

Minutes of the Town of Lake George Planning Board meeting held on May 23, 2017 at 6:00 p.m., at the Town Center, 20 Old Post Road, Lake George, New York.

**Members Present:** Sean Quirk, Chairman  
Curt Dybas  
Heath Mundell  
Robert Flacke  
Fred Papel  
David Meixner, Alternate Member

**Members Absent:** Kevin Mulcahy, Nathan Hall

**Also Present:** Adele Behrmann, Dan Barusch, Tim Hooker, Dean Howland, Tom Hutchins, John Latterner, Angela Ryan, Todd Drake and others.

## Acceptance of the Minutes

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A motion is introduced by Curt Dybas; seconded by Heath Mundell to accept the April 11, 2017 minutes as complete.

All in favor, motion carries.

## PUBLIC HEARINGS

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1. **Application for Site Plan Review SPR11-2017 submitted by Tim Hooker with Dean Howland, III as agent with a proposal to install a shoreline fence; for property located at 3756 Lakeshore Drive. Tax Map No. is 226.05-1-21. Lot size is 0.5 acres. Zoning Classification is RCH-LS. Code References are 175-23 & 175-28.1. SEQRA is Type II.**

**Dean Howland:** as per the highlighted areas on the map, we'd like to run a black nondescript aluminum fence for the dogs.

**Chairman Quirk:** is it 4 ft.?

**Dean Howland:** yes; we have a photo if you want to see it.

**Dan Barusch:** the only reason why they're here is because of an old code provision that calls for any fencing within 100 ft. of the mean high water to come in for site plan review. I personally have no issues with what they're proposing.

**Heath Mundell:** does this actually have to have a public hearing?

Dan Barusch replies that the public hearing is due to the fact that it is in shoreland overlay district.

Fred Pape reads the application into the record.

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

**All in favor; motion carries.**

Chairman Quirk asks if anyone in the public would like to speak on this application with no response.

**A motion is introduced by Heath Mundell; seconded by Fred Pape to close the public hearing.**

**All in favor, motion carries.**

**A motion is introduced by Heath Mundell; seconded by Fred Pape to approve Site Plan Review SPR11-2017 as submitted.**

**Ayes: 6 Flacke, Meixner, Dybas, Pape, Mundell, Chairman Quirk**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carries.**

- 2. Application for Site Plan Review SPR12-2017 submitted by Green Harbour HOA, Inc. with Tom Hutchins as agent with a proposal to conduct maintenance dredging of sediment material from the area surrounding four of the existing association's docks; for property located at Green Harbour Lane. Tax Map No. is 238.8-1-48. Lot size is 6.36 acres. Zoning Classification is RCH-LS. Code References are 175-23, 175-27, 175-37, 175-87 & 175-88. SEQRA is not applicable – APA Class A project.**

**Tom Hutchins:** good evening; I am Tom Hutchins with Hutchins Engineering and I am here on behalf of the Green Harbour Homeowners' Association. This project is a continuation of a maintenance dredging that was done around the docks in 2008. In 2008 this area was dredged (referring to a map) and obviously we're continuing with the dredging around 4 more docks. The water level is shallow at about 1 to 2 ft. with a lot of woody, soft material making it difficult for a boat to dock particularly on the long docks where they're double docking. We're under the jurisdiction of the US Army Corp. of Engineers, NYS DEC, the Adirondack Park Agency and also the Town of Lake George and we also need permission from the Office of General Services Bureau of Land Management who owns the land under the water or manages the State ownership of the land under water. We started this process in early March and we're moving through the process. We've had meetings with all of the agencies on the site and I believe we're dialed in everyone's concerns. The plan up here reflects a few updated compared to the one that you have (referring to a map) because I was able to incorporate comments that I received at that meeting. Some of the things that you might notice different are that the dewatering areas have been located a little bit differently; we've verified some areas that for the access ways the area that was going to impact at 11,000 sq. ft. is now down to 9,200 sq. ft. and the approximately 900 cu yards of material is now approximately 800 cu yards of material. We have a sample of the sediments; we've taken it to a lab as for DEC's requirement for analysis but we haven't received those results yet. As far as disposal, our dewatering is on site with the material being trucked to Queensbury where it will reside for a period of time so that it can be determined that it is not harmful and can be put to a beneficial re-use. The work will be done by a long reach excavator from two access ramps; we're proposing to build a stone access out 40 ft. into the lake so that the long reach can reach out. This dock here is 75 ft. in length and since the equipment cannot reach from the shore, we're building a stone access ramp so it can reach out. There is a double turbidity curtain around the area and the dewatering areas are all contained areas with plastic liners with stones with an underdrain back to the contained area. Depending on the nature of the material, we expect to have it sit in the dewatering area for one day or so. We expect for this project to take one week +/-; 2 weeks on the onset.

**Chairman Quirk:** last month we had another dredging and I learned about a "dirt bag." Are you using that?

**Tom Hutchins:** we're not since we're using an open dewatering area with a gravel drainage layer which is the method that they have successfully used at Castaway last year and it worked quite well.

