

Minutes of the Town of Lake George Planning Board meeting held on January 8, 2019 at 6:00 p.m., at the Town Center, 20 Old Post Road, Lake George, New York.

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

Absent: Sean Quirk, Richard Askew

Also Present: Dan Barusch, Adele Behrmann, Tom Hutchins, Fred Austin, Jere Tatich, Ruben Ellsworth, Donna Ellsworth and others.

Vice Chairman Pape opens the meeting at 6:00 p.m.

Acceptance of the Minutes

A motion is introduced by Heath Mundell; seconded by Robert Flacke to accept the minutes of the December 11, 2018 meeting in the record.

All in favor, motion carries.

PUBLIC HEARINGS

1. Application for Modification to Site Plan Review SPR41-2017 submitted by Jon Tousaint with Tom Hutchins as agents with a modification request to add an additional 110 sq. ft. to the existing, approved building footprint which is a new, 2 story, 4 bedroom and 2 baths single family dwelling; for property located at 1 Tamarac Lane. Tax Map No. is 226.09-1-3. Lot size is 0.62 acres. Zoning Classification is RCH-LS. Code References are 175-23 & 175-37. SEQRA is Type II.

Tom Hutchins, who is the project engineer, begins by stating that on January 9, 2018 an approval was granted to the Tousaints to replace the existing residence with a new single family dwelling. Subsequently, they decided to put a second bedroom on the first floor which would add 110 sq. ft. to the existing footprint. The Board was given the prior plans and the new plans showing the requested changes as explained by Mr. Hutchins and how the change would occur. Two inside corners that are 7 ft. x 8 ft. each will be squared off to allow the owners to add the second bedroom which is very important to them. Essentially no changes will occur except for a slight change of the roofline which will be a little higher but still within the required 40 ft.

The stormwater fun off will not increase although eave trenches are proposed and as for the septic system, a new system was installed in 2013 sized for 4 bedrooms therefore sufficient and compliant for the residence.

With no questions from the Board, Chairman Pape opens the public hearing with no response from the public.

A motion is introduced by Heath Mundell; seconded by Nathan Hall to close the public hearings.

All in favor, motion carries.

Vice Chairman Pape reads the application into the record.

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

All in favor, motion carries.

Nathan Hall voices his appreciation to Mr. Hutchins and the applicants for following the correct procedures by appearing in front of the Board for such a minor change.

A motion is introduced by Heath Mundell; seconded by Nathan Hall to approve Modification to Site Plan Review SPR41-2017 as submitted.

Ayes:	5	Flacke, Mundell, Hall, Meixner, Vice Chairman Pape
Nays:	0	
Abstain:	0	
Absent:	2	Quirk, Askew

All in favor, motion carries.

2. Application for a Minor Subdivision SUB1-2019 submitted by Adirondack Lakeview Corporation (Fort William Henry Corp.) with Fred Austin as agent, with a proposal for a minor subdivision of 8.36 acres into two lots, 3.17 acres & 5.19 acres respectively. The 3.17 acres lot is developed with a motel and office building; the 5.19 acres lot will be vacant for the foreseeable future; for property located at 48 Canada Street. Tax Map No. is 264.04-1-23. Lot size is 8.36 acres. Zoning Classification is TC-A. Code References are 175-17, 150-7 & 150-27. SEQRA is Unlisted.

Robert Flacke recuses himself.

Fred Austin is the agent for the applicant begins by stating that they have no plans for the second lot but are entertaining several ideas one of them being assisted living housing. As soon as the subdivision is officially approved, they'll begin planning for future development; access to the new lot will be off Ellsworth Road. After a brief discussion the Board Members feel that this is a simple subdivision acknowledging that the applicant will have to come back to the Planning Board for any future development.

Vice Chairman Pape opens the meeting to the public with no response.

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

All in favor, motion carries.

David Meixner reads the application into the record.

A motion is introduced by Heath Mundell; seconded by Nathan Hall to accept the application as complete.

All in favor, motion carries.

Heath Mundell reads Part I and II of the SEQRA. (A copy is attached to this document).

A motion is introduced by Heath Mundell; seconded by Nathan Hall to declare a Negative SEQRA.

All in favor, motion carries.

Nathan Hall informs Fred Austin that should development occur, to be conscientious of the fact that there are already 87 motel units on the site and that they are very close to exceeding the maximum lot coverage allowed.

A motion is introduced by Heath Mundell; seconded by Nathan Hall to approve Minor Subdivision 1-2019 with the following condition:

- The applicant shall come for site plan review should there be plans to develop Lot #2.

Ayes:	4	Mundell, Hall, Meixner, Vice Chairman Pape
Nays:	0	
Abstain:	1	Flacke
Absent:	2	Quirk, Askew

All in favor, motion carries.

REGULAR MEETING

3. Application for Site Plan Review SPR26-2018 submitted by Lake George Dinosaur Park, LLC with Jere Tatich as agent with a proposal to change an existing tourist attraction from Magic Forest Theme Park to Lake George Expedition Park which will include the addition of “Dino Roar Valley” (20 full scale animatronic dinosaurs and associated features) as well as enhancements of the current Magic Forest facilities; for property located at 1912 Route 9. Tax Map Nos. are 277.02-1-25, 277.02-1-26, 277.02-1-27 & 264.04-1-35. Lots sizes are 28.10 acres, 7.03 acres, 0.82 acres and 10 acres respectively (45.95 total acreage). Zoning Classification is TC-A. Code references are 175-15 & 175-37. SEQRA is Unlisted.

Robert Flacke rejoins the Board.

Jere Tatich is the Principal Landscape artist with Elan and the agent representing Lake George Park, LLC. Ruben and Dana Ellsworth, who are the owners of Magic Forest, several friends, family and key members of the project are also in attendance. He briefly describes the project as a rebranding of the park through different phases from Magic Forest to Lake George Expedition Park with the addition of Roar Valley being the first project of the re-development. The park is not only an entertainment venue but it will also be educational with the opportunity to hold classes, dig for fossils, puppet shows, etc. with the undertone to be that of an ecological park. The project they are seeking approvals for will occupy 8 acres of the total park’s 46 acres. It will be located in the valley portion of the park and it will use a lot of current features including the existing road. The site is wooded and the intent is to keep as much as the forest as possible with the disturbance remaining at below 15,000 sq. ft. and the addition of

not more than 1,000 sq. ft. of new impervious area. An unnamed stream crosses the area and they're in the process of cleaning it up and restoring it to its original, natural beauty. This will be Magic Forest final year as future developments of Dinosaur Valley continues at different stages.

The safari tram road will be converted to a walking trail where the guests can experience digging sites with archeologists on staff as well as the sounds and the sights of dinosaurs and it will take about 2 hours; he continues by detailing all the other features of the new park. The 20 different dinosaurs are currently being fabricated and will be ready in March; some of them are 135 ft. in length and 35 ft. in height. The goal is to open up Memorial Day and close in the fall; the hours will be 12:00 pm to 6:00 p.m. 7 days a week.

Nathan Hall asks if they plan on using the Magic Forest part of the park. Mr. Tatich replies that Dinosaur Valley is the new component with Magic Forest being included in the future as a visual based park however details are still being worked out. Presently, Magic Forest will remain open with a 2 tickets option so the customers can choose to enter either park or both.

Heath Mundell asks details about the bases or foundations the dinosaurs will be on and is informed that for the smaller dinosaurs (7 ft. long); sonotubes will be used while the larger dinosaurs will be on pads. Engineers are working on the bases but their goal is to use sonotubes in order to minimize the disturbance. Nathan Hall expresses his concern with staging the project although he is in full support of the new park and appreciates its ecological and educational components; he believes that SEQRA review should not be segmented to just this project but rather the project as a whole should be reviewed. Dan Barusch replies that this is a grey area in zoning law since segmentation occurs when numerous components of a larger project are known but only one is being reviewed at a time while this applicant doesn't know future phases of this park nor when they may be completed. SEQRA can be done on what is presented to the Board now with the understanding that the applicant will come back to the Board for future phases. Nathan Hall's concern is that the amount of disturbance presented is for this project, will there be more for the other phases? Dan Barusch responds that the site development data presented for this project contains Magic Forest as well. The applicant is asked if the 1,000 ft. disturbance includes the pads; Mr. Tatich replies that it is highly likely that sonotubes will be used instead of pads. Underground conduits will be used for the electrical infrastructure; in addition, the Town's noise ordinance will be strictly followed.

Dan Barusch informs the Board that a non-jurisdictional JIF was received by the APA, as for restrooms facilities, the existing ones will be used; if upgraded or extended a permit from the Town and the Dept. of Health will be necessary. The Town as yet to receive the County's GML239m referral response, however it could have potential been sent today. Dan Barusch reviewed with the Board the stormwater plan which is a minor one due to the small increase in impervious area but informs the agent that the APA is reviewing their regulations and they may require retrofitting it in the future. The proposal for the sign is to have a bigger sign than what's there now and a directional sign featuring the dinosaurs' park on Bloody Pond Road; Dan Barusch reminds them that permits are needed for the signs. Vice Chairman Pape asks the Board for a vote on whether this project should have a public hearing; he personally feels that one won't be necessary for this particular project since there isn't a major enough change to justify having one.

A motion is introduced by Nathan Hall; seconded by Robert Flacke to schedule public hearing.

Ayes:	2	Flacke, Hall
Nayes:	3	Mundell, Meixner, Pape

Abstain: 0
Absent: 2 Quirk, Askew

Motion carries.

Vice Chairman Pape reads the application into the record.

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

All in favor; motion carries.

Nathan Hall reads the Part I of the SEQRA.

Vice Chairman Pape reads Part II of the SEQRA.

A motion is introduced by Heath Mundell; seconded by Nathan Hall to declare a Negative Declaration.

All in favor, motion carries.

A motion is introduced by Nathan Hall; seconded by Heath Mundell to approve Site Plan Review SPR26, 2018 with the following condition:

- The proposed project shall receive a “No County Impact” determination from Warren County Planning Department.

Ayes: 5 Flacke, Mundell, Hall, Meixner, Vice Chairman Pape
Nays: 0
Abstain: 0
Absent: 2 Quirk, Askew

All in favor, motion carries.

A motion is introduced by Heath Mundell; seconded by Nathan Hall to adjourn the meeting at 7:20 p.m.

Respectfully Submitted,

Adele Behrmann
Planning & Zoning Clerk

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			
Fort William Henry Corporation			
Name of Action or Project: Best Western			
Project Location (describe, and attach a location map): 2452 State Route 9N			
Brief Description of Proposed Action: 2 lot subdivision. Parcel with existing hotel and facilities. Vacant parcel.			
Name of Applicant or Sponsor: Fort William Henry Corporation		Telephone: 518-798-8580	
		E-Mail:	
Address: 48 Canada Street			
City/PO: Lake George		State: NY	Zip Code: 12845
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.			NO YES <input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES <input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		8.36 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.36 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 checked="" 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?		<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" 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?	<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 checked="" type="checkbox"/>	<input 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: _____	<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 checked="" type="checkbox"/> Suburban			
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 checked="" type="checkbox"/>	<input 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	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Kathy Munch	Date: 12/17/2018	
Signature: 		

PRINT FORM

Agency Use Only [If applicable]

Project: SUB 1 - 2019
 Date: 1/8/19

**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?"

	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: SUB1-2019
 Date: 1/8/19

**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.

*All answers were none or small impact, with no impact assumed a Negative declaration was declared.
 (A-O)*

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.

LARE GEORGE PLANNING BOARD 1/8/19
 Name of Lead Agency Date

Fred Page Acting Chairman
 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)

PRINT FORM