it's going to involve rock excavation.

**Kevin Mulcahy:** excavation or blasting?

**Tom Hutchins:** blasting and then excavation.

**Kevin Mulcahy:** so primarily if you hit rock you'll have to drill it, blast it and excavate it. The area of disturbance on this is actually 68% of the lot. On the existing footprint of the one story house, are the symbols on there the trees that are going to remain? (referring to a map).

**Tom Hutchins:** the trees that are shown as actual trees are existing white pines that we intend to save.

**Kevin Mulcahy:** is there one going through the house right now?

**Tom Hutchins:** no; there isn't a tree growing through the house.

**Kevin Mulcahy:** I wasn't sure because it shows one through the house; if you look at your plan and your site plan you'll see it. Have there been any tests pits done on the stormwater infiltration area?

Tom Hutchins comments are not clearly audible.

**Kevin Mulcahy:** I am assuming that this whole area is stormwater retention.

**Tom Hutchins:** no, that's landscaping.

**Kevin Mulcahy:** is the applicant going to be the owner and live there?

**Kevin Maschewski:** I don't know for sure but it is up for sale.

**Chairman Quirk:** what about the colors of your boards?

**Kevin Maschewski:** it's going to be Adirondack looking with darker browns, maybe some taupe tans and browns; definitely Adirondack theme. The stonework will be granite.

**Chairman Quirk:** and your roof?

**Kevin Maschewski:** I have done quite a few nice ones in green and so I am thinking that it will be green.

**Chairman Quirk:** we usually request non-reflective glass at least on the lake side.

**Kevin Maschewski:** yes; ok.

**Patricia Marek:** the stonewall shoreline stabilization; is that in need of repairs? Are you going to be down there working on that at all?

**Tom Hutchins:** this area is in tough shape (referring to a map). In this area there is a building that's coming out and a couple of trees that are dead, one of which is all full of holes and they will be coming down. We've shown repairs and replacement of that wall which is only 1 ½ ft.

**Dan Barusch:** is it just the retaining wall or the actual sea wall?

**Tom Hutchins:** no; it's not in the water line; you can walk between it.

Kevin Maschewski's comments are not clearly audible.

**Chairman Quirk:** the driveway goes through all of the properties to get to the last one?

**Tom Hutchins:** yes, there is a right-of-way.

**Dan Barusch:** it's across all of them except for Colony Cove; it's in the deed.

**Kevin Mulcahy:** how about the topography on the existing topography? What would you say the lowest point of the house is on the existing topography? I seem to see a 332 coming across where the deck is going to be?

**Tom Hutchins:** yes, 332 or 333. We went back on that and I think you're right; we have to get some height out of this house. It's not much but Kevin is going to work with lowering it.

**Kevin Mulcahy:** because right now you're at 39.8 ft. in total height with the code requiring no more than 40 ft.

**Tom Hutchins:** yes; by definition we're 4/10 to 1/2 ft. over from the deck and so we're going to shrink this house.

**Kevin Mulcahy:** yes, if it's 332 you're approximately 1 1/2 ft.; it's hard to tell.

**Tom Hutchins:** it's hard to tell when you're looking at that.

**Kevin Maschewski:** actually this will be an easy fix. The second floor walls, as you can see on the architectural drawings, are 6 ft. high and since I haven't finished the architectural drawings and so it's an easy change; I can just clip them down a little to about 5 1/2 ft.

**Kevin Mulcahy:** I think that there should be a margin of safety in there; everything here seems to be right at the max. For me, I looked at it and what came to my mind was "go bigger or go home." I think that this is the most that you can possibly do on this lot from height, coverage, you're on a piece of bedrock, etc. Right now we have the septic system here as conceptual, right Tom? Is this a correct way to describe it or do you think it would be actually (pause).

**Tom Hutchins:** no; I wouldn't describe it as conceptual.

**Kevin Mulcahy:** right now it's based on a flow rate of perc 7; isn't that what you said?

**Tom Hutchins:** yes but in filter.

**Curt Dybas:** yes, that's right.

**Kevin Mulcahy:** ok; so the fill material will be put there with a perc 7. The bedrock disturbs me because everything you're trying to infiltrate is going down to bedrock.

