

Minutes of the Town of Lake George Planning Board meeting held on March 28, 2017 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
Fred Pape
Bobby Flacke
Nathan Hall

Also Present: Adele Behrmann, Dan Barusch, Brett Balzer, Jeffrey Meyer, Esq., Eric Brenner, James Brenner, Robert Hilton, Ian Devlin, Corbyn Welch, Christy Alexander, Vince Laterra, Kathryn Costello, Kimberly Quay, Jason Russon, Zeke Reynolds, Ben Middleton, Daniel Tenne, Nicholas Motta, Oliver Thomas, Sanderson Saroff, Matteo Rehm, Eli Johnson, Chris Wyck and others.

The meeting was called to order at 6:00 p.m. by Chairman Quirk. He reminded everyone that this is a rescheduled meeting for the February 14th meeting which was cancelled due to inclement weather. He introduces and welcomes Dave Meixner as the new Alternate Member of the Planning Board.

Acceptance of the Minutes

The February 28, 2017 minutes have been included in the packets for the Board to review and accept at the April 11, 2017 meeting...

PUBLIC HEARINGS

Chairman Quirk reminds the public that if anyone wants to speak about a project, 3 minutes is the allowed time for comments. The time is not transferrable to anyone else and to please direct the comments to the Board and not anyone else in the audience.

1. Application for Site Plan Review SPR1-2017 submitted by Apex Solar as agents for Eric Krantz with a proposal to install a new roof mounted 7.68kW PV solar system for property located at 3236 Lakeshore Drive. Tax Map No. is 238.16-1-11.2. Lot size is 2.40 acres. Zoning Classification is RCH-LS (Residential Commercial High Density – Lake Shore). Code Reference is 175-23. SEQRA is Type II.

Kathryn Costello: I am the project manager for Eric Krantz’s project. This is a 7.68k PV system and since the panels are located facing the lake there is a concern about the glare. I don’t know if you guys have the paperwork which has all the specifics on the system as well as a glare analysis showing why the panels will not cause glare for boaters or anyone else on the lake.

Chairman Quirk questions the fact that the name for the authorized agent to speak on this project is different from Kathryn Costello. Ms. Costello replies that Olivia is the projects coordinator however Dan Barusch adds that Apex, as the company, is also named as an authorized agent.

Chairman Quirk: does the Board have any questions? It is pretty straight forward with a lot of numbers but you don’t think that the solar panels on the roof of the house will cause any glare? (Referring to Ms. Costello).

Kathryn Costello: I really don’t think it will be an issue and if you look at the analysis you have, the window glass has more potential for glare than the panels since they’re designed to absorb solar light.

Kevin Mulcahy: it looks like a fairly low sloped roof as far as the main body; it is raised up from the lake which is in their favor.

Chairman Quirk reads the application into the record.

A motion is introduced by Fred Pape; seconded by Curt Dybas to accept the application as read.

All in favor, motion carries.

Chairman Quirk opens the meeting up to the public with no response.

A motion is introduced by Kevin Mulcahy; seconded by Heath Mundell to close the public hearing.

All in favor, motion carries.

Kevin Mulcahy: is the battery storage done all internal?

Kathryn Costello: there is no battery storage for this system.

Kevin Mulcahy: the low glare glass is what's going to be used on this, right?

Kathryn Costello: yes; it's standard for all PV models.

A motion is introduced by Kevin Mulcahy; seconded by Curt Dybas to approve SPR1-2017 as submitted.

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| Ayes: | 7 | Hall, Flacke, Mulcahy, Dybas, Pape, Mundell, Chairman Quirk |
| Nays: | 0 | |
| Abstain: | 0 | |

All in favor, motion carries.

2. Application for Site Plan Review SPR2-2017 submitted by Balzer & Tuck Architecture as agents for 23 Antigua Road with a proposal to build a 415 sq. ft. addition to the existing single family dwelling for property located at 23 Antigua Road. Tax Map No. is 239.17-2-12. Lot size is .44 acres. Zoning Classification is RS-1 (Residential Special – 1 acre). Code Reference is 175-23. SEQRA is Type II.

Brett Balzer: this property located at 23 Antigua Road is a bit unique in that it is split between the Town of Lake George and the Town of Queensbury; the house and the proposed addition are fully within the Town of Lake George. We sought and were granted an area variance which was more of a volume variance about a month ago and if you look at the house you'll see that it's U shaped with a hardscape courtyard within the middle. We're proposing to put that addition within the courtyard and bring the volume up to two stories; it's currently a one story house. The Zoning Board had questions about the septic system and I am predicting that this Board will have as well. We received some additional paperwork that the system was installed new in 2004 and it is sufficient to accommodate 5 bedrooms. We brought along additional renderings that may not have been included in your packets and we'll be happy to answer any questions.

Kevin Mulcahy: how many bedrooms are there?

Brett Balzer: currently there are 3 bedrooms in the main residence; we're putting a fourth in that second floor and then there is one additional bedroom in the detached garage.

Kevin Mulcahy: and you've investigated the septic and everything is good?

Dan Barusch: we received the 2004 septic permit from Queensbury. The map shows 5 laterals almost 300 ft. in length and there is a 1,500 gallons tank for the main house and a 1,000 gallons tank for the guest house which makes it big enough to accommodate the 5 bedrooms.

Kevin Mulcahy: we have a calculation on lot coverage of 33%; has the lot coverage been configured on the Lake George property or is it for the entire property?

Brett Balzer: correct, it's just for the Lake George area only.

Dan Barusch: this is like the Ehmann project, if you remember. Basically the area where the addition is going is already impervious because of a patio and for the rest a little sliver of the driveway is being taken out. I mentioned to them that they would need a variance if they went over for that as well.

Kevin Mulcahy: the lot coverage is ambiguous because we're not really only looking at the Lake George portion but in order to see the full impact, you'd have to consider the full .77 acres.

Chairman Quirk confirms with Mr. Balzer that the total height of the structure is going to be 26 ½ ft.

Kevin Mulcahy: basically they are replacing an impervious area with an impervious area with a gain of approximately 2 sq. ft.; it fits well in trying to remodel a building.

Nathan Hall, Esq.: out of curiosity, do you know what the coverage is in the Queensbury portion?

Heath Mundell asks if the color of the residence will remain the same to which Mr. Balzer replies yes.

Chris Wyck replies that the coverage for the Town of Queensbury portion is at 33% similar to the one in Lake George.

Chairman Quirk: is that the leach field in front of it? You'll be coming in with the construction equipment and everything else.

Brett Balzer: it's a little deceiving in that there is a little retaining wall here and everything will be staged from this level which approximately 4 to 5 ft. higher in grade and so there wouldn't be any machines or equipment near it. For the most part there will be minimal foundation work; it's heavy and basic stick framing (remainder of comments not clear).

Kevin Mulcahy: is there a basement or just frost walls?

Brett Balzer: essentially, it would be a crawl space that will be aligned with a very low basement.

Chairman Quirk: are you going to build off of the existing walls?

Brett Balzar: yes, within that U shaped courtyard? Yes. Those are three of the 4 walls for this addition; essentially, we're building a 4th wall.

Fred Pape: are there any gutters?

Brett Balzer: currently there aren't any and we didn't propose them either since we didn't pick up any additional hardscape and that historic fascia really doesn't blend itself with gutters.

Kevin Mulcahy: basically the square footage of the addition is 415 sq. ft. and since you're not over the 1,000 sq. ft., there is no requirement for you to do anything with stormwater.

Nathan Hall reads the application into the record.

A motion is introduced by Fred Pape; seconded by Robert Flack to accept the application as read.

All in favor; motion carries.

Chairman Quirk opens the meeting up to the public.

