

Minutes of the Town of Lake George Planning Board meeting held on May 8, 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, Alternate

Also Present: Dan Barusch, John Salvador, Kurt Koskinen, Rick White, Kim Quay, Kevin Quinn  
and others.

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

### Acceptance of the Minutes

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

All in favor, motion carries.

### PUBLIC HEARINGS

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Chairman Quirk reminds the public to keep the comments to 5 minutes, no transfer of minutes to others, and refer the comments to the Board.

1. Site Plan Review Application SPR6-2018 submitted by John Salvador with Kurt Koskinen as agent with a proposal to conduct commercial timber harvest on both sites; for property located at the end of Shaw Road & West Shaw Road Ext. Tax Map Nos. are 225.00-1-64 & 225.00-1-43. Total lots sizes are 183 +/- acres. Zoning Classifications are RR-5 and RR-10. Code Reference is 175-15. SEQRA is Type II.

Nathan Hall recuses himself.

John Salvador introduces himself and his agent, forester, Kurt Koskinen to the Board. Kurt Koskinen introduces the project by stating that approximately 9 years ago, 75% of the front 60 acres was thinned while the remainder 120 acres was left untouched because of the conditions in the woods being too soft. Their proposal is as follows:

- Harvest 45% of the approximately 95 sq. ft. of the basal area with trees larger than 12 inches in diameter which will be about 1/3<sup>rd</sup> of the trees.

- Utilize existing trails and landings.
- The postharvest conditions will be a landing clean of all debris, graded, seeded with water bars put in usually between 50 ft. and 100 ft. apart depending on the slope.
- Divert any water into the property and off the property.
- The proposal is to harvest in the bone dry summer such as in June, July and August if approved.
- The logging crew has multi-million dollars liability insurance.

Chairman Quirk asks the applicant about prior harvesting projects; John Salvador replies that the harvesting was done in 1998 and they had a permit to harvest the entire two parcels. The next harvest was proposed in 2006 but because of a moratorium imposed by the Town, they were not able to conduct the harvest then but was eventually completed in 2009. Kurt Koskinen continues by stating that the proposal is above the APA requirements and it is landlocked with just one small area that permits access to the bigger site through the front 60 acres. DEC issued a letter stating that the road to be used for the logging doesn't cross any streams. Dan Barusch asks to be kept informed on a weekly basis of the progress.

In response to Chairman Quirk's questions, Dan Barusch replies that this application is compliant with zoning however there is still a pending lawsuit on the property. In response, John Salvador reads from a letter sent by the Town Attorney Leah Everhart to the Supreme Court Judge Affredou dated 4/23/18 which in summary states that no agreement has been reached with the adjoining neighbors about the repairs of the road therefore the lawsuit has not been resolved. Dan Barusch explains that the other party's attorney is out of town; the owners of the other side of the road know of the consent letter granting rights to allow improvements on their half of the road. The Town is looking to get consent by both owners to repair the road; if the consent is not given for access on the other side of the road, the Town will drop the lawsuit in consideration of the considerable amount of tax payers' money spent and to no avail. Additionally, as per the Town's attorney, this application while related to the lawsuit has no impact on it. The Board can continue reviewing it with the understanding that a lawsuit was brought on these properties the last time these properties were timber harvested. The Board also has options to approve with conditions including but not limited to a performance bond for potential damage to the Town's portion of the road.

The property conveyed to Kevin Mulcahy is suggested as an alternate header location since it may be more ideal so the heavy equipment would be traversing less of Shaw Rd. John Salvador informs the Board of the stipulations and conditions when the subdivision was first approved in 1999 however, he states that none of them have been enforced. He is not amenable to use the alternative header sites; it would be too costly to establish a road and access.

Dan Barusch confirms with Kurt Koskinen, on the record, that the reason for the harvest is not to create view shed swats but rather just for thinning; Kurt complies with Dan's request. DEC advised Dan Barusch

that this application is an “unlisted action” and not a Type II SEQR; therefore the applicant will have to fill out a short form SEQR and return at the June meeting.

Chairman Moon opens the meeting to the public.

Robert Jojo who owns 83 Shaw Road Extension along with his wife Linda, is one of the adjoining neighbors. He has four main areas of concerns as follows:

- He is concerned on how the lot boundaries were drawn on the maps; he feels that they are not professionally drawn by a surveyor. They’d like to see boundaries that are well established, marked and visible.
- He would like to see a buffer between their property and the end of Mr. Salvador’s property line in order to avoid encroachment by machinery or people.
- He asks that an up to date stormwater controls plan that includes impacts to his properties and neighboring properties be submitted.
- The fourth concerns is aesthetics however he just learned that the application is for selective timber harvest and not clear cutting. He asked if a quantifiable number of trees can be obtained.

Kurt Koskinen address the stormwater control concern voiced by Mr. Jojo by informing him that Dan Barusch has a very detailed stormwater mitigation plan for this application put together by Warren County Soil and Water for his review. John Salvador adds that this timber harvest will not disturb the land since the stumps will not be removed. With respect to the boundaries, they’ve been flagged and are visible; they’ve also been on the County records since 1962 with no errors found.

Chairman Quirk announces that the public hearing will be left open and the application is table to next month for the short form SEQR but he would like to see a survey with marked boundaries and specific buffers being proposed.

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

All in favor, motion carries.

The application has not been read into the record.

A motion is introduced by Chairman Quirk; seconded by Fred Pape to table the application until the next meeting.

All in favor, motion carries.

2. Application for Site Plan Review SPR8-2018 submitted by Rick White as agent for 16 Newton, LLC with a proposal to build a landing and stairs to a new crib dock on the site; for property located at 16

Newton Street. Tax Map No. is 251.20-1-68.1 (Lot 1). Lot size is 0.55 acres. Zoning Classification is RSH (Residential High Density). Code References are 175-23 & 175-37. SEQRA is Type II.

Nathan Hall rejoins the Board.

Rick White introduces himself as agent for 16 Newton, LLC. This project involves getting access to a dock and a sundeck but because of the steep slope of the grade, they're not able to use just stairs and landing; therefore they're proposing to build a bridge at the bottom of the stairs as access to the sundeck and dock. The proposed plan is designed to keep the disturbance on the slope to a minimum and avoid putting piers for a landing. Dan Barusch updates the Board by stating that the applications were put together so the maps would show both projects; the current one is the lot with a house on it and the focus is to look at the access to the dock and sundeck. Considering the Town's terms and regulation, this proposal is very minimal. The applicant presented the project to the Zoning Board and was granted shoreline setback relief and has to go through the Park Commission for their permits.

Mr. White confirms that because of the steepness of the grade, this project will be built from the water; they've also obtained permission from a neighbor for access to lot #2 which is the second project presented to the Board. The site consists of ledge rock and their goal is to keep the steps as close to the slope as possible to keep the stairs from sticking out or switchback which would create a lot of disturbance. They are going to pin the stairs and landing to the ledge but in the event that it isn't doable then they'll drive some vertical steel piles below the bridge. The whole project will have minimal visibility from the lake and disturbance. He continues by informing the Board that they need approvals from the Town in order to go to the Park Commission and ultimately Warren County. As for the existing dwelling, it will be demolished and replaced by a new house in the near future.

Chairman Quirk opens the meeting to the public.

Kim Quay, who is a neighbor, introduces herself to the Board. She has no issues with the building of a house but feels that the existing dwelling is in disrepair and neglect and should be addressed prior to doing anything with the ledge. Dan Barusch advises her that the condition of the house is immaterial to both these applications. The house is starting to deteriorate and was looked at by Warren County and the Town engineer but it doesn't fit the "unsafe buildings" code yet. Ms. Quay's concerns are about the stability of the ledge, the conditions and the vicinity of the house to the cliff and the distance of the proposed dock to hers. Chairman Quirk reassures Ms. Quay that the Town will hold the applicant and contractor responsible for any damages caused during construction. Dan Barusch reiterates that he is very confident that the staircase and the bridge are not going to impact Ms. Quay's property. Nathan Hall also reminds Ms. Quay that the Board is reviewing stairs and a sundeck and not the dwelling; she replies that believes that if any of the cedars are taken down, the house may fall down off the cliff to which Mr. White replies that the location of the stairs is further north and nowhere near the house in question.

Nathan Hall 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.

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

All in favor, motion carries.

A brief discussion ensues among the Board Members about the need for the applicant to get approvals from the Park Commission.

A motion is introduced by Fred Pape; seconded by Heath Mundell to approve Site Plan Review SPR8-2018 with the following condition:

- Applicant shall obtain approvals from the Lake George Park Commission.

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

Nayes: 0

Abstain: 0

All in favor, motion carries.

3. Application for Site Plan Review SPR9-2018 submitted by Rick White as agent for Lake George Properties, LLC, with a proposal to remove an existing boat house, repair dock cribs, remove sections of stairs and walkway and build a new sundeck and walkway; for property located at 16 Newton Street. Tax Map No. is 251.20-1-68.2 (lot 2). Lot size is 0.57 acres. Zoning Classification is RSH. Code References are 175-23 & 175-37. SEQRA is Part II.

Rick White introduces this project by stating that this lot has an existing boat house and dock; their proposal is to remove the boathouse, construct an open sundeck and repair the existing dock. This location already has two bridges with stairs over land; this proposal is to reduce what's there by removing the upper bridge, stairs and some of the walkway however the new bridge will be a little wider in order to comply with Code for access. The material that's being remove is pressure treated wood stairs and not stone or cement; he advised the homeowner of putting in stone steps when he submits the application to build the house. Most of the most of the work will be done from the water due to the existence of a hill that hinders access from land; no variance is needed for this bridge since it is replacing an existing, non-confirming one; in relation to the prior application the bridge and sundeck are new.

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

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

All in favor, motion carries.

Chairman Quirk asks if the Board should be considering the demolition of the old boat house, Dan Barusch states that it is the Park Commission prevue to review it. He also informs the Board that he's proposing to remove from the Code the section dealing with worfs, docks etc. since the Park Commission handles these projects. The Town will still be reviewing Class A marinas because of the upland impact with no authority to regulate the marina use itself passed the mean high water.

A motion is introduced by Fred Pape; seconded by Robert Flacke to approve Site Plan Review SPR9-2018 with the following condition:

- Applicant shall obtain approvals from the Lake George Park Commission.

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

Nayes: 0

Abstain: 0

All in favor, motion carries.

## REGULAR MEETING

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4. Application for Site Plan Review SPR7-2018 submitted by Northeast Realty Development (Kevin Quinn) as agent for Bruce Mowery with a proposal to sell travel trailers from the site. The landscaping will consist of re-grassing and planting of trees. The existing egress/ingress will be changed to the center of the property and will connect to the south side of the parking lot by the leather outlet; for property is located at 1660 Route 9. Tax Map No. is 277.04-2-19. Lot size is 2.4 acres. Zoning Classification is TC-A. Code Reference is 175-15. SEQRA is Type II.

Kevin Quinn introduces himself as the owner of Northeast Realty Development and is trying to buy the adjacent lot to his businesses in order to sell travel trailers. His plan is to make a number of improvements to the lot such as cleaning it, put a 50 ft. entrance which will be connected to his property so people don't have to pull out onto Route 9. The north end of the property will be graded down and left forever

wild while a good buffer will be planted in the back of the lot. The office for this lot will be in the Leather Outlet building; the hours of operation will be 10:00 am to 4:00 pm.

Dan Barusch informs the applicant that he had a conversation with the APA and was told that they haven't made a determination on whether the project is a Class B rather than a Class A project. This application could be considered a Class B project because of the size of the service area and the fact that it is located in a "moderate intensity use" and could be declared non-jurisdictional. The APA suggests that the Board defer a decision until their final determination however a conditional approval can be granted contingent on a response from the APA. If it is deemed a Class A project, then the Board's approval becomes an "advisory recommendation." A "jurisdictional inquiry form" was submitted to them by the applicant. A referral response from the County for this project has a comment suggesting that the Planning Board considers requesting the applicant "maintain all vegetative screening along Route 9 with the exception of a new curb cut." Kevin Quinn responds that he has no problem with the request and may clean the underbrush but has no plans to cut down the trees. The Board has questions on the type of trailers being sold; Mr. Quinn responds that they'll be various types of typical trailers. He is already licensed to sell them on his other lots and has been doing so for years on a small scale although he has been required by DMV to get a motor vehicle license if he sells more than 7 trailers a year.

As for stormwater on the site, Mr. Quinn informs the Board that there already is a trench running along Route 9 and the sandy soils absorb the stormwater well; no water from Route 9 is getting on the site. He originally preferred grass but reconsidered and is planning on keep the existing gravel. Chairman Quirk would like to see more details on the plans such as setbacks, measurements, etc.

A brief discussion ensues among the Board with most of the Members agreeing on a conditional approval. Mr. Quinn would welcome it so he can prepare the site for Americade as well as overflow parking.

A motion is introduced by Fred Pape; seconded by Heath Mundell to waive 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 complete with the following corrections: the number of parking spaces should be 25 and the distance of the site within 25 ft. of slopes which exceed 15% over 100 ft. length, should be "yes."

All in favor, motion carries.

Dan Barusch suggests to the Board that a 50 ft. buffer on the east be planted to address the stability of that bank, as a condition of approval.

A motion is introduced by Heath Mundell; seconded by Fred Pape to approve Site Plan Review SPR 7-2018 with the following condition:

- Applicant shall install a 50 ft. buffer from the east side property line to preserve the steep bank.

Ayes: 6 Flacke, Mundell, Pape, Meixner, Askew, Chairman Quirk.

Nayes: 1 Hall

Abstain: 0

Motion carries.

### DISCUSSION ITEM

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- New Lake George Park Commission Facility.

Ken Parker, who is the Vice Chairman of the Lake George Park Commission, introduces the project to the Board. Their offices are currently located in a 100 year old farm house and have been active in coming up with a project to modernize it. The proposal is to build new offices with the inclusion of a Visitors' Interpretive Center which will be located in the lower level. Dave Wick continues by summarizing the numerous steps it took the Commission to get approvals and funding from DEC to replace the current house with a dual use building with the first and second floors being occupied by the Park Commission. They're currently focusing on generating funding for the Interpretive Center which will be free to the public and will be staffed by retired PhD historians.

A motion is introduced by Fred Pape; seconded by Heath Mundell to adjourn the meeting.

All in favor, motion carries.

Respectfully Submitted,

Adele Behrmann  
Planning & Zoning Clerk