**Tom Hutchins:** with the machine we had at that test pit we couldn't dig any deeper but I wasn't on ledge while with the other two I was clearly on ledge. I wasn't with this one but I knew I was on material that we want to pull out of there, so we designed the system to be brought up and it also has a cotton fill; we'll take some of that material out (reminder of comments not clearly audible).

**Dan Barusch:** Tom, I have one concern which I hadn't even noticed before on the septic which actually has something to do with the questions Kevin asked. Kevin, you're going to be selling the house however the system is designed for 4 bedrooms. There are 4 bedrooms, 4 full baths and 2 1/2 baths; aside from the Board setting a condition, is there any way that we can be assured that that large gym space on the second floor won't be another bedroom?

**Kevin Mulcahy:** actually, in the online advertisement for the house which has been for sale 26 or 28 days already, there is a full spec from Adirondack Builders which pretty much says optional room above the garage and so that may or may not be a gym and an optional finished basement with a bathroom. What happens when the person who moves in there with the unfinished spaces decides to turn those into sleeping spaces? You have no control over that.

**Kevin Maschewski:** above the garage is somewhat funky because the roof line comes right down onto the floor. If you see on the second floor I have knee walls up there and the rooms are crossed; it's actually cross dimensions and so other than putting equipment up there for people who are interested in it and they want it as a workout room when actually it's a funky layout since there are no 4 walls that are even and the knee walls that are there are only 4 ft. tall and actually that roof comes down.

**Kevin Mulcahy:** and it has dormers on it. I have done a lot of plans and there is absolutely no reason why that space couldn't be a bedroom looking at your floor plan and the knee wall location. I can't read this without a magnifying glass but there is 16 ft. between the knee walls; the roof pitch is at 12/12 which means that once to get to 5 ft. according to my calculations that room will be 14 ft. wide room, 5 ft. high; there is ample space up there for a future bedroom.

**Kevin Maschewski:** the couple who are interested want it as a gym. They both work out of the house and would like an office with a view which is down in the basement with no thoughts at all on a 5<sup>th</sup> or 6<sup>th</sup> bedroom. It's a 4 bedrooms which is how I am selling it but you're right, I can't guarantee that it won't be done but for most houses on the like you can't guarantee that anyway. As a builder and a designer, it's designed with 4 bedrooms.

**Dan Barusch:** hypothetically, Tom is there a chance when someone buys it and comes to see me a few years down the road asking to change the gym into a second master suite? Is there any space next where you pitched the septic for an expansion?

**Tom Hutchins:** no, there isn't good space to expand upon and go to a 5 or 6 bedrooms septic system; certainly not without a variance.

**Dan Barusch:** CBOH is always doable but (interruption).

**Tom Hutchins:** in a compliant fashion I think the answer is no; it's a 4 bedrooms and you can't make it a lot bigger.

**Dan Barusch:** it's easier for us to look at this when we're dealing with people who come because they want to do an alteration to their home. But it's hard for us and it's just as hard for Kevin. If there is a condition that you feel might be plausible here however it's probably not going to be enforceable by my office.

The Board Members agree with the above statement.

**Kevin Mulcahy:** I have one last question that pertains to the driveway. In the real estate listing it says the gravel stone driveway with a "k" turn and I am looking at permeable pavement on the floor plan; which is it going to be?

**Tom Hutchins:** it has to be permeable pavement however I haven't seen what you're referring to.

**Kevin Mulcahy:** you can Google the property and look at the pictures and obtain the real estate listing for the house.

**Patricia Marek:** so when they buy it, will the purchasers understand all the maintenance associated with permeable pavers?

**Kevin Mulcahy:** is there any consideration for screening from the lake? I am looking at a building with a lake elevation of 320. The top of the building is 373 ft. with 3 ft. above the ridgeline from the lake and it's only approximately 100 ft. from that water.

**Tom Hutchins:** these trees are large; not only the white pine but there are maples as well.

**Curt Dybas:** most of the houses on the lake are big. To your point, some of these are visible and huge. As far as the character, I don't think it's out of character for the neighborhood.

**Kevin Mulcahy:** I actually have no problem with the aesthetic of the design.

**Dan Barusch:** I am pretty comfortable with the design too. The Schriners' house, the one you're talking about, is completely visible since there are essentially no trees to screen that one. As for the Cromwell, I call that the compound and it's completely visible.

Patricia Marek reads the application into the record.

**A motion is introduced by Kevin Mulcahy; seconded by Heath Mundell to accept the application as complete.**

**All in favor, motion carries.**

**Chairman Quirk:** we're going to open it to the public.

**Chris Navitsky:** good evening, I am Chris Navitasky with the Lake George Waterkeeper.  
(The comments from Chris Navitsky are attached in their entirety at the end of the minutes).

**Rebecca Holmes:** hi, my name is Rebecca Holmes and I am the famous neighbor who lives next door to this project and I am happy to show you guys my well's location if you'd like to stop by. (The entire comments from Mrs. Holmes have been attached to the end of the minutes).

**Chairman Quirk:** does anyone else want to speak to this project? (No response). Seeing none (interruption).

**Dan Barusch:** if you close, you have 2 months.

**Chairman Quirk:** right but no, I don't want to close it right away. I'd like to get some answers to these questions so if you wouldn't mind stepping back up. In reading the application I noticed that there are two separate numbers for the acreage; what number were you using with your calculations?

**Tom Hutchins:** our basis is based on .74 acres from our survey.

**Kevin Mulcahy:** right; you have included a certified survey in our package. The County information shows 0.86 acres.

**Tom Hutchins:** and this 0.86 acres is new to me; I am not sure where it came from.

**Kevin Mulcahy:** it's not the first time I have seen it wrong on the County website.

**Tom Hutchins:** I am here to tell you that everything we've done is based on 0.74 acres which is what our survey shows.

**Kevin Mulcahy:** I want to compliment you on the plans; you have done a real nice job in giving us information.

**Tom Hutchins:** I try to present thoroughly and we can improve and clarify some of the issues we discussed.

**Kevin Mulcahy:** actually I can respond to Mrs. Holmes' comment. When I went to research 34 Colony Cove, the listing prior to Kevin's had stated the size of the cottage as 795 sq. ft. I didn't verify the size but what I look at as far as the importance is that in the RCH-LS they're allowed 60% lot coverage; the lot coverage is so far under that that the existing vs. the proposed in my mind doesn't have a lot of bearing. I do feel that this is a lot for this piece of property because of bedrock and I am not comfortable with the engineering on it based on the questions that Chris raised on the tow of the slope. I didn't think about that but the tow of the slope and not having a professional licensed engineer to actually give a determination on anything like this or the office, I really feel that this needs to go to another engineer for their review on the stormwater on the plan. The other thing that was mentioned that I think is important, I don't know if on the site the boundaries are clearly defined at this point, but if the neighbors think that things are already going on the Antler's property there is obviously anticipation of the work starting with a silt fences going up. I don't know if they have a demo permit; is the house down?

**Kevin Maschewski:** no, it's not. The only reason why that silt fence is up is because the ground is going to freeze since it's hard to put it up in January or February.

**Dan Barusch:** is it on the north side of that stream?

**Kevin Maschewski:** the Antler's side of the stream? No.

**Kevin Mulcahy:** there is actually a space on the north side of the stream, according to the map where it's not your land.

**Kevin Maschewski:** I am out from the back of the building about 20 ft. and so I am on my property. The reason why the fence is there is because of the ground freezing.

**Patricia Marek:** I'd rather see silt socks than silt fences.

**Kevin Mulcahy:** I think that silt socks are part of their stormwater management as they talked about it here. Kevin is right you can't put silt fences when the ground is frozen but the property lines should be clearly identified so there are no questions since it was just surveyed.