Craig Brown: I am Craig Brown and own the Antigua Resort next to this project and I really don't have any objections to the project itself since everything seems reasonable but my problem is parking on Antigua Road. Every time a project is going on as there is one now on that road, it is a disaster. Trucks park in the middle of the road and I have 15 rental units and 12 dock spaces for guests and my family and we're always getting blocked coming down Antigua Road. I had hoped that contractors would exercise common decency and courtesy by not parking on Antigua Road and using a parking lot which I have now. The Pickett residence doesn't have parking and so they're all parking on the road. I have had to resort calling the sheriff since myself and my guests can't get through. My gate is very close to this property and just last week we weren't able to shovel the snow because of a truck parked there. Especially in the winter time when snow plows are on the road, it can't be blocked for 30 minutes because of deliveries. I have a business to run which is my only source of income and I am tired of calling the sheriff every time someone does a project on Antigua Road. My second concern is when they work seven days a week, at 6:30 am someone fires up a concrete saw on a Sunday bothering my guests. Are there any ordinances covering the time for these projects?

Kevin Mulcahy: there is; that should not have been allowed since there is a time frame for noise.

Craig Brown asks what the time frame would be and after a brief discussion Kevin Mulcahy quotes the ordinance from the code which gives a time of 10:00 p.m. to 7:00 a.m. although a time frame for weekend was not read. Dan Barusch asks the applicants if they work weekends and they reply no. Chris Wyack (Project Manager) adds that the Pickett project is almost completed and that they will not park on the road in fact he asked that Mr. Brown give him a call if and when that happens. He'll also make sure that he informs everyone on the project as well.

Craig Brown: can the Board stipulate that they are not to park on the road?

Dan Barusch: yes, the Board can condition that if they want to.

There are no other comments from the public.

A motion is introduced by Kevin Mulcahy; seconded by Curt Dybas to close the public hearing.

All in favor, motion carries.

Kevin Mulcahy: since there will be excavating shouldn't there be a stabilized construction entrance which is basically a place to stage so any stormwater runoff doesn't go into the lake. As an architect you have to know the standard details for stabilized construction. At least for the excavation until you're stabilized on your soils, I believe that all your construction parking and staging should be done on site because it looks like you have adequate parking and will not be an inconvenience

to anyone living there; the burden should be on the homeowner and not the people on Antigua Road. Is Antigua Road a private road? (No one has an answer). We just went through another project where the private road was bonded for damages. My concerns would be damage to road from the construction equipment and the parking as the neighbor addressed is a valid concern and then just stabilize the construction entrance.

Nathan Hall: is this their primary residence?

Brett Balzer: this is their seasonal residence. I just want to add a small note; we will be happy to do the stabilization during construction but this is probably going to have a small excavator coming and taking out whatever soils we need to take out at that court yard and will be fairly minimal since it's not running beyond that but we'll still protect it.

Kevin Mulcahy: protect the area with silt fence so if it rains no equipment dirt runs down in the lake.

A motion is introduced by Health Mundell; seconded by Fred Pape to approve the application with the following conditions:

- **The applicant shall stabilize the construction staging site with silt fence.**
- **The parking of the construction vehicles shall be on site only and not along Antigua Road.**

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

All in favor, motion carries.

3. Sketch Plan Application for a Subdivision SUB1-2017 submitted by Cannone Properties, LLC with Jeffrey Meyer, Esq. as agent and Jane Irish, James R. & Evelyn Brenner, Kimberly Quay & Margaret M. Weale as owners with a proposal to subdivide 2 lots of equal dimensions of 0.6 acres each with shared access for property located at 16 Newton Street. Tax Map Nos. is 251.20-1-68, 251.20-1-69 & 251.20-1-71. Lot sizes are 1.16 acres, 0.14 acres & 0.32 acres respectively. Zoning Classification is RSH (Residential Special High Density.) Code References are 175-17 & 150-6. SEQRA is Type I.

Jeff Meyers approaches the dais with maps but is asked to hand them over to Adele since the Board cannot accept any submissions during the meeting. The maps should have been submitted prior to the meeting.

Jeff Meyer, Esq.: what you have before you is a sketch plan for a 2 lot subdivision. The lot is currently owned by Jane Irish and there are a lot of intricacies because of the way the property is located and the shape of the existing property which is one of the reasons for the additional map and I certainly respect your decision to not force anything on the Board. My client is under contract to purchase the lots and then subdivide it into two equal sized lots. The nature and the shape of the lot require a single driveway and what we've looking at and are under contract for different parcels, is whether there a way to get the necessary road frontage. The sketch before you has that and has accomplished that, the problem that my client has run into since August (project was added to the October's agenda but then withdrawn), and ever since he has gone under contract is that people are trying to leverage him. We're looking at different proposals but the one before you accomplishes the road frontage requirement thus not needing any variances and be before this Board through the standard procedures which is one of the reasons why we submitted it as a sketch. More recently it appeared that it would be more practical and cost effective for my client not to include the extra parcel and rather seek an area variance. The net effect is the same; it requires a single driveway, the same access point that we'll be utilizing and the only difference is that it minimizes the screwy property lines and saves my client a considerable amount of money. Ultimately we will be proposing a subdivision that will be tied into the sewer and use water either from the lake or the well. The access still requires a shared driveway; there is a small parking easement that's in the front of the lot that we're not disturbing and we are going to go around with plenty of room to do so. The proposed shared driveway is actually in line with all the internal roads at Woodfin. If you've been there,

they're all narrow roads, they're not improved but rather most of them have gravel and we're going to have a similar access. All the dotted lines on the map represent the historical subdivisions that occurred previously that more or less makes up the larger lots that I believe are 30 ft. x 50 ft. squares back from the 50s. There is sufficient room for a compliant building envelope; at this time there are no plans for houses but in looking at the setbacks there is an existing house but no decision to either keep it or demolish it has been made yet. The boundary line that would be drawn wouldn't result in the need for a variance and even if we were required to be compliant, there is plenty of room on both lots to build compliant houses; it would require site plan review and we would certainly be back; we're not trying to avoid any approvals it is just too far into the future to make it cost effective specially since we're just under contract. We're looking for your input in trying to figure out if it makes sense to go forward.

Chairman Quirk explains to Mr. Meyer that although this is a sketch plan the maps can be reviewed and then proceeds to ask if this new map's highlights show a change.

Jeff Meyer, Esq.: what you have in yellow is just a generic depiction of how the shared driveway could be located within its property lines. The current driveway encroaches on Wiawaka and we'd obviously pull it in (interruption).

Kevin Mulcahy: Jeff, the application states that it involves three parcels, does that still hold true or has one of them been dropped out?

Jeff Meyer, Esq.: the sketch that you just received would only be for two parcels and it doesn't include the Brenner's parcel.

Kevin Mulcahy: so, what we received in our packet is not accurate at this point.

Jeff Meyer, Esq.: it's not necessarily inaccurate; it's still under contract but the preferred course of action is not to include the Brenner's site because it doesn't bring anything to the table.

Kevin Mulcahy: what's the topography; I didn't go up to the site.

Jeff Meyer, Esq.: it's sloping toward the water and once it gets near the edge, it drops significantly on the southern side.

Curt Dybas: that area is basically all rock. As for the parcel, I don't think anyone has occupied the house in years; I drove down in there before the road and the roadway is all covered with pine needles and leaves. It gradually slopes towards the lake and then you hit the rock once it gets to the lake. It's a lovely piece of property.

Kevin Mulcahy: is the parcel without a house on it going to have a boat house?

Jeff Meyer, Esq.: yes.

Kevin Mulcahy: when you split this are there plans to include a boat house to the parcel with the house?

Jeff Meyer, Esq.: if it's possible and all the permits can be obtained, certainly but it's not a condition.

Chairman Quirk: are you splitting them and selling one off?