**Chairman Quirk:** is the top area for drainage your first one as it's stated on your plan?

Tom Hutchins directs the Board Members to a map that shows the first and second dewatering areas as well as one located in between the two so it can swing either area and also serve as an additional area if needed. The areas had to be pushed away from the shoreline which is actually a wetland therefore they were asked to try to keep it in the gravel area.

**Chairman Quirk:** Dan, I don't know if we can go ahead with this since the figures have changed from the original submittal to the Board.

**Tom Hutchins:** we reduced the area to be impacted; I did that as a result of the meeting we had last week; we just tightened up the lines.

**Dan Barusch:** that's fine for us. What we look at is the dewatering area because once they get into the water, it then becomes a DEC and APA concern. They have submitted the applications and are waiting for a response. The APA is involved because of the wetland and the application has been submitted to them as well. What this becomes for us is a Class A project which means that we're essentially here to make an advisory recommendation; we're not going to approve this project because it's not our jurisdiction. If you determine that the dewatering plan is solid and there isn't anything that's going to conflict with our concerns or regs, then we can make our advisory recommendation that the APA approve it based on whatever recommendation they may have. I was at the same meeting of two weeks ago and there were a couple of concerns from the agencies but Tom has been working to address all of those. In terms of our scope, two weeks ago we approved Lake George Suites. This plan is a little stronger than that one and they are also using a licensed contractor who is pretty well known around here for excavating. From our office's standpoint, we don't have a problem with the way the dewatering is being set up. If you focus your concerns on that we'll give our advisory recommendation to the APA; we don't have to do SEQRA on this because the APA (interruption).

Chairman Quirk asks if the APA is the leading agency which is confirmed by Dan Barusch. He continues that since the Town is in the Approved Local Land Use program, the APA becomes the lead agency for a Class A project. The Town's recommendation states how this project conforms to the Town's code.

**Dan Barusch:** this is treated like every other application but instead of approving it, you'll make a motion to send an advisory recommendation to the APA to either approve or deny the application.

Fred Pape reads the application into the record.

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

**All in favor, motion carries.**

Chairman Quirk asks if anyone in the audience would like to comment on this application with no response.

**A motion is introduced by Heath Mundell; seconded by Fred Pape to close the public.**

**All in favor, motion carries.**

**Heath Mundell:** I don't think there is a major risk here; the whole process looks pretty straight forward.

**Tom Hutchins:** we hope it to be pretty straight forward once we get all the approvals since it's a cumbersome approval process.

**Chairman Quirk:** yes, because you have so many agencies involved.

**Dan Barusch:** if you guys give the recommendation to approve tonight, I will draft up a letter which will need your signature but it can go out to them tomorrow and then it will pretty much be to stay focused on what they're looking at. The Army Corp and DEC regularly permit dredging projects; they have their items that they're looking for and I can chat with the APA to find out what they're looking for.

**A motion is introduced by Chairman Quirk; seconded by Heath Mundell to approve a recommendation to the APA for approval of this project.**

**Ayes: 6 Flacke, Meixner, Dybas, Pape, Mundell, Chairman Quirk**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carries.**

- 3. Application for Site Plan Review SPR13-2017 submitted by John Latterner with Tom Hutchins as agent with a proposal to replace a single family residence destroyed by fire with a new 2,000 sq. ft. +/- 3 bedrooms, 2 baths, 2 car attached garage single family dwelling; for property located at 26 Ledges Lane. Tax Map No. is 251.16-1-22. Lot size is 1.0 acres. Zoning Classification is RS-1. Code References are 175-23 & 175-37. SEQRA is Part II.**

**Tom Hutchins:** this a project to rebuild a house that was originally destroyed by fire in 1997. A permit to rebuild the house was issued in 1997 however only the foundation was built and a decision was made at that point to cover the foundation and keep the basement as the residence. We're here to seek re-approval of the residence which will be on the same footprint as the foundation but with the addition of a 20 ft. x 24 ft. garage on the non-shoreline side of the residence. There will be no driveway or wastewater system changes with everything else on the site remaining the same with minimal disturbance as the foundation is in.

**Chairman Quirk:** was the square footage and the number of bedrooms the same for the house pre-fire although actually it doesn't really matter since it was approved.

**Dan Barusch:** except for the garage maybe.

**Tom Hutchins:** the footprint is what was approved except for the fact that we're adding a garage.

**Dan Barusch:** if you've been at the site, there is something there that we called the bunker. It is basement level down and when we first saw this, we were expecting it to come in front of the Board at some point. The only part that they're adding is the garage which is in a completely compliant location.

Chairman Quirk asks if any variances were needed; Tom Hutchins responds that the structure is compliant with setbacks, shoreline setbacks, permeability and lot coverage; the height will be roughly 31 ft. There currently is a barn which will remain; overall the project is pretty straight forward.

**Chairman Quirk:** will you be disturbing any additional area other than the one with the silt fence?

**Tom Hutchins:** we're going to rebuild a couple of stormwater areas that were there before the fire and need some tlc. The driveway shouldn't be impacted making it minimal disturbance.

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 asks if anyone in the public would like to comment on this application with no response.

A motion is introduced by Chairman Quirk; seconded by Curt Dybas to close the public hearing.

All in favor, motion carries.

A motion is introduced by Curt Dybas; seconded by Fred Pape to approve site plan SPR13-2017 as submitted.

Ayes: 6 Flacke, Meixner, Dybas, Pape, Mundell, Chairman Quirk  
Nays: 0  
Abstain: 0

All in favor, motion carries.

## REGULAR MEETING

4. Application for Site Plan Review SPR9-2017 submitted by Angela Ryan as agent for Edward Ryan with a proposal to add 240 sq. ft. to the existing dwelling to provide more room for their handicapped son; for property located at 2149 Route 9N. Tax Map No. is 277.01-1-1.4. Lot size is 15.77 acres. Zoning Classification is RCM-2SB. Code Reference is 175-37. SEQRA is Type II.

**Angela Ryan:** we're requesting a permit to add on to our residence an extension for my son's room since he is handicapped.

**Dan Barusch:** this is the same deal as the fence; the only reason she is here is due to the zoning district of RCM-S2B.

**Chairman Quirk:** I don't see a plot plan.

**Dan Barusch:** this is what she included in the packet (showing a map). The property is very large with 100 ft. + from any setbacks and I didn't ask her for one.

Curt Dybas reads the application into the record.

A motion is introduced by Heath Mundell/ seconded by Fred Pape to accept the application as read.

All in favor, motion carries.

Chairman Quirk: this is pretty straight forward.

A motion is introduced by Heath Mundell; seconded by Robert Flacke to approve Site Plan Review SPR9-2017 as submitted.

Ayes: 6 Flacke, Meixner, Dybas, Pape, Mundell, Chairman Quirk  
Nays: 0  
Abstain: 0

All in favor, motion carries.

5. **Application for Site Plan Review SPR10-2017 submitted by Cornerstone Building Corp. (Mike Caruso) as agent for Jaroslawa Dementiuk with a proposal to build a 2,000 sq. ft. single family dwelling with a 2 car attached garage; for property located at Sunny West Lot #14. Tax Map No. is 238.15-1-18. Lot size is 1.3 acres. Zoning Classification is RM-1. Code Reference is 175-37. SEQRA is Type II.**

**Todd Drake:** I represent Cornerstone Building Corp., the builder for this project. Forgive me if I stumble because most of the application was handled by Fred Metzger, the surveyor, but the project is to build for the customer a 2,000 sq. ft. home on a lot of a previously approved subdivision in Sunny West Circle. Upon submission, the surveyor was asked to delineate the area of the service which is about 14,000 sq. ft. over a 1.3 acre lot that is shown on the most recent site plan that you have and it's also shows two rain gardens there located on different sides of the property. There is also a natural berm there that contains run off from one side to another with the house being on the street side of the berm.

**Curt Dybas:** it's one of the better lots in there.

**Dan Barusch:** the only other one that I believe is still vacant is right next to it and it was actually purchased by the person who owns the other side and I don't believe they'll put up a second home. Again, this is straight forward, the only reason he is here is because of the stream in the back of the property.

**Chairman Quirk:** does it actually run?

**Dan Baruch:** the Class AA stream comes out of that pond in the north west corner and it actually does go through that property but the house clears the 30 ft. setback and we don't have anything to worry about with septic separation because their community septic is on the other side of the neighborhood.

**Curt Dybas:** will be there water in the basement?

**Todd Drake:** this house will be above the stream.

**Dan Barusch:** we did receive an approval by the HOA. Do you have copies of the design of the house?

Robert Flacke reads the application into the record.

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

**All in favor, motion carries.**

**Chairman Quirk:** is your basement a finished basement?

**Todd Drake:** it's a walk out basement and I suppose it's up to the homeowner to finish it.

**Dan Barusch:** there is a good 10 ft. drop between the edge of where they are putting the house and the pond; I don't see a problem with the frost footings. Did the HOA approve these exact plans?

**Todd Drake:** yes, that's what my understanding is.

**Dan Barusch:** as for the easement, has the property owner talked to the other property owner about getting it set up?

**Todd Drake:** I don't know that answer; she is not here to ask but I can certainly insure that that it is done.

**Dan Barusch:** ok, because you guys have your tank going in, the sewer connection to it is fine but it just looks like it's going to cross their property.

**Todd Drake:** I'll follow up with that because it needs to be taken care of.

**A motion is introduced by Heath Mundell; seconded by Fred Pape to approve Site Plan Review SPR10-2017 with the following condition:**

- **Applicant shall submit to the Zoning Officer paperwork from neighbor confirming a well/septic easement.**

**Ayes: 6 Flacke, Meixner, Dybas, Pape, Mundell, Chairman Quirk**

**Nays: 0**

**Abstain: 0**

**All in favor, motion carries.**

A motion is introduced by Curt Dybas; seconded by Fred Pape to adjourn the meeting at 6:55 p.m.

All in favor, motion carries.

Respectfully Submitted,

Adele Behrmann  
Planning & Zoning Clerk