**Tom Hutchins:** yes; that's an easy thing that can be done.

**Kevin Mulcahy:** there are a lot of things like the retaining wall. I didn't look at this for more than 4 hours with a lot of these points brought up and I'd like more time to take a look at this especially in the shoreland overlay district. I didn't even think about the retaining wall down here but if we consider that wall as part of the structure then we're not looking at losing 1 ft. off the building; we're looking at losing 5 ft. in the building height which could be a major impact on the plan.

**Curt Dybas:** is the retaining wall considered landscaping?

**Kevin Maschewski:** that retaining wall is just a dry laid stone wall for landscaping; it's not attached (interruption).

**Dan Barusch:** is it natural stones?

**Kevin Maschewski:** yes. It's just a dry laid stone wall 3 ft. tall.

**Kevin Mulcahy:** you have a patio going right up to the building on the lower level that comes out and it's retained by this wall.

Kevin Mulcahy and Kevin Maschewski review the plans but the comments are not clearly audible.

**Dan Barusch:** in terms of shoreline setback, that retaining wall would apply to the setback but you already have the 75 ft.

**Kevin Maschewski:** right; it already meets the setback.

**Kevin Mulcahy:** the only applicable thing I heard is the overall height from existing or natural grade to the top of what you're doing; that's what was brought up as one of the comments that would indicate that the height isn't a little above 40 ft. (interruption).

**Tom Hutchins:** if that patio is considered as part of the structure because the word structure is in the definition, we're fine to sit down with Dan and work that out.

**Dan Barusch:** the thing I am concerned about is the filling in the shoreland overlay district which was an oversight on my part. That would basically require some type of a variance. The other thing is if we can't figure out a way to move around that field so that the toes aren't within those setbacks, then you have to go to the Board of Health.

**Tom Hutchins:** I think that there is a way that I can come up with an alternate design.

**Kevin Mulcahy:** the other thing that was brought up was a major stormwater situation. Your separation of infiltration areas to the lake is 100 ft. and that whole pervious patio down there is part of the drainage; it's a drainage course which is another valid point.

Patricia Marek's comments are not clearly audible.

**Kevin Maschewski:** if I can respond to that quick. I spoke with Rebecca Holmes and there was a neighbor who sent me an email referencing snow. Honestly, the driveway that is being proposed is shorter than the one that's there and so as far as plowing it would be to come in, plow it down, pile the snow right here (referencing a map) (remainder of comments not clearly audible). If you look at what's going on, you have all these driveways that are sloping down and so the snow will be piled here and blown over but I can't answer for what the new owners will do but I don't really see snow as a problem. In a 3 ft. snow storm everyone has issues but there isn't really any blacktop that needs to be plowed there however I understand their concern and I certainly want to address it.

**Dan Barusch:** there are two things outstanding on my list. The first is the wetlands. We identified this a while back; I reached out to the APA and I received an email from one of their wetlands biologists that says "review of our wetland maps and air photos of Lake George; tax map no. 226.17-1-2 does not indicate the presence of any wetlands on that parcel. I understand that on the County mapper there is a little sliver of wetlands; those are basically something that's common and rudimentary for every large water body; they come along with the lake and if one zooms into all Lake George parcels, there are going to be slivers along every single person's lakeshore." The APA is willing, just like they did with Dennis' project, to come down here and flag it; the problem is that it's going to happen until the spring.

**Kevin Mulcahy:** to the west of this we have an infiltration basin that's in a triangular shape which is on the National Wetlands Inventory; to the north of this there is another drainage infiltration area. On the Antlers' property and then to the lakeside I didn't see any infiltration areas there but that was on the National Wetlands Inventory right up to where the house was. I am thinking something else too; we actually have infiltration for stormwater on the adjacent properties because when you do a major stormwater, it asks you to take into consideration more areas than just your lot which is why I really would be much more comfortable if I had another professional engineer review this.

**Dan Barusch:** are you guys planning on making any revisions at some point for some stuff; I don't want to send this package to Sean if you're going to update stuff, then we should send the updated package to him.

**Kevin Mulcahy:** what kind of capacity do we have between the bedrock and what's finished? I have worked on projects where we had to blast before because we have a big hole and nowhere for the water to go and if you have a footing drain there and the stuff is all going into that hole then it's definitely shooting out. I don't know where the footing drain is; is it day lighted?

**Tom Hutchins:** I prefer, and I'll confirm it with Kevin, to make a revision before it goes to Sean based on some of the things we've discussed.

**Dan Barusch:** he is usually pretty quick.

**Tom Hutchins:** he turns things around pretty quickly.

**Dan Barusch:** he should have it back by the next meeting.

**Chairman Quirk:** so, we'll keep the public hearing open. We need a motion to table this project looking for more information such as: wetlands, stormwater (interruption).

**Tom Hutchins:** wetlands?

**Dan Barusch:** there is not very much that we can do with that because the APA isn't going to be able to come and flag anything until the ground is thawed. If you want a copy of the letter from the APA wetlands biologist which after the non-indication of wetlands states "I have to add that a field inspection by agency staff is the only way that we can confirm the presence, location and size of wetlands;" I can get you one.

**Chairman Quirk:** let's keep that letter with its file. What else do we need?

**Dan Barusch:** septic, stormwater.

**Kevin Mulcahy:** infiltration within 100 ft. of the lake for impervious pavers. Basically I have more reviewing that I'd like to do. Tom, I'd like you to take a look and see if there are things that you can find; Chris had a whole list of things according to our zoning code. The lot disturbance right by the lake is 68% on this lot; obviously I'd like to see something smaller on a lot with bedrock, steep slopes. On this  $\frac{3}{4}$  of an acre we're trying to put everything we can on there and so I need to know that's going to work. I need to know that if the pavers are in the driveway and there is only 2 ft., where is it going to go after we blast a hole there; I don't know; I only know that you have a big piece of rock. I understand that it's not over on the lot coverage, I understand that with 60% being very generous in the RCH-LS district but there is a lot going on here with the bedrock and steep slopes.

**Dan Barusch:** Tom, you and Kevin hook up with Rebecca to get her well on there and somehow if you can provide anything for blasting but if there is that would also be helpful.

**Kevin Mulcahy:** a de-lineation or maybe even a border around it showing the anticipated area that will be drilled and blasted.

**Curt Dybas:** there are companies that you can use (remainder of comments not audible).

**Kevin Mulcahy:** the only thing that would worry me about blasting was my neighbor's wells because once you fracture that rock there is no recourse for it. If you have a house next to you and they blast and your well doesn't work anymore, it's a big problem.

**Tom Hutchins:** I think we'll try to address that, there are a couple of ways we can do it and one way or another we'll address that with this Board either through submission or (pause).

**A motion is introduced by Kevin Mulcahy; seconded by Fred Pape to table this application to next month.**

**All in favor, motion carries.**

**Kevin Mulcahy:** thank you for all that you did Tom.

**Tom Hutchins:** are we subject to a submission time?

**Dan Barusch:** it's not going to be the 15<sup>th</sup> because we don't send them their packages until about 1 week before the meeting.

**Tom Hutchins:** yes; we're on the next meeting and I'll get it in sometimes but I am not going to be able to get it in on Thursday.

**Dan Barusch:** how does before the New Year sound?

**Tom Hutchins:** that sounds fine.

## **REGULAR MEETING**

**2. Application for Site Plan Review SPR20-2016 submitted by James Rose with a proposal to remove an old mobile home, addition and a shed and replace them with a new 36 ft. x 28 ft., one story seasonal cottage using existing septic, water, electrical & cable for property located at 3207 Lakeshore Drive. Tax Map No. 238.16-1-1. Lot size is 0.99 acres. Zoning Classification is RCH-LS. Code References are 175-36 & 175-37. SEQRA is Type II.**

**Chairman Quirk:** Dan, did you go over the information Jim sent us?

**Dan Barusch:** yes; it has been in front of you guys before. He got his variance in 5 minutes with no questions asked.

**Chairman Quirk:** we had a structure that was going to be moved slightly?

**Kevin Mulcahy:** Jim was talking about moving the building so he didn't have to get a variance and I am assuming that he looked at that and determined that it wasn't going to work and went to the Zoning Board. I think it's left in the same spot that was presented to us originally.