Jeff Meyer, Esq.: no, not necessarily the idea; we're still evaluating the options. I know that my client's original goal is a house for himself and this is just part of the plan to see how viable the property is. Russ Howard is putting together the topography for the actual application.

Kevin Mulcahy: one thing I would like to see on these buildings is the proposed building envelopes showing the setbacks for the subdivision.

Chairman Quirk: the building envelope and where the well will be and where you're tying into the septic.

Kevin Mulcahy: and then basically whether or not it is going to need a road frontage variance for the lot size because he needs 100 ft. of road frontage and without the Brenner property (interruption).

Jeff Meyer, Esq.: on the sketch you have, the blue shows the existing road frontage which would be 45 ft. and so obviously we'd need a large number variance but not significant in my opinion because of the access issues.

Kevin Mulcahy: it should go to the Zoning Board in order to come back to us. I think a decision needs to be made on whether it's two or three parcels although it sounds like you have two parcels and the Brenner's property is out now.

Jeff Meyer, Esq.: we're on the agenda for the Zoning Board but one of the reasons we wanted to keep it here before you is to have this conversation; depending on how the Zoning Board goes, we want to be upfront with this Board and get any comments you might have to try to make it beneficial to both parties.

Curt Dybas: if they obtain the variance for the frontage, I see no problem with realigning the driveway to go in because this is just a numbers game. The gain is the parcel.

Fred Pape: is this heavily wooded; I didn't get there either.

Jeffrey Meyer, Esq.: no, it is not.

Chairman Quirks opens the meeting to the public for comments.

Kim Quay: I reside at 21 Newton Street. I am half owner of Newton Street. The Brenner's parcel he is referring to I don't know if he has been forthcoming because there is a covenant on it that family owned and Woodfin Park Association since 1925 and I do have a copy of that if you need it. There is to be no structures, the only thing that's allowed is ornamental landscaping and also maintaining the property. The ledge is eroding; my house used to have a walkway in front of it which is totally gone now; the ledge is right up to my house now. I am concerned about my lakefront, what's going to happen when the blasting begins because the ledge on that piece of property is significant. There are also wetlands that go into Brenner's, the run off from the road and French Mountain goes there; we used to be able to avert that water but since those storm wells have been dried up now it goes into that property that goes into Wiawaka in the back of Irish's where they are proposing which also has a lot of wetland. I have a lot of concerns about the environment, I have contacted Wiawaka and they'll be in touch. I am opposed to this project, I am signing over a portion of the driveway however I don't want to see that beautiful little lot taken over by construction or a driveway and I really hope that the covenants would hold on this. Additionally, what is the rock ledge going to do to my home, my dock? There are splits and you can see it. Those are my biggest concerns and I just want to put that out there.

Dan Barusch: do you have a copy of it? (Ms Quay hands a copy of the deed to Dan Barusch).

Kevin Mulcahy: Dan, does that become a civil matter?

Dan Barusch: as to whether or not they can build on it?

Kevin Mulcahy: this Board has never considered deed covenants because they are a civil matter and not part of what we're supposed to be looking at.

A discussion ensues and it is agreed and confirmed that covenants or restrictions on deeds or homeowner associations are a civil matter and not this Board's purview.

Eric Brenner: here with me is my father James. We own the property that you were discussing. My first response is to Ms. Quay's comments about any possible covenants and restrictions on the lot which is purely a civil matter and someone would have to enforce it against us; also, with all due respect, Ms. Quay is not an attorney. The statements that Ms. Quay made about the enforceability of any covenants that may exist or the chain of title are highly inappropriate. I am not an attorney but none of these covenants are such that can be proven or that they're not enforceable and so I don't think she can make a broad conclusion like that. As for the wetlands, when we purchased the property after having done due diligence, the issue of wetlands never came up. I believe that the Board is well aware that with covenants, since circumstances can change with time, can be terminated or become unenforceable. Many properties in the Woodfin Association actually have covenants and restrictions on themselves ranging in severity, many of which are in violation and not being enforced. I was a little confused by the new map vs. the old map submitted with the application; it seems that they filed something the last minute. The last notice we received add the three lots subdivision that would be combined in two lots which we're in full support of going forward. As Mr. Meyer mentioned, we were approached by the applicant and his agents over a period of a few months and we have an enforceable sale and purchase agreement between us and Cannone's Properties LLC for our property and so including our property is something that definitely can happen moving forward; there is no question of us selling it or anything like that. We're in support of this project to the extent that it includes our parcel together with the Quay and Irish parcels. The notice we received yesterday for the Zoning Board of Appeals only has two parcels on it and so we're questioning how it will proceed forward with three or two parcels? Based upon next Wednesday meeting, it looks like they're looking to do two. As you might expect if we retain the parcel, the reason is already noted, our belief is that there needs to be more research and things like that with attorneys and it's not just a mere conclusion. Our lot is buildable with deeded lake rights back to the 1920s; as mentioned, it's a nice area of the lake. I think that we have to put our interest in that lot if we retain it or it's cut out of the subdivision Mr. Meyer is talking about. We would ask the Board to thoroughly study the project, consider any reasonable alternatives including but not limited to the addition of our lot, the original plan that was put before the Board instead of the changed one that was done today. As I said, we're in full support of the three lots subdivision that includes our lot but opposed to the two lots which includes the Quay and Irish lots leaving our property out which we believe (pause). In terms of density, Newton Street is a very tiny area; there is a massive tree at the corner of our lot and makes it almost next to impossible to cross into the Irish property with a large vehicle which we believe is also an issue moving forward. We thank you for your time and consideration.

Jim Brenner: I am the owner of the property and the only thing I want to say is that we entered into a contract in October of last year. We were approached by the Cannones who wanted to buy our property because our understanding was that it was necessary for the necessary road frontage and the Quay and the Irish properties to do a proper split in subdivision for the 150 ft. of road frontage required. We're still in contract and tonight it was a surprise that all of a sudden we were dropped out and I assume this may be a breach of contract. I don't know where this is going but I just want to make it apparent to the Board that we fully support the project if it includes our original intent to sell it for the road frontage.

Eric Brenner: I just want to make another point in reference to a comment that Mr. Meyer made when he said that it didn't makes sense to include our lot. I want to point out as my Dad just said, the purpose of including our lot and we're in full support of it is not only for density purposes because it's included, but it would also remove our lot from potentially being absorbed into the two other parcels which in terms of the possibility of the house being there and the two potential new houses that are going to be built on the lots that they are trying to subdivide is needed. I would also note that not only in terms of density in terms of the purpose of our lot to be included in this project is to comply by the zoning law.

Chairman Quirk: this is a sketch plan which is why we're all here. You need to get your ducks in a row in terms of what you're going to be presenting to us (referring to the applicant). Is there anyone else who'd like to speak on this project?

Jeffrey Meyer, Esq.: just to touch on a few things. Essentially the reason why we're here is to gauge the Board as to your opinion on the viability of the common drive and the fact that otherwise the parcels appear suitable to build assuming we do all the engineering, show the building envelopes and the sewer lines and any other comments this Board may have. As for the comments from the public, what I alluded in the beginning was that there are a lot of private contractual matters that are outside of this Board's purview and discussion; whether it's a covenant or restriction, a purchase and sale agreement which may or may not exist. The Irish parcel doesn't have any restrictions relative to building, not that it is your purview and I just wanted to make sure that everyone is clear and I certainly understand and apologize for dragging you into this.

Kevin Mulcahy needs clarification on the lots on a map; Mr. Meyer approaches the dais and reviews the information with him.

Kevin Mulcahy: from an environmental standpoint and certainly not a binding one, the idea of getting this other parcel, make it part of these and having it all done, would be the best thing for the community.

Chairman Quirk: yes, we can't speak for Zoning; you may have to go to them to see how they feel and try to get that 40 ft. variance.

