

Minutes of the Town of Lake George Planning Board meeting held on March 12, 2019 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
Robert Flacke
Heath Mundell
Nathan Hall
David Meixner

Absent: Richard Askew

Also Present: Dan Barusch, Adele Behrmann, Tom Jarrett, Dennis MacElroy, Jon Lapper, Esq., Stephen Adler, Nick Zeglen, Erik Sanblom, Matt Huntington, Jonathan Szemansco, Clark Wilkinson 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 January 8, 2019 meeting in the record.

All in favor, motion carries.

PUBLIC HEARINGS

1) Application for Site Plan Review SPRI-2019 submitted by NXT GEN, LLC with Tom Jarrett as agent with a proposal for waterfront improvements including repair of an existing seawall as well as creation of a lawn sitting area and landscaping; for property located at 49 Front Street. Tax Map No. is 251.20-1-29.2. Lot size is 0.46 acres. Zoning Classification is RSH. Code References are 175-23, 175-28.1, 175-27 & 175-37. SEQRA is Type II.

Tom Jarrett who represents Scott Clements and his family describes the project as follows:

- To repair and repointing of the existing seawall.
- To replace the current wide, concrete cap on the seawall with a narrower cap as well as repointing and rebuilding the existing wall underneath.
- DEC and Army Corp. of Engineers applications have been filed.
- To build a terraced area for the elderly to sit by the beach by installing a small sitting wall 16" high and 18" wide. The area by the wall will be regraded back to inside the wall in order to keep the stormwater from reaching the lake. Plantings will also be added along the wall and the cap will be raised just a few inches to trap the stormwater. A set of steps is planned as well for access to the beach by the younger family members.
- New down cast lighting poles will be installed.

In response to neighbors' concerns, the access to the construction area will be only through Front Street and not the neighbors' properties with the possibility of accessing the property from the lake. Most of the work will be done by hand with possibly a small tractor. A question is posed by Nate Hall relating to section 175-27 of the Town Code which discourages construction and/or repairs of retaining walls by the lake prior to considering all other alternatives;

has the applicant looked at other options? Tom Jarrett replies that there were discussions with the contractor and since it is a low profile wall that minimally protrudes in the mean high water, it was decided to have it repaired so it will be consistent with adjoining properties. Dan Barusch adds that the sitting wall will help mitigate any runoff from getting in the lake from the new stairs and meets all the standards for a retaining wall. The Town and the Waterkeeper don't want to see new retaining walls being constructed along the shore but this project consists of repairing and repointing the wall in kind. Tom Jarrett reaffirms that although the wall is in bad shape, it will not be torn down; the stones that need repair will be pulled out and reset instead; overall the job will consist of repoint along the new cap; no trees will be cut. Bob Flacke also poses a question on the necessity of repairing the wall, Dan responds that repairing it now would be better than having a blow out in the future; Tom Jarrett adds that DEC and the Army Corp. of Engineers will not approve a new vertical wall, they prefer a natural shoreline or something close to it and won't approve anything beyond a 45 degree angle with a hard surface. After reviewing the current project, DEC notified them they're planning on permitting this wall but not a new wall.

Chairman Quirk opens the public hearings.

Chris Navitsky, the Lake George Waterkeeper voices several concerns about the project a full copy of his comments is attached at the end of the minutes.

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

All in favor, motion carries.

Dan Barusch follows up with Tom Jarrett on a recommendation Chris Navitsky has, specifically to redesign the stormwater to infiltrate an area with no proposed landscape planting. Tom Jarrett replies that this area is proposed to be a sitting area for the owner but he will suggest some planting that might enhance it. He then directs the Board to a map showing the proposed stormwater mitigation plan.

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.

All in favor, motion carries.

A motion is introduced by Fred Pape; seconded by Heath Mundell to approve Site Plan Review SPR1-2019 with the following condition:

- The applicant shall obtain and submit permits from the Army Corp of Engineers and DEC.

Ayes:	5	Flacke, Mundell, Pape, Meixner, Chairman Quirk
Nayes:	1	Hall
Absent:	1	Askew

Motion carries.

2. Application for Site Plan Review SPR3-2019 submitted by Lake George Properties, LLC with Dennis MacElroy as agent, with a proposal to build a 6 bedrooms, two story, 2,851 sq. ft. single family dwelling with attached garage, covered entry and covered porches; for property located at 14 Newton Street. Tax Map No. is 251.20-1-68.2. Lot size is 0.57 acres. Zoning Classification is RSH. Code References are 175-23 & 175-27. SEQRA is Type II.

Dennis MacElroy represents the owners of LG Properties, LLC. whose goal is to build a single family home and describes the project as follows:

- Access to the property is via Newton Street which is a private road owned by Kim Quay, a neighbor who also lives in the area. She expressed concern about the road during construction and was reassured by the owner that the road will be taken care of.
- The portion of the driveway in front of the garage will have permeable pavers.
- There are a several stormwater devices planned to manage the runoff from the rain and they are a rain garden and a shallow grass swale as well as the permeable pavers by the garage.
- This property has capability to hook up to the municipal water and sewer system. Dave Harrington approved the sewer hookup, as for the water the owner has to decide between a well or municipal water.
- A comment letter by Chris Navitsky states that the application doesn't address the grading for the walkout basement which will extend the grading on the steep shoreline slopes and increase the total disturbance; Dennis replies that plans have been drawn re-grading the area which will address Chris Navitsky's concerns.
- Fred Pape voices his concern that the location of the garden may leach the run off into the footing drain. Dennis McElroy responds that the location of the proposed rain garden adjacent to the structure is designed to handle the roof runoff and also serve as a landscaping feature. A liner angled at 45 degrees by the footings would deflect the infiltration from the rain garden. Fred Pape adds that the small wall by the rain garden doesn't make sense since it couldn't be built there and the plans don't show the mitigation of the infiltration to the footing drain. Dennis McElroy agrees that the details for the raingarden need to be revisited and adjusted.
- The number of bedrooms will be changed from 5 bedrooms to 6 bedrooms.
- Clearance of the property is restricted by the Town and the APA; restricted cutting of trees is allowed within 35 ft. of the shore. It is their intent to comply with this restriction.

A discussion ensues on the location to tie in to the sewer by reviewing several options. A second discussion between the Board and Dennis MacElroy ensues in relation to the easement for the driveway and Woodfin HOA. A question arises on whether the applicant will be responsible for the maintenance of the road during construction; Dennis MacElroy replies that there are no conditions or requirements imposed by the HOA pertaining to the maintenance of the road during construction and that it typically is the property owner's responsibility.

A concern of the Board is the fact that the property slopes towards the lake and damage to the road could be a negative factor. Dan Barusch comments that the road is a well-defined one and doesn't believe extensive damage will be done to it. The house location is setback far enough from the slopes and it's behind the majority of the ledge rock.

Chairman Quirk opens the meeting to the public.

Chris Navitsky, Lake George Waterkeeper, begins my saying that they support low impact development such as pavers but has certain concerns as follows:

- The distance of the regraded grade from the 45% slopes.

- The runoff from the porch is close to the lake and no mitigation plan has been submitted by the applicant; will there be gutters? If the runoff isn't captured or contained by the 45% ledge sloping towards the lake, it will ultimately make its way to the lake.
- Is there a guaranty that the permeable blocks will be cleaned and maintained in the future?

Dan Pasek, Chairman of the Woodfin HOA, informs the Board that there is a \$200.00 per year fee for the maintenance of the road excluding the winter months. The HOA will be favorable to proving a written letter to the Board requesting that the applicant is responsible to leave the road in good conditions after construction.

A motion is introduced by Heath Mundell; seconded by Robert Flacke to close the public hearing.

Ayes: 5 Hall, Flacke, Mundell, Meixner, Chairman Quirk
 Nays: 1 Pape
 Absent: 1 Askew

Motion carries.

Chairman Quirk reads the application in the record.

A motion is introduced by Nathan Hall; seconded by Heath Mundell to accept the application with the revision of the number of bedrooms from 5 to 6.

All in favor, motion carries.

A discussion ensues among the Board members concluding to table the application for next month for the following reasons:

A motion is introduced by Fred Pape; seconded by Chairman Quirk to table Site Plan Review SPR3-2019 as per the following conditions:

- The applicant shall submit a revised grading plan showing contour lines tied into the house elevations so they all match.
- The applicant shall address detail #3 on page 6 of the stormwater plan for the raised rain garden.
- A photograph shall be taken from the proposed house site facing the lake to get existing conditions of the trees and vegetation currently in this location.

Ayes: 6 Hall, Flacke, Mundell, Pape, Meixner, Chairman Quirk
 Nays: 0
 Absent: 1 Askew

All in favor, motion carries.

3. Application for modification to approved subdivision SUB12-2006 submitted by G&G Lands & Buildings, Ltd. with Jon Lapper, Esq. as agent, with a proposal to modify a previously approved five lots subdivision to three lots; for property located at 2206 Route 9N. Tax Map Nos. are 277.01-1-9, 12, 13 & 14.1. The smallest lot is 34.92 acres, the average lot size is 93.3 acres and the largest lot is 124.54 acres for a total of 280 acres. SEQRA is Unlisted. Zoning Classifications are RCM-S2B, RR-5 & LC-25. Code References are 150-1, 150-20 & 150-27.

Jon Lapper, Esq. is representing the owner, G&G Lands & Buildings Ltd. He begins by stating that the goal for this subdivision is to reduce the 5 lots to 3 lots by taking the existing improvements onto one lot in the middle, a wrap-around lot behind it for potential future development and the lot in the back which is the one with the steep grades and wouldn't have had the potential for future development; the existing subdivision lines don't make much sense. All the lots meet the Town Code requirements and the only reason for seeking Planning Board review is due to the complexity of the lot line revisions. All the lots have enough acreage for expansions and additions.

Chairman Quirk opens the public hearings 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 Nathan Hall; seconded by Heath Mundell to accept the application as complete.

All in favor, motion carries.

Fred Pape reads Part I of the SEQRA into the record. Chairman Quirk, with the collaboration of the Board, reads Part II & III into the record.

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

Ayes:	6	Hall, Flacke, Mundell, Pape, Meixner, Chairman Quirk
Nayes:	0	
Absent:	1	Askew

All in favor, motion carries.

A motion is introduced by Fred Pape; seconded by Nathan Hall to approve modification to Subdivision SUB12-2006 as submitted.

Ayes:	6	Hall, Flacke, Mundell, Pape, Meixner, Chairman Quirk
Nayes:	0	
Absent:	1	Askew

All in favor, motion carries.

REGULAR MEETING

4. Application for Site Plan Review SPR2-2019 submitted by Adirondack Project Consultants, LLC (Stephen Adler) with Darline Roveto as owner with a proposal to construct a 2,159 sq. ft. two story single family dwelling with attached garage and two decks; for property located at 153 Watershed Drive. Tax Map No. is 225.00-1-76. Lot size is 8 acres. Zoning Classification is RR-10. Code Reference is 175-37. SEQRA is Part II.

Stephen Adler begins by describing the project as follows:

- Extensive clearing of this lot was done by the previous owner therefore the location of the home was carefully studied allowing no more than 12 trees to be cut. The existing roadway will be utilized; a basin will be created off the driveway, where the house will be built thus avoiding the existing steep slopes.
- As for stormwater, a series of storm basins are proposed. One in particular will catch the roof runoff through a gutters system and down flowing to the other basin.
- A major stormwater plan has been designed.
- A well is already on the site and as for septic, a shallow absorption system is being proposed as one that was pre-approved with the initial subdivision.

Dan Barusch explains that the 3,000 sq. ft. driveway has already been counted in the impervious area calculations. The Town has very high standards for major stormwater plans with full SWPPPs that are required for major subdivisions. Because the Town is an MS-4 community, monthly inspections are done by the engineers as well as monthly and weekly inspections by the Planning Office. This subdivision is very well designed with catch basins, sediment traps followed by ponds that catch the runoff from the road as one of its features.

A discussion ensues on the lot size being less than the 10 acres required for this zone; Dan Barusch explains that variances were most likely granted for all the lots below 10 acres when the subdivision was originally approved. Turn arounds for emergency vehicles is another topic of discussion; Stephen Adler states that a turnaround is already on the road. Dan Barusch asks the Board if they would like Chazen to review the stormwater although he feels this project's stormwater plan is overdesigned for the minimal disturbance this project will create. He asks Stephen Adler to provide him with a detailed elevation view of the walkout basement and every floor on the final building plans. Currently the goal is to use trm to stabilize the banks however if boulders are found on the site, a boulder wall will be built.

Nathan Hall reads the application into the record.

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

All in favor, motion carries.

A comments letter submitted to the Board by Chris Navitsky, Lake George Waterkeeper is discussed by the Board and Dan Barusch; a decision is made that all the comments have been address by the Board. (A copy of the letter is attached at the end of the minutes). Stephen Adler informs the Board that the height of the dwelling will be approximately 37 ½ ft.

A motion is introduced by Chairman Quirk; seconded by Nathan Hall to waive the public hearing.

All in favor, motion carries.

A motion is introduced by Fred Pape; seconded by Robert Flacke to approve Site Plan Review SPR2-2019 as submitted.

Ayes: 6 Hall, Flacke, Mundell, Pape, Meixner, Chairman Quirk

Nayes: 0
Absent: 1 Askew

All in favor, motion carries.

5. Application for Site Plan Review SPR4-2019 submitted by Schoder Rivers Associates, P.C., agents for Craig Brown, with a proposal to build a single family dwelling with 4 bedrooms, 4 baths, 2,808 sq. ft. footprint, a garage and porches; for property located at 152 Watershed Drive. Tax Map No. is 225.00-1-72. Lot size is 130.45 acres. Zoning Classification is RR-10. Code References are 175-37 & 175-43. SEQRA is Type II.

Matt Huntington with Schoder Rivers Associates begins by describing the project as follows:

- Approximately 2 acres of the 130.45 acres will be disturbed which requires a major stormwater plan. The driveway is approximately 1,100 sq. ft. in length.
- Due to the steep slopes of the driveway during construction, extensive erosion and sediment controls measures will be put in place consisting of silt fence, silt sock as well as a temporary diversion swale along portions of the roadway that will ultimately outlet to a sediment trap.
- The driveway will be built in two phases, half of it will be built and stabilized and then continue with the second half.
- The permanent stormwater controls will be comprised of two infiltration basins and others similar to the rest of the subdivision. The lower infiltration basin will take stormwater from the driveway through a rip rap swale and ultimately end up to an infiltration basin. Small infiltration basins will handle the house area and the driveway. They responded to Chazen's comments verbally however once the comments are addressed, the changes will not result in design changes.
- A variance was granted by the ZBA for the driveway with slopes over 12% with the condition that they reach out to the Fire Dept. to review what they can and cannot do for emergency access. One turn-around is already planned and a second one is being added.
- A Presby septic system, which is an enhanced system, is being proposed.
- There will be minimal disturbance and no clear cutting by the house in order to keep it from being visible. The house will not be located on top of the peek but rather on a ridge; Code enforcement will monitor the project.

Dan Barusch asks if the Zoning Board requested the widening of the driveway; Matt replies that Craig Brown agreed to widen it to 16 ft. which will increase the impervious area by approximately 4,000 sq. ft.; no matter how it plays out with the Fire Department, there won't be any problems accommodating the additional flows. The Fire Dept. suggested a dry fire hydrant since the Diamond Point public water access is at the bottom of the road; Matt adds that economically both the dry hydrant and the hook up to the public water are not feasible.

Fred Pape questions the rip rap's distance to the true stormwater treatment area being too long. Matt Huntington informs him that there will be check dams and that they have had similar projects with no problems.

A motion is introduced by Fred Pape; seconded by Nathan Hall 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 read.

All in favor, motion carries.

A motion is introduced by Nathan Hall; seconded by Heath Mundell to approve Site Plan Review SPR4-2019 with the following conditions:

- The applicant shall complete stormwater review with Chazen.
- The applicant shall submit a final review by the Lake George Fire Department as it relates to width and access of the driveway.
- There shall be no clearcutting view sheds and no silhouetting.
- The house shall be Adirondack style with earth tone colors and non-reflective glass.

Ayes: 6 Hall, Flacke, Mundell, Pape, Meixner, Chairman Quirk
Nays: 0
Absent: 1 Askew

All in favor, motion carries.

6. Application for Site Plan Review SPR5-2019 submitted by Jonathan Szemansco with Dennis MacElroy as agent, with a proposal to add 11 rental units of varying designs and a multi-purpose lodge building to the existing tourist accommodations; for property located at 3109 Lake Shore Drive. Tax Map No. is 238.19-1-38. Lot size is 6.46 acres. Zoning Classification is RCH-LS. Code References are 175-15, 175-37, 175-52 & 115-6. SEQRA is Unlisted.

Clark Wilkinson, from Environmental Designs Partners, begins by describing the project as follows:

- Mr. Szemansco is a new owner who purchased the property April of 2018. His goal is to create unique cottages. The property has an existing 44 motel units and it is seasonal. The expansion includes 11 additional units that will be built up on the hill. In addition, a lodge facility is proposed to have things to do for the guests in the event of inclement weather.
- The footprint for the lodge has been decreased since the submittal of the original application for economic reasons. All the units will be one bedroom with a total of 20 parking spaces. They received approval from Dave Harrington to hook up to the municipal water line however the septic will be new and will accommodate some of the motel units as well. The septic flows will be 100 gallons per day which is a decrease to the prior 150 gallons due to the installation of new fixtures in the motel units.
- The project requires a major stormwater plan and the SWPPP was reviewed by Chazen. Chazen's response has approximately 20 comments which can be easily addressed.
- The parcel is in an archeological sensitive area and so far they received only a verbal clearance from SHIPO but are waiting a formal letter.
- The parcel is an a sensitive for Northern Bats, that are an endangered species, as declared by DEC as a result, the tree cutting season is limited from November 1st to March 31st. Since they're so close to the deadline, Clark asks the Board to allow them to cut the necessary trees for the road without stumping them as soon as possible

certainly within two weeks' time. If an approval to cut the trees is not granted, the other alternative is to conduct a study in the area to make sure that there are no bats in the trees.

- The lodge will be equipped with a kitchen for the staff and catering functions.
- Most of the tree cutting has to do with the parking areas, the lodge and the septic systems which will entail an area of approximately 15,000 to 20,000 sq. ft.
- A question is raised about garbage collection; Clark replies that the site has existing dumpsters.
- Clark Wilkinson met with the Fire Chief who asked the applicant to set up a water tank on a lower paved area to facilitate pumping out of it since there is no water access on the hill.

A discussion ensues about parking and Clark Wilkinson goes over the plot plan with the Board indicating the location of all the parking spaces for the cottages. Chairman Quirk asks to see where the slopes are, Dan Barusch replies that the applicant submitted a profile of the road sectioned out with the percentage of the grades for each section; none of them are over the threshold or in need of a variance; some areas are close to 15% while others are not even close. As for access to the cottages, the existing paved road will remain while the additional road will be stones except for the parking areas where pervious pavement will be used as per major stormwater regulations.

Dan Barusch has several questions for the applicant as follows:

- Was a JIF submitted to the APA? Dennis MacElroy was told that since the project is in the hamlet, no JIF is needed.
- Have they contacted the Department of Health? Clark Wilkinson replies that they need a permit for the food service but no SPDES permit for the septic.
- If the Board approves the application, Dan Barusch is agreeable to cutting the trees within the next two weeks but he needs to get plans so he can issue a site work permit.

Chairman Quirk reiterates the need to leave as many trees as possible; Clark Wilkinson replies that some of the cottages are not on foundations but supported by poles and built around trees; most of the cutting will involve the road, the area for the lodge and the septic. Fred Pape feels that this is a significant project but no foundations or pods plans were submitted with no grading. He is concerned that if foundations are required for some of the cottages and the lodge, the clearing and disturbance will increase.

Clark Wilkinson informs him that they haven't had a conversation with Warren County Building & Codes on whether they'll require a foundation in place of the pods therefore potentially changing the amount of disturbance on the site. Dan Barusch feels that the lodge building may be the only one requiring to be built on a slab. Fred Pape states that he agrees to have piers, pods and slabs but not full blown foundations.

Fred Pape reads the application into the record with revisions to the site development data due to the footprint change for the pavilion.

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

All in favor, motion carries.

A motion is introduced by Fred Pape; seconded by Nathan Hall to table the application to next month with conditions as follows:

- The application has been tabled to the next meeting in order to schedule a public hearing.
- The applicant shall address the comments from Chazen.

- The applicant shall submit plans showing parking spaces and the new lodge.

All in favor, motion carries.

A motion is introduced by Nathan Hall; seconded by Robert Flacke to adjourn the meeting at 8:55 p.m.

All in favor, motion carries.

Respectfully Submitted,

Adele Behrmann
Planning & Zoning Clerk