**Jim Rose:** yes because when I went back and looked, if I moved it, it would be under the main electrical line for Twin Birches and so I would be compromising the existing septic and since I didn't want to put a whole new septic I went to the ZBA.

**Dan Barusch:** instead of moving it, we went to the Zoning Board he received an approval quickly and it's essentially in the same spot. You should have the updated maps.

**Jim Rose:** I updated the map a little better; you have the septic tank in the right place.

**Patricia Marek:** last month we read the application into the record but it was tabled because we needed a new site plan development.

**Dan Barusch:** last month the application was amended Kevin read the amended application into the record; a motion was introduced and seconded to accept the amended application.

**Jim Rose:** I gave Dan a new site plan that I believe you all have a copy of where we drew the house with the setbacks. We put the septic in the right dimensional area and that metal septic tank will be replaced by a concrete one and I also indicated the electrical line so you can see the proximity to it. I was granted my variance for the 16 ft. setback instead of the 37 ½ that is needed.

**Chairman Quirk:** are there any questions from the Board?

**Kevin Mulcahy:** how many trees are you cutting down, if any?

**Jim Rose:** none. I took down the 3 bad ones when I bought the property because Pat would never cut the trees down and three times they took my primary line down.

**A motion is introduced by Kevin Mulcahy; seconded by Patricia Marek to approve Site Plan Review SPR20-2016 as submitted.**

**Ayes: 7 Flacke, Pape, Mulcahy, Marek, Dybas, Mundell, Chairman Quirk**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carries.**

### **OTHER ITEMS OF DISCUSSIONS**

**Chairman Quirk:** this is Patty's last meeting with us and I'd like to present you with a certificate of appreciation for your fine hard work; thank you very much Patty.

**Patricia Marek:** thank you for putting up with my big mouth; it's been fun and I will not miss our Tuesday meetings. It's been a long time; how long has it been Adele?

**Adele Behrmann:** 5 years.

**Patricia Marek:** 5 years is a long time. Thank you very much; I appreciate it.

**Chairman Quirk:** just to bring everyone up to date; if you don't know, Grant has also resigned which makes two Board members and as far as I am concerned both alternates can now be full members on the Board beginning 2017.

**Dan Barusch:** in January the Town Board will hold an organizational meeting, they will basically push your appointments forward and then you'll just have to come in to be sworn in. On that subject there is another thing we need to chat about and if you guys want we can go into Executive Session; if that's what you want to do.

**A motion is introduced by Chairman Quirk; seconded by Curt Dybas to go into Executive Session for personnel reasons.**

**All in favor, motion carries.**

A personnel issue was discussed with no decision.

**A motion is introduced by Chairman Quirk; seconded by Fred Pape to close the Executive Session.**

**All in favor, motion carries.**

A motion is introduced by Chairman Quirk; seconded by Fred Pape to adjourn the meeting at 7:30 p.m.

All in favor, motion carries.

Respectfully Submitted,

Adele Behrmann  
Planning Board Clerk



**LAKE · GEORGE  
WATERKEEPER**

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December 13, 2016

Mr. Sean Quirk, Chairman  
Town of Lake George Planning Board  
Old Post Road  
Lake George, NY 12845

**Re: Adirondack Designers & Builders – 34 Colony Cove (226.17-1-2)  
SPR 23-2016**

Dear Mr. Quirk:

The above referenced application was personally reviewed in my capacity as a licensed professional engineer and the Lake George Waterkeeper. The Lake George Waterkeeper has concerns about compliance with the Town Code with regards to building height and separation distance of the onsite wastewater treatment system (OWTS) to surface water. The proposed project is located on a small parcel that is surrounded by surface water bodies (Lake George and streams) and there is concern whether the parcel can adequately mitigate the environmental impacts due to site constraints, such as steep slopes, limited soil and bedrock. The Waterkeeper urges the Planning Board to review compliance with Town's regulations, specifically §175-28 regarding building height, §115-6-E.6 regarding the setback requirements for fill systems, and §175-27.B regarding the placement of fill in the Shoreland Overlay District. In addition, the Waterkeeper urges the Planning Board to request additional information and consider modifications to reduce the extent of disturbance and impacts to water quality during your deliberations regarding the above reference Site Plan Review application.