Kevin Mulcahy: the issue with that property, if they decide to go forward with it and someone decides to buy it and build on it, is that the structure will be right next to your egress and ingress on the other two parcels which will make it tight. I guess we'll have to see what happens with the ZBA.

Jeff Meyer, Esq.: it's part of the original layout of the subdivision with Park Road running directly into the center of the strip with the driveway that we're proposing. Essentially since the original layout of the subdivision the lots are no longer 15 ft. x 30 ft.

Chairman Quirk: are there any other suggestions we can provide to them?

A motion is introduced by Kevin Mulcahy; seconded by Curt Dybas to keep the public hearing open.

All in favor, motion carries.

Chairman Quirk: you'll need to come in with a specific plan, meet with Dan and (interruption).

Dan Barusch: we have everything we need for next week. The only thing that I am still trying to follow up on is the correlation between SEQRA review at the ZBA level. There is a DEC opinion that says that if one is undertaking a Type II area variance in association with a Type I project which would be the subdivision, then that doesn't have to be part of the overall SEQRA review and it can be considered a Type II in which case you'd follow the subdivision and complete the Type I here at the Planning Board. It could be argued that it may be segmentation but we don't want to get into that right now until we see what happens at the Zoning Board, but the reason this is a Type I for when they do come back, subdivisions are unlisted and any unlisted item next to a registered historical location, which would be Wiawaka, turns into a Type I. So, we'll have the SEQRA review when they come back with the full application, but I am still following up on whether or not we need to do that or start it next week.

Jeff Meyer, Esq.: can I just clarify? Once we settle with the overall property that is being subdivided, the Board has asked for the septic, well and building envelope to be shown on a map; is there anything else?

The Board is reminded by Dan Barusch that these lots have septic and water connections.

Heath Mundell: possible wetland area?

Dan Barusch: I will check that out.

Kevin Mulcahy: is the property predominantly bedrock and ledge?

Jeff Meyer, Esq.: we don't believe it to be however we will confirm it once the frost is gone.

Kevin Mulcahy: in my opinion, some testing will be good because a new structure will require stormwater if it's over 1,000 sq. ft. and I can't imagine a property on the lake being smaller than that. So, in addition to the building footprint, we'll need to see some feasibility for a stormwater plan.

Chairman Quirk: any building will be coming back in front of us, correct?

Jeff Meyer, Esq.: absolutely.

Kevin Mulcahy: the way I look at this is whether I am creating a lot that cannot be built on without variances.

Jeff Meyer, Esq.: yes. Thank you for your time.

REGULAR MEETING

4. Application for Site Plan Review SPR3-2017 submitted by MHC Lake George, LLC with Robert Hilton, General Manager, as agent with a proposal to replace 15 campers with new, in kind 400 sq. ft. campers; for property located at 175 East Schroon River Road. Tax Map No. is 211.02-1-1. Lot size is 175.679 acres. Zoning Classification is LC-50 (Land Conservancy – 50 acres). Code Reference is 175-37. SEQRA is Unlisted.

Jason Russo: hello, I am Jason Russo, Director of Assets Management for MHC, Lake George Escape. We currently have 63 park models and we're looking to replace 15 of them. We have completed our Jurisdictional Inquiry Form and received a "no comment" back from the APA referring to the Town. The 63 approved Park models are all varying in age and this year we'll start replacing our fleet. We are a little late and although we're replacing 15 we'll most likely get up to maybe 10.

Kevin Mulcahy: are the sizes of the structures that are being replaced equal or larger?

Jason Russo: they're all equal size; they have RV stickers on them since they're not considered structures and they're all 399 sq. ft.

Kevin Mulcahy: are any of them going to be closer to the river than they're now?

Jason Russo: no.

Robert Flacke: are they the same occupancy?

Jason Russo: yes.

Chairman Quirk: what about sewer/septic?

Jason Russo: we have quite a septic; we've undergone a multi-million dollar septic renovation all approved by DEC which is in the final stage now and we're expecting to be certified by May 1st.

Dan Barusch: it was brand new last year.

