

Minutes of the Town of Lake George Planning Board meeting held on April 10, 2018 at 6:00 p.m., at the Town Center, 20 Old Post Road, Lake George, New York.

Members Present: Sean Quirk, Chairman
Fred Pape, Vice Chairman
Heath Mundell
Robert Flacke
Nathan Hall
David Meixner
Rich Askew

Also Present: Adele Behrmann, Dan Barusch, Tom Hutchins, Gary Hughes, Matt Steves, Corinna Martino, Charles Dippo, Diana Hrycyk, Brandon Dreher, Antonio Abrantes, Brandon Bondy, Maddy Mann, Abigail Baertschi, Jack Kelleher, Robert Bulman, Logan Clarke, Alex Jones, Addison Kelly, Clay Moody, Quinn Cardone, Morgan Zilm, Nick Hottis, Richard Hansen, Alex Blanco, Astyn Nacua-O'Neil and others.

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

Acceptance of the Minutes

A motion is introduced by Fred Pape; seconded by Heath Mundell to accept the minutes of the March 13, 2018 meeting as complete.

All in favor, motion carries.

PUBLIC HEARINGS

- 1. Application for Site Plan Review SPR1-2018 submitted by Philip Viger with Michael Muller, Esq., Tom Hutchins and Gary Hughes as agents, with a proposal to replace an existing structure damaged by fire with a new 3,085 sq. ft., single family dwelling with garage and 1,714 sq. ft. of decks and porches; for property located at 12 Little Bay Lane. Tax Map No. is 226.05-1-17. Lot size is 0.63 acres. Zoning Classification is RCH-LS. Code References are 175-23, 175-37 & 175-90(A). SEQRA is Type II.**

Tom Hutchins begins by stating that this is the second meeting they're attending. They originally submitted an application to the Zoning Board with variances requests which were granted and he believes they now have a compliant design. He continues by clarifying the following items:

- The correct height of the building is 39.1 and 7/8th ft. and not 39 7/8th ft. as indicated on the application.
- The second correction is that the building was destroyed by fire in August of 2017 and not August 2018.
- Stormwater controls have been incorporated into the design of the new structure that he believes are compliant with the Town's new ordinance and have done a good job improving the stormwater predominantly from the driveway and the roof top considering the difficulties with this site.
- The answer on the application pertaining to fill of more than 200 cubic yards is "no;" the correct answer is "yes."

Fred Pape asks if there have been any changes since they last appeared in front of the Planning Board; Tom Hutchins replies no changes but only clarifications as listed above. He also informs the Board that as much hardscaping as possible will be maintained predominantly in the south side. The house location has been changed to 20 ft. further back from the lake in a compliant location. He and Gary Hughes, the designer of the building, feel that this design is a much better fit for the site.

Dan Barusch states that this project is a major stormwater project which was referred to Chazen for their review. Tom Hutchins adds that a number of the comments from Chazen have been addressed at the Zoning Board; some of them are housekeeping and some he will have to work out with them.

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

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

All in favor, motion carries.

A brief discussion between the Board Members ensues with the agreement that a great job was done by the applicant with stormwater controls being implemented on the site that currently are not there.

A motion is introduced by Fred Pape; seconded by Heath Mundell to approve Site Plan Review SPR1-2018 with the following condition:

- **The applicant shall obtain a sign off for stormwater from Chazen.**

Ayes: 7 Hall, Flacke, Mundell, Pape, Meixner, Askew, Chairman Quirk
Nays: 0
Abstain: 0

All in favor, motion carries.

2. Modification to Minor Subdivision SUB8-2003 submitted by Gary Koncikowski with GSK, Ltd as owner and Matthew C. Steves as agent, with a proposal for various lot line adjustments to improve the proposed house locations and layout of the lots from the 2003 subdivision due to the fact that a new Town road is now established connecting these properties to a 15 lot subdivision approved by the Planning Board in 2009. This modification will also allow road frontage for lot #277.03-1-18 where is currently not existing; for property located at Cobble Hill Knolls, off Konci Terrace. Tax Map Numbers are 277.03-1-35.1, 35.2, 35.3, 35.4, 277.03-1-18 and 277.03-1-27. Lots sizes are 5.54, 5.47, 5.13, 5.59, 4.00 and 4.59 respectively. Zoning Classification is RR-5. Code References are 150-7, 150-15 and 150-20. SEQRA is Type II.