*f*  
**The project requires a variance for exceeding the allowable 40 foot building height as defined under §175-28.** The building height is defined as to be measured from the highest point off the structure to the natural ground or finished grade, whichever is lower. The plans claim the lowest point of natural grade is approximately 333.8. However, the finished grade at the stairs of the lakeside patio/deck is 329.5, which puts the building height at greater than 44 feet.

*2/1/17*  
**The project requires a variance for the setback of the proposed onsite wastewater treatment system as per §115-6-E.6.** The proposed OWTS is a raised system with the proposed bed not constructed within the existing soil and therefore must meet the requirements of New York State Department of Health Appendix 75-A. According to §75-A.4 Table 2, "For all systems involving the placement of fill material, separation distances are measured from the toe

of the slope of the fill. This results in an approximate 77 foot separation from the northern and western streams.

yes

**The project appears to require a variance for the placement of fill in the Shoreland Overlay District as per §175-27.B.** §175-27.B.1 states "There shall be no fill placed in the Shoreland Overlay District, except as associated with shoreline protective structures or beach replacement or other alternatives found to be beneficial to existing shoreline conditions, water quality or clarity." The project proposes to raise the existing grade 1-3 feet of fill within 12 feet of the shoreline, which is unnecessary and will result in the loss of the existing trees that are claimed to remain. In addition, the project proposes a 4 foot high, 46 linear foot seawall which is not necessary based on the condition of the existing shoreline, lack of erosion present and exceeds allowable height and surface area.

eh

**There is concern about construction of the pervious pavement extending into bedrock limiting natural soils available for proper infiltration and stormwater management.** In addition, due to the presence of the foundation drain and the extension blasting that appears to be required, there could be short circuiting of stormwater from the subsurface infiltration trenches to the foundation drain. The application should detail preventive measures.

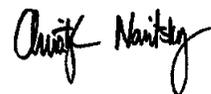
**The project proposes excessive cuts up of 5-6 feet within 13 feet of the adjoining property in areas with shallow depth to bedrock.** This will require blasting that can result in extensive disturbance. How will disturbance to adjoining properties be protected and screened? In addition, stormwater calculations do not accurately reflect post-development runoff when all native soils and vegetation have been removed.

**The Planning Board should require the Adirondack Park Agency to make a site visit to determine if wetlands are present.**

The Lake George Waterkeeper recommends the Planning Board require a determination regarding compliance with the Town Code, the additional information and request a modifications to the site plan to reduce the extent of disturbance and potential water quality impacts.

The Lake George Waterkeeper looks forward to working with the Town of Lake George Planning Board to defend the natural resources of Lake George and its watershed. Thank you for your consideration.

Sincerely,



Christopher Navitsky, P.E.  
Lake George Waterkeeper

Hi my name is Rebecca Holmes and I live next door to this project.

We've had mixed feelings about this project. Kevin Marchewski obviously builds beautiful homes and having a multi-million dollar property next door would likely increase our property value. We are not questioning his talent as a builder.

However, we have lingering concerns about building a house of this magnitude on this particular lot, and the potential for impacts, environmental and otherwise.

Not only does this lot border Lake George to the east, but it also borders a year-round stream and wetlands to the north and to the west. Furthermore, the lot slopes aggressively to the water on all 3 sides, with slopes as high as 50%.