Chairman Quirk: what does that mean? Does it pump somewhere, do you have leach field.

Jason Russo: we have a massive infiltrators system that is all run by a different series of pumps; probably one of the most technologically advanced systems ever installed in the State of New York. Each one of these infiltrators is hooked up to a couple of centralized pump stations and I can tell you how many gallons go through that station any time on my phone.

Kevin Mulcahy reads the application into the record.

A motion is introduced by Fred Pape; seconded by Curt Dybas to accept the application as complete.

All in favor, motion carries.

Kevin Mulcahy: does Warren County Building or Health Dept. have to inspect this in relation to the flood plain area knowing that, for example, a crawl space would need special provisions in that area. I am not sure if a mobile home needs special provisions in a flood plain area where you have to have some type of anchors?

Dan Barusch: I'll check with them tomorrow. As long as they get approvals, they do have to get one flood plain permit from my office to cover the project but I'll check with Warren County if they need their permit.

Kevin Mulcahy announces that the Board has to do a SEQRA Short Form for this project. He will first read the applicant's comments in the record and then the Board will answer questions for Part II.

Completed Part I and Part II forms follow:

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| | | | |
|--|--|---|--|
| Part 1 - Project and Sponsor Information MHC LAKE George LLC | | | |
| Replacement of existing RV units with New ones. | | | |
| Name of Action or Project: | | | |
| 175. East Schraon River Road, Diamond Point NY 12824 | | | |
| Project Location (describe, and attach a location map): | | | |
| Brief Description of Proposed Action: | | | |
| Replacement of 15 RV units in kind. | | | |
| Name of Applicant or Sponsor: | | Telephone: 518-623-3207 | |
| MHC LAKE George L.L.C | | E-Mail: LAKEGEORGEESCAPE-mgr@Egosity Lifestyle.Co | |
| Address: | | | |
| 175. East Schraon River Road | | | |
| City/PO: | | State: | Zip Code: |
| Diamond Point | | NY | 12824 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? | | | NO YES |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? | | | NO YES |
| If Yes, list agency(s) name and permit or approval: | | | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | 175.63 acres | |
| b. Total acreage to be physically disturbed? | | N/A acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 175.679 acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) | | | |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ | | | |
| <input type="checkbox"/> Parkland | | | |

| | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? | NO | YES | N/A |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | NO | YES | N/A |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Are public transportation service(s) available at or near the site of the proposed action? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Is the proposed action located in an archeological sensitive area? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <i>SEE APA Jurisdictional Inquiry Form</i> | | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 16. Is the project site located in the 100 year flood plain? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>NATURAL BOUNDARIES OF ROADWAY & PROPERTY -</i> | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

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| | | |
|--|---|-------------------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Robert J. Hilton (GM)</u> Date: <u>2/15/2017</u> Signature: _____ | | |

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Agency Use Only [If applicable]

Project: LG Escapes SPR3-2017
 Date: 3/28/17

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | Neg. | Pos. |
|--|---|--|
| | No, or small impact may occur | Moderate to large impact may occur |
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

PRINT FORM

Agency Use Only [If applicable]

Project: LG Escapes SPR3-2017
Date: 3/28/17

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

N/A

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Lake George PB 3/28/17
Name of Lead Agency Date

SEAN SUTER, CHAIRMAN Chairman, Planning Board
Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

[Signature] [Signature]
Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)

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A motion is introduced by Kevin Mulcahy; seconded by Nathan Hall to declare a Negative SEQRA.

All in favor, motion carries.

A motion is introduced by Curt Dybas; seconded by Fred Pape to approve Site Plan Review SPR3-2017 as submitted.

Ayes: 7 Hall, Flacke, Mulcahy, Dybas, Pape, Mundell, Chairman Quirk

Nays: 0

Abstain: 0

All in favor, motion carries.

No motion to adjourn the meeting was made.

Respectfully Submitted,

Adele Behrmann
Planning & Zoning Clerk