Matt Steves introduces himself to the Board as agent for the applicant. This is a four lot subdivision approved in 2004. In 2009 when a 15 lot subdivision was approved, a Town road was built to Town's standards. This improvement will allow for a number of lot line adjustments which will bring these lots into compliance with the code; and for lot 277.03-1-18, which is currently landlocked, it will provide road frontage. Additionally,

the Town road will eliminate the need for a right-of-way through lot 4. This proposal actually reduces the impact because the 200 ft. hammerhead needed for the 4 lot subdivision will no longer apply thus reducing the amount of new infrastructure.

Chairman Quirk agrees that it looks cleaner but asks if development of each individual lot will be going to the Board. Dan Barusch replies that there are triggers for those lots that will require site plan review, however, the reason they are here is because of the large number of lot lines adjustments. The building envelopes will not change although, if desired, the orientation may. Chairman Quirk asks if the adjoining low owners are aware of the proposed request, Dan Barusch responds that the lot owners have been notified just like any other application through public hearing notices.

Chairman Quirk opens the meeting to the public.

Chris Navitsky who is with the Lake George Waterkeeper, questions whether the stormwater will be a major one on all the lots since these lots were originally part of a major subdivision. Dan Barusch replies that it all depends on the development. The original subdivision was presented as a major stormwater project with subdivision controls that were put on and are currently inspected by the Planning & Zoning office on a monthly basis. As to whether each individual lot will need site plan review, it will depend on the lot and the scope of the development.

Matt Steves agrees with Dan's comments and confirms that both subdivisions were reviewed as major stormwater projects. Chris Navitsky feels that taking these lots from a subdivision with major stormwater and consider them minor, lends itself to segmentation.

Dan Barusch reassures the Board that since the SEQR review on these subdivisions was completed at the time of their plat approvals, lot line modifications are a Type II SEQR.

Matt Steves reiterates that the original subdivisions received approvals by engineers and the removal of the hammerhead reduces the amount of impact on the property; however he has no problem reviewing each project with the Zoning Administrator first and then the Board if deemed necessary and required.

A discussion ensues among the Board Members resulting with the majority of the Members preferring to have any development on the lots come in for site plan review. Matt Steves adds that technically nothing is changing other than property lines changes. Fred Pape agrees with the site plan review but not requiring major stormwater plans.

No other comments are received from the public.

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

All in favor, motion carries.

Fred Pape reads the letter submitted by Van Dusen & Steves relating to the modification of the subdivision.

A question about lot #277.03-1-18 is asked by Nathan Hall; Matt Steves clarifies that this lot is a remainder of a previously subdivision done in the 80's.

A motion is introduced by Nathan Hall; seconded by Heath Mundell to accept the modification letter as read.

All in favor, motion carries.

A motion is introduced by Nathan Hall; seconded by Fred Pape to approve Modification to Minor Subdivision SUB8-2003 with the following condition:

- **The 4 lots from the 2003 subdivision shall come in for Site Plan Review prior to development.**

Ayes: 7 Hall, Flacke, Mundell, Pape, Meixner, Askew, Chairman Quirk
Nays: 0
Abstain: 0

All in favor, motion carries.

- 3. Application for Site Plan Review SPR5-2018 submitted by John Hathaway with a proposal to replace and expand a current deck with a new 10 ft. x 14 ft. deck; for property located at 5 Latham Road. Tax Map No. is 264.07-2-16. Lot size is 0.13 acres. Zoning Classification is RSH. Code Reference is 175-37. SEQRA it Type II.**

Chairman Quirk announces that Mr. Hathaway had an accident today and is not able to attend the meeting. Since it is a straight forward and simple request, the Chairman makes a decision to review the application and move forward. The applicant was granted a 2 ft. side area variance. Some of the Board Members state that it is a small deck however Chairman Quirk is wondering about the deck being two stories and the footings.

Dan Barusch replies that as long as the County is in agreement, the existing footings will be used for the new deck. The applicant's plan is to replace the decking, possibly the posts and extending it. He is going to cantilever it 2 ft. out so he won't have to add any footings. Mr. Hathaway informed the Zoning Board that there would be no ground disturbance.

After review of the drawings, Fred Pape discovers that the applicant needs to have 4 posts and not 3; however it doesn't result in any changes to the variance granted.

Chairman Quirk opens the meeting to the public for comments with no response.

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

All in favor, motion carries.

Fred Pape reads the application into the record.

A motion is introduced by Heath Mundell; seconded by Robert Flacke to accept the application as read.

All in favor, motion carries.

A motion is introduced by Fred Pape; seconded by Heath Mundell to approve Site Plan Application SPR5-2018 as submitted.

Ayes: 7 Hall, Flacke, Mundell, Pape, Meixner, Askew, Chairman Quirk
Nays: 0
Abstain: 0

All in favor, motion carries.

REGULAR MEETING

4. Application for Site Plan Review SPR3-2018 submitted by Charles F. Dippo and Diana L. Hrycyk with Martino Engineering as agent, with a proposal to construct a 3,089 sq. ft. single family dwelling with 1,342 sq. ft. of decks and porches; for property located at Olde Coach Road; being Tax Map No. 225.08-1-29. Lot size is 5.17 acres. Zoning Classification is RR-10. Ordinance Sections are 175-37 & 148-11. SEQRA is Type II.

Chairman Quirk announces that this applicant received a variance from the Consolidated Board of Health and the application was read into the record at a prior meeting with the Board.

Corinna Martino is the agent for the applicant and an engineer. She addressed some of the comments voiced by the Board at the February meeting and incorporated them on the plans as follows:

- The driveway has been enlarged to 40 ft. wide for a turnaround for fire trucks and emergency vehicles and a pull off half way down the driveway.
- The CBOH granted the variances for the septic system.

She responded to the initial comments from Chazen and received another letter from them with 4 simple comments that she believes will not change the plan.

Chairman Quirk questions why the location of turnaround is in front of the house rather than the garage; Ms. Martino replies that this location gives a fire truck access to the entire length of the house and the well, if needed. The house was moved slightly forward in order to accommodate the changes on the driveway thus avoiding having to construct a retaining wall.

Fred Pape asks if everyone is in agreement with the lining of the rain gardens. Ms. Martino replies that Chazen is in agreement with it as it avoids them from actually infiltrating however they still treat the stormwater by

allowing it to filter through. Dan Barusch adds that several of the original comments from Chazen dealt with infiltration devices that once she changed, alleviated their concerns.

Fred Pape is concerned that in the event of a wet season, there is no filtration and the stormwater will run across. Ms. Martino replies that there are overflow weirs and pipes in the event that they become inundated with stormwater. Their design is to treat “the first flush” which is the 90% storm with the most contaminants which is typical of these green infrastructure devices.

Dan Barusch reminds the applicant about the non-reflective glass and earth tones to be used as colors for the house.

A motion is introduced by Chairman Quirk; seconded by Fred Pape to waive the public hearing.

All in favor, motion carries.

A motion is introduced by Heath Mundell; seconded by Fred Pape to approve Site Plan Review SPR3-2018 with the following condition:

- **The applicant shall obtain a sign off from Chazen for stormwater review.**

Ayes: 7 Hall, Flacke, Mundell, Pape, Meixner, Askew, Chairman Quirk

Nays: 0

Abstain: 0

All in favor, motion carries.

A motion is introduced by Fred Pape; seconded by Nathan Hall to adjourn the meeting at 6:45 p.m.

All in favor, motion carries.

Respectfully Submitted,

Adele Behrmann
Planning & Zoning Clerk