The plans call for nearly complete deforestation of the lot, and a huge increase in impermeability. It will no doubt require a great deal of blasting, close to my propane tank, leach field, and garage, as bedrock is present. It would nice to see a blasting plan upfront, but this has not been offered. Essentially the entire lot will be regraded (carved out in some places, filled in others), resulting in NEW, potentially unstable slopes reaching 50%. Additionally, this regrading will likely damage or kill any mature trees which are left, including many of my own, which are close to the property border. Then, at some later date, I might find myself with a bunch of dead trees, which I will miss, but which I will likely have to have professionally removed, because of the proximity to my new neighbor's house, at a large cost.

Section 175-21 A of LG code lays out some "findings of fact" as follows: TLG finds that all bldg., land clearing, tree cutting, land development, and disturbances to steep slopes, alterations of natural topography, increases in impervious surfaces, etc, contribute to increased erosion and sedimentation, which can lead to uncontrolled drainage, and this may have a significant impact.

The proposed building setbacks on all sides are the very minimum req'd by town code. One could argue that, due to the extreme physical conditions and environmental sensitivity of this lot, the setbacks should be increased substantially.

Also, a wetlands survey should be conducted, as a prudent first step in developing ANY parcel, where streams and other wetlands are already present nearby. It is possible that additional wetlands or bogs exist in the areas between the bottoms of these steep slopes and the streams, either on this property or on Antlers property which is immediately adjacent. Online databases, like those of the APA, are helpful as a screening tool, but not completely accurate or adequate.

Also, I question the applicability of standard setbacks for the septic leach field for 2 reasons. First, as I've mentioned, slopes on this site reach 50% in some places, and by elevating the leach field ANOTHER 5 FEET, these slopes are increased even more. Furthermore, the nature of a mound system suggests some lateral movement of the effluent as well as vertical movement, as evidenced by the shape of the mound. I question whether the setback should be measured to the edge of the mound, and not to the edge of the distribution piping as shown in the application?

And, looking at some other TLG codes, I find in Section 175-27-B where both filling and the erection of retaining walls should be discouraged in the Shoreland Overlay District. This plan has a ton of both!

Also, Section 175-21 states that infiltration devices shall not be installed within 100 feet of any waterbody or wetland. It would appear, looking at this plan, that the "infiltration facilities and infiltration trench" located between the driveway and the front door, WILL BE installed within 100 feet of the northern stream, in violation of this section.

I question how snow will be removed from the driveway, as it will be almost completely surrounded by buildings or retaining walls. 2,000 sqft of driveway cannot be plowed into a 10' wide area, which appears to be the only possible place to pile snow. I question how very large construction vehicles will be able to turn around on this property, which is located at the end of a single-lane, essentially dirt, private ROW, and how much damage will be done to neighboring properties.

The builder has already installed some silt fencing along the lake and the northern stream. And, even with this first step, he has already not followed his own proposal, in that the silt fencing to the north is 20 feet or more away from where he has proposed it to be (I believe it's ON Antlers property), effectively increasing the limits of disturbance over what he has proposed here.

I have discussed a few of my more minor concerns with the builder, including the complete regrading of the front and side yards, increasing the slope along our shared property line to as much as 50%, seemingly in an effort to get a flat front yard and a nice sidewalk down the side yard. I am not concerned about drainage, as I am uphill, but I am concerned about slope instability and erosion and I have asked him to add retention along this shared property line. I have also asked him to fully delineate our shared property line, to minimize damage to my property, and ensure that any damage to my property, including my driveway, be repaired to my satisfaction. However, these concerns have not been mitigated.

I also have some concerns about some size discrepancies. Is the lot 0.74 or 0.86 Acres? The application says that this house is 1200 sqft, but the county website says its 795 sqft. And, the realtor's website says it's going to be 4,780 sqft, but the application says 3600 sqft...where do the different numbers come from? It almost seems like the #'s are highest on the realtor's site to make it the most marketable, and lowest on the application to make it seem like a smaller impact.

In summary, I have concerns not only for the well-being of my own property, but also for the impact on our lakeside environment. This project is very aggressive. And I question, not only this proposal, but any level of development on a lot with such adverse conditions. I couldn't help noticing the posters on the way in to Town Hall tonight, depicting responsible vs. irresponsible development. Although this will be a beautiful house certainly, it will also be a great example of irresponsible development.