LAKE GEORGE PARK COMMISSION
PROJECT SYNOPSIS
Meeting Date September 24, 2019

Applicant	Facility	Parcel
South Beach Association Inc	South Beach Association	200.14-1-12 Bolton
Application #	**Lakefront**	**Location**
5220-31-19 DM MINOR	855 feet 6 straight, T, L, U, F or E docks & 6 moorings	South Beach Ave South Of Cotton Pt
Date Received	**SEQR type**	**Comment period ends**
08/19/2019	Type II, not subject to SEQRA	09/20/2019

Project

Modify dock #5 to result in a 72.65' long, 4' wide north pier on a currently 50' long U-shaped stake supported wharf in accordance with plans attached. A variance is required from the off-shore distance limit.

Background

See attached background. A 2015 inspection sketch superceded the prior permit for docks 4, 5, and 6 on the lakeside facing shoreline. Three moorings were deleted as part of this application.

The dock extension is requested due to rock outcroppings located along the north pier of dock 5. A variance is required from the offshore distance limit. The dock is currently about 40' from mean low water. The extension would bring it to 56' from MLW. A variance is also needed from the total number of docks and moorings. Because there are more moorings than the regs would permit, any expansion of docks requires a permit. (this was a counsel determination originating from their original application in 1998, letter included in backgorund materials)

The comment period has just been initiated. There were no adverse comments regaridng the dock extension the first time around in 2015.

Regulatory Determinations

The Commission must determine if the documentation presented is sufficient to prove unnecessary hardship as set forth in Section 645-8.3 Standard:

(a) No variance shall be granted under this Subpart unless the applicant shall establish by substantial, credible evidence unnecessary hardship.

(b) In order to establish unnecessary hardship, an applicant must demonstrate:

(1) unique and peculiar conditions to the applicant's particular situation which impose a substantial technological, financial or safety burden upon the applicant or the public;

(2) that because of such uniqueness, there is no reasonable possibility that the applicant's property or, if no property is involved, the continuation of the application's business, enterprise, use or activity will bring a reasonable return following conformity with the regulations of the Commission;

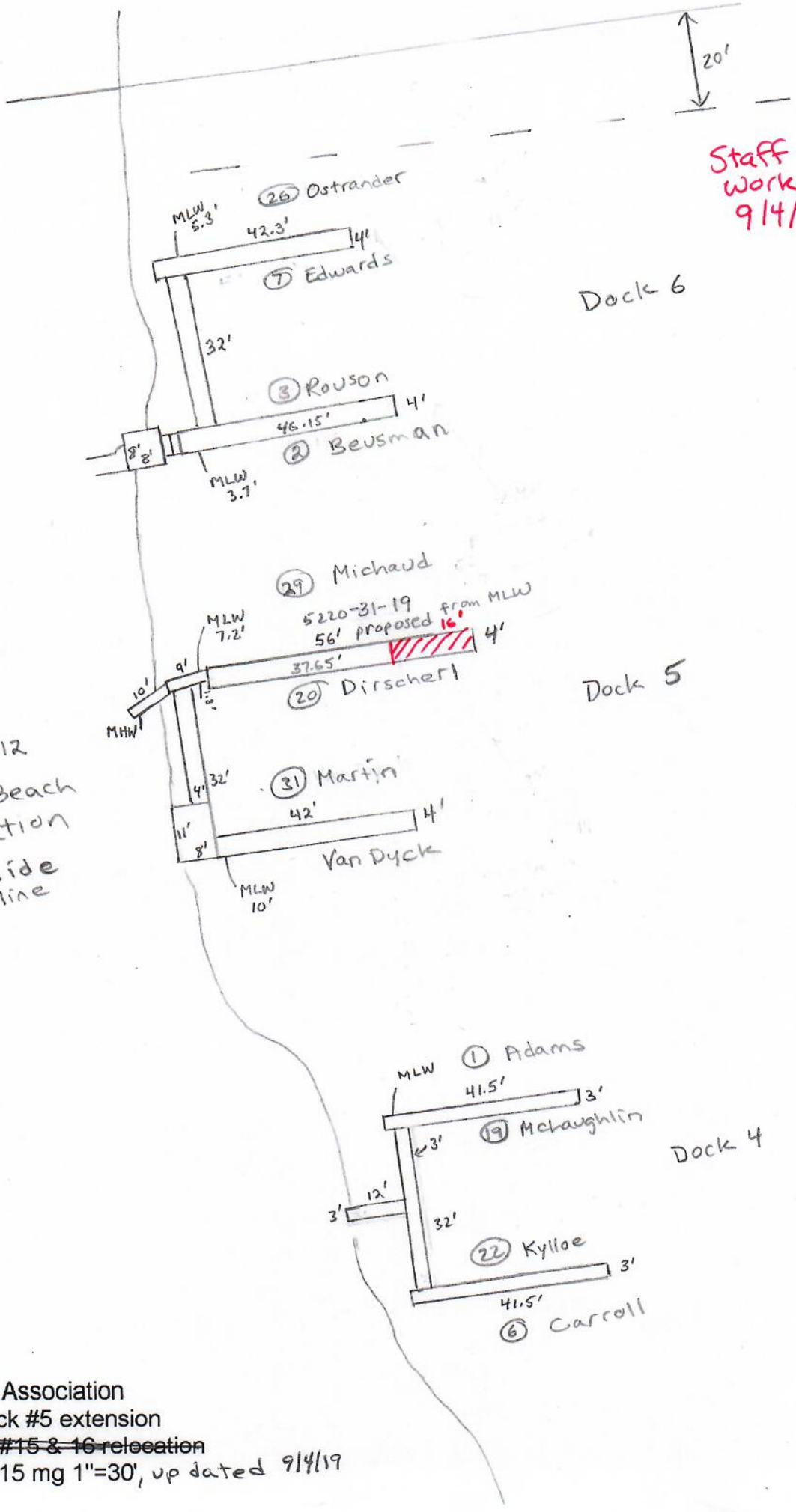
(3) that the proposed activity will have no adverse impact on the public health, safety or welfare, the environment or the resources of the Park; and

(4) that the granting of a variance will not alter the essential character of the area in which the proposed use or activity is

located, and will not lead to congestion in the Park.

If the variance documentation is deemed sufficient to prove unnecessary hardship the Commission must then make findings under provision 6NYCRR 646.1.6(a):

"Prior to granting any permit relative to a dock, wharf, mooring or marina, the Commission shall ascertain the probable effect of the proposed facility and the operation thereof on the health, safety and welfare of the public and on the resources of the Park. The Commission shall also ascertain the impact of the proposed facility upon the congestion of Lake George and the probable visual, cultural and audible effects of the proposed facility on the neighborhood in which the facility is proposed and on the Park. Where the Commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public or the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park, a permit shall be denied."



South Beach Association
Proposed dock #5 extension
~~and mooring #15 & 16 relocation~~
drawn 12/10/15 mg 1"=30', up dated 9/4/19

Facility review
September 5, 2019 MG

Facility	South Beach Association
Owner	South Beach Association of Lake George, N.Y.,Inc.
Parcel	200.14-1-12
Account #	26216
Lakefront	950 feet
Current Approvals	Registration of Existing Wharfs (REWs) 1198, 114 & 244 2015 letter FO 5220-000231/1

The South Beach Parcel is an 11.2 acre site containing 31 cottages. The owner, South Beach Association of Lake George, N.Y., Inc. is a not-for-profit corporation formed in 1946. Its membership is limited to 31 members. Members are leased sites to build cottages and granted access to the lakefront for beach use and to build, use & co-own the docks. Members are limited to the use of one dock slip or mooring, but not both. There are 30 dock slips and 13 moorings.

Association Information

Dock #	size	permit/ REW	Owners Names/ sublot-slip # assigned	Account #	Slips
1	6 slips 3' x 140'	872	Lemperle	2946	6 A slips
			Lemperle	3413	1 R M
			Euler, Provost, Haley, Jablonski, Quinn	-	-
2	6 slips 3' x 144'	114	Firth	2950	6 A slips
			Van Aken, Reilly J, Kelly, Farstad, Firth, Beyerl	-	-
3	6 slips 3' x 140'	2443	Frank	6891	6 A slips
			LeFebvre, Reilly V, Maglioca, Brozyna, Little		
Special Anchorage Area Floating Object permit 5220-000231/1 for 13 vessels					
4	4 slips 46.5' x 40' U	2015 letter	Adams	29073	4 A slips
			McLaughlin, Carroll, Kylloe		
5	4 slips 46.6' x 40' U	2015 letter	Van Dyck	9242	4 A slips
			Dirscherl, Michaud, Edwards		
6	4 slips 47.3' x 40' U	2015 letter	Beusman	23947	4 A slips
			Edwards, Rawson, Martin		

Timeline

1976-3-15	DEC Floating Object permit FO-3-76-3 issued for 400' x 300' Special Anchorage Area (SAA) for 18 moorings and 12' x12' swim float.
1981-11-17	Edwin Beyerl registers a 90' x 3' wide pier as Existing Wharf 114 (Dock 2 location, apparent duplicate of REW 2442)
1981-12-2	Fay Edwards registers a 60' long, 42" wide pier 150' from property line as Existing Wharf #1892 (dock 5 location)
1981-12-10	James L Roberts registers 140' long 3' wide pier as Existing Wharf #1198 (Dock 1 location
1981-12-15	Robert J Frank (+ 5 So Beach members) registers two 130' long piers as Existing Wharfs 2442 & 2443. (Dock 2, 3 locations)
1981-12-26	Martin M Lemperle registers104' long 36" wide pier as Existing Wharf #872 (Dock 1 location, apparent duplicate of 1198)
1982-9-15	H. David Van Dyck registers a 34' long 13'6" wide L-shaped dock as Existing Wharf #2865 (dock 4 location)
1996-7-26	Application 5220-36-96 filed by Curtis Beusman for U-shaped dock at dock location 4, application withdrawn 4/29/1997
1996-9-6	Applications for Existing Wharf and Existing Mooring for Harry Wells submitted, approved 9/27/1996
1997-7-11	Existing Mooring documented by H David Van Dyck
1997-7-21	affidavits received from Sherman, Beyerl & Frank attesting to dock lengths of 140' for docks 1, 2 & 3.
1997-7-31	Lengths of docks 1, 2 & 3 amended to 140'.
1997-8-29	Existing Mooring documented by Robert Michaud
1998-1-22	Jane Beusman applies for and receives permit to construct a crib to support an existing straight pier. Association objects because they plan to apply to replace dock with a U-shape.
1998-4-1	Association applies to extend dock #1 to full length, permit issued 4/2/1998
1998-9-15	Association applies to modify docks at locations 4, 5 & 6 to U-shaped docks and delete 5 moorings from SAA. Permit issued 11/3/1998
1998-12-16	DEC Floating Object permit 5-5220-00231/00001 issued for Special Anchorage Area for 13 moorings and swim float
2015-5-26	Applied to extend the north pier of dock 5 by 16' and modify the locations of 2 moorings
2015-6-25	site inspection noted that dock #1 was longer than permitted, this was corrected after it was pointed out.
2015-9-3	Site inspection results superceded the permits issued for docks 4, 5 & 6, which were substantially in conformance with the regulations but differed somewhat from the permits.
2017-6-29	Application withdrawn as Association discussed options.

Lake George Park Commission



0 50 100 200 300 Feet

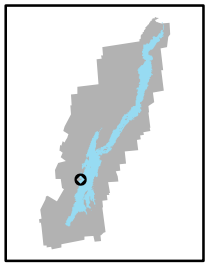
1 " = 133 '

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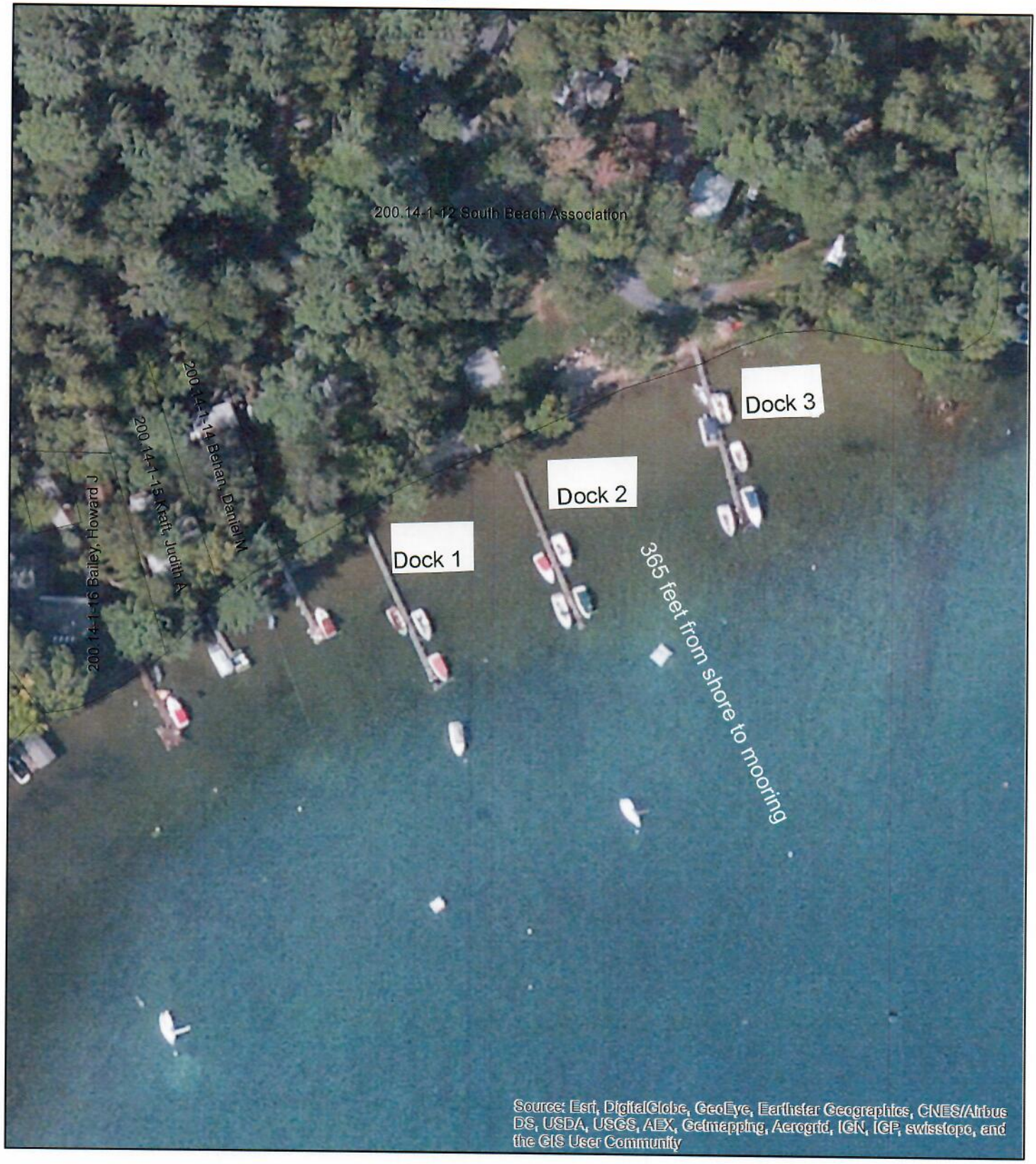
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The data is deemed reliable but not guaranteed.

YEAR OF AERIAL PHOTOS: 2013



Lake George Park Commission



0 50 100 200 Feet

1 " = 100 '

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YEAR OF AERIAL PHOTOS: unknown



These 3 moorings deleted 2019

Lake George Park Commission



0 50 100 Feet

1 " = 50 '

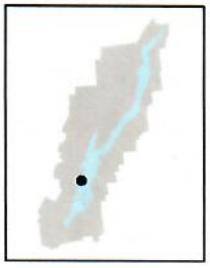
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Lake side of parcel

YEAR OF AERIAL PHOTOS: unknown



Molly Gallagher, Deputy Permit Administrator

Lake George Park Commission

75 Fort George Rd. PO Box 749

Lake George, NY 12845

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Reapplication for Dock # 5 South Beach Assoc. extension

Molly,

Please find attached new applications for a wharf permit with an extension of the north pier and the associated variance request needed for same. Please treat these as the re-initiation of the prior application/request process that has been on-going for many years.

Per our discussion at your office On 14-Aug-2019 I have also included separate forms to delete the registration of 3 moorings located near the wharf/dock being requested for the variance.

I'm hoping these forms will be sufficient, along with all the previously submitted documents, to allow the permit process and variance review process to proceed.

Please note that These applications/requests have been reviewed and approved by the board of directors of South Beach Association and each form is signed by the current President of South Beach Association.

Please contact me as soon as possible if there are discrepancies with these applications so that I can rectify them quickly in hopes they can make the September review process.

Sincerely,

Rick LeFebvre, SBA Docks and Harbors Committee

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APPLICATION FOR PERMIT FOR DOCKS, WHARFS AND MOORINGS

THIS APPLICATION IS FOR THE: (check all that apply)

- ☐ Construction of a New Dock or Wharf ($200)
- ☒ Modification to an Existing Dock or Wharf ($50)
- ☐ Article 15 (Repair, removal, replacement or installation of cribbing as part of wharf construction)
- ☐ Placement of a Mooring ($100)
- ☐ Modification to an Existing Mooring ($50)

APPLICATION FEE ENCLOSED: $50.00 (check or money order only) PREVIOUSLY PAID

1. OWNER ☐ Mr. ☐ Mrs. ☐ Ms. ☐ Dr.	☐ INDIVIDUAL ☐ PARTNERSHIP ☒ ASSOCIATION ☐ CORPORATION ☐ MUNICIPALITY ☐ AGENCY
NAME SOUTH BEACH ASSOC. INC.	**EMAIL** WSLRJL@NYCAP.RR.COM
CONTACT PERSON IF OWNER IS NOT AN INDIVIDUAL RICK LEFEBVRE	
MAILING ADDRESS PO BOX 1457	
CITY BOLTON LANDING	**STATE** NY **ZIP CODE** 12814 **PHONE** (518) 668-5200

** If this is an association or if other parties have deeded or contractual access to this lakefront, please complete Addendum A **

2. AGENT ☐ NONE ☒ PRESIDENT OR CEO ☐ LLC MEMBER ☐ ATTORNEY ☐ CONSULTANT ☐ CONTACT PERSON

NAME JAMES MARTIN	**EMAIL**
COMPANY	
MAILING ADDRESS 1404 MYRON ST.	
CITY NISKAYUNA **STATE** NY **ZIP CODE** 12309	**PHONE** 518 346 2251

3. CONTRACTOR (If known)

NAME	**EMAIL**
COMPANY	
MAILING ADDRESS	
CITY **STATE** **ZIP CODE**	**PHONE**

4. PROJECT LOCATION

TOWN ☐ TICONDEROGA ☐ DRESDEN ☐ FORT ANN ☐ HAGUE ☐ LAKE GEORGE ☐ PUTNAM ☐ QUEENSBURY ☒ BOLTON

SECTION ~~720.14~~ **BLOCK** 1 **LOT** 12

STREET EAST BEACH AVE

LAKE FRONTAGE 855 feet according to ☐ Tax Map ☐ Survey (attach copy)

NUMBER OF WHARFS AND MOORINGS CURRENTLY ON PROPERTY 6 DOCKS 13 MOORINGS (Please fill in a number or 0 for each)

DOES LAKEFRONT CONTAIN WETLANDS? ☐ Yes ☒ No **STREAMS?** ☐ Yes ☒ No (If yes, show on project plans)

5. PROJECT DESCRIPTION

PROJECT DESCRIPTION EXTEND NORTH LEG OF DOCK #5 16' (2 8' SECTIONS) BASIC STAKE DOCK CONSTRUCTION, 4 x 4 POSTS, 2 x 4 OUTRIGGERS 2 x 6 HORIZONTALS, 5/4 x 6 DECKING.

PROPOSED USE ☒ RESIDENTIAL ☐ COMMERCIAL ☐ ASSOCIATION ☐ PUBLIC

TYPE OF CONSTRUCTION ☒ STAKE ☐ CRIB ☐ PILE ☐ ARTICULATING ☐ OTHER _____
☐ CANOPIED BOATLIFT ☐ UN-CANOPIED BOATLIFT ☐ PWC LIFT (include manufacturer specification sheet for all lifts)

PROPOSED STARTING DATE 2019 **PROPOSED COMPLETION DATE** 2019

IS ANY PORTION OF THIS ACTIVITY FOR WHICH A PERMIT IS SOUGHT NOW BEGUN OR COMPLETED?
☐ Yes ☒ No (if yes, please explain)

IF COMMERCIAL, IS THE FACILITY AND ITS ASSOCIATED LAND USES IN COMPLIANCE WITH APPLICABLE PROVISIONS OF STATE AND LOCAL LAWS, ORDINANCES, RULES AND REGULATIONS?
☐ Yes ☐ No (if no, please explain)

6. ADJOINING LAKEFRONT PROPERTY OWNERS (available from your town or county real property dept.)

NAME ELIZABETH SMITH	**NAME** MR. D. BEHAN
TAX MAP # 7-1-13	**TAX MAP #** 7-1-14
MAILING ADDRESS 112 COTTON POINT RD. DIAMOND PT., NY 12824	**MAILING ADDRESS** 20 SOUTH BEACH RD. DIAMOND PT., NY 12824

7. CERTIFICATION

I hereby affirm that the information on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

I hereby consent to the Commission staff working directly with my agent, as designated on page 1 of this form, during the review of this application.

During the processing of this application Lake George Park Commission (LGPC) personnel or their assigns may need to visit this site to inspect, measure, make drawings and/or take photographs. I hereby agree that LGPC staff or their assigns may enter upon and pass through this property in order to inspect the project site or facility, without prior notice, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, while the application is pending. In the event that the project site or facility is posted with any form of "posted" or "keep out" notices, or fenced in with an unlocked gate, this permission authorizes LGPC staff or their assigns to disregard such notices or unlocked gates at the time of inspection.

As a condition to the issuance of a permit, the applicant accepts full legal responsibility for all damage, direct and indirect, or whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from the said project.

SIGNATURE OF OWNER (Note title if signing for a corporation or association) **DATE**

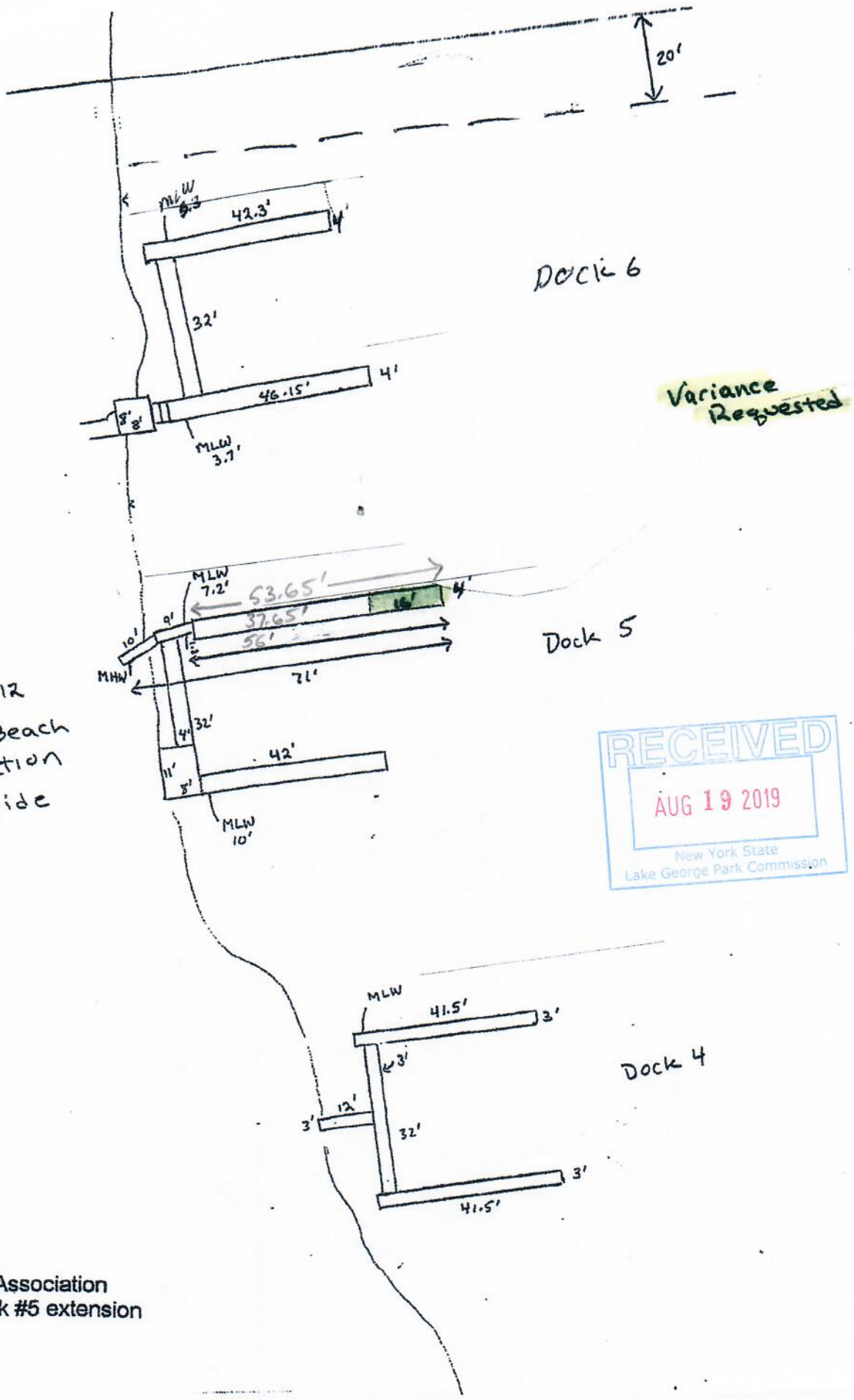
James Martin (POA) PRESIDENT SOUTH BEACH ASSOC OF LAKE GEORGE INC 8/18/19

PLEASE COMPLETE ALL ITEMS ABOVE AND INCLUDE WITH THIS FORM:

ALL ITEMS ALREADY ON FILE WITH LGPC

- ☐ **Application fee**
- ☐ **Site location map**
- ☐ **Copy of survey if available**
- ☐ **Project plans on 8 ½ X 11 size paper - PLANS MUST BE TO SCALE & SHOW ENTIRE LAKEFRONT**
- ☐ **Short Environmental Assessment Form if project involves**
  - **A new Association or Commercial dock or mooring**
  - **More than one residential dock or mooring**
  - **A dock or mooring to be located in a wetland, fish spawning area, an area of significant wildlife habitat, or an area of unique scenic, historic or natural significance**
- ☐ **Addendum A Co-owner Signature Page (if lakefront is jointly or commonly owned)**
- ☐ **Addendum B Parties with deeded or contractual access to this lakefront**

Failure to include any one of the required items will result in an incomplete notice and delay in processing your application. **Permits and approvals may be required from other agencies and municipalities**



200.14-1-12

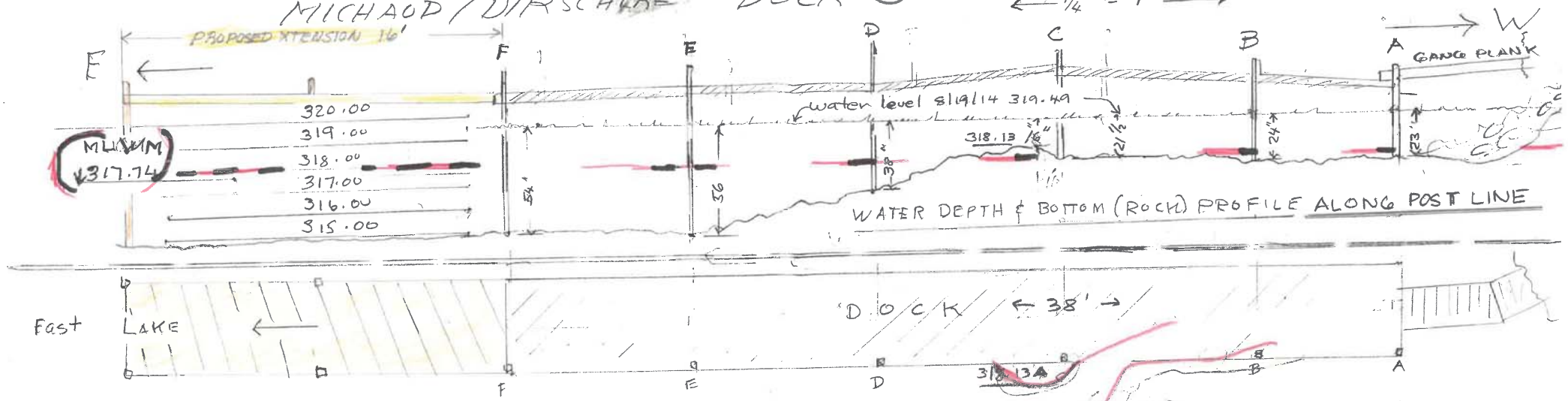
South Beach Association Lakeside

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South Beach Association
Proposed dock #5 extension

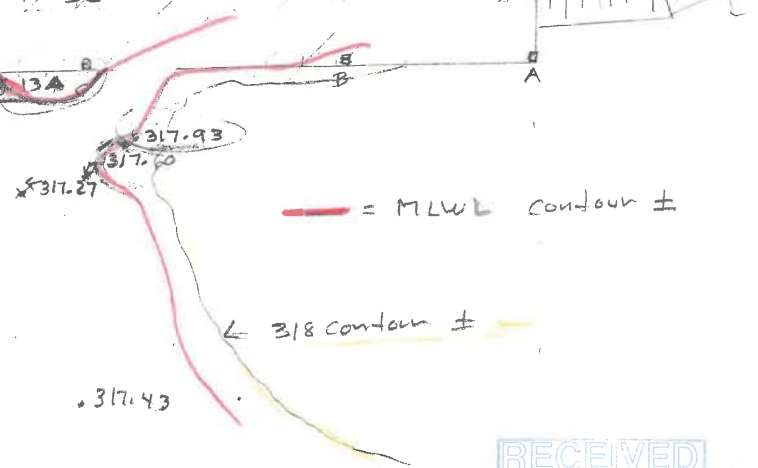
SOUTH BEACH ASSOTIATION AUG. 2014

MICHAOD / DIRSCHERL DOCK (5) ← 1/4" = 1' →

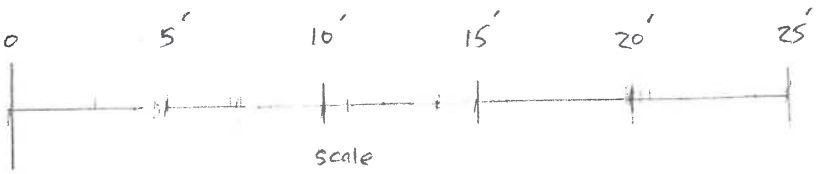


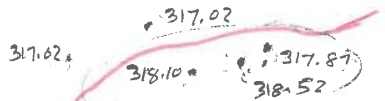
Water level today, 8/24/14 319.60

TIME OF TOPO READINGS



SKETCH A





PLAN VIEW & BOTTOM (ROCK) TOPO

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Variance Request Form

Please type or print clearly in ink. Use separate addenda and exhibits to provide all supporting documentation.

This form is to accompany the *Application for Permit for Docks, Wharfs and Moorings* form, or *Application for Special Permit for the Construction or Operation of Tour Boats on Lake George,* appropriate application fee and all required attachments. There is no additional application fee for requesting a variance.

1. APPLICANT SOUTH BEACH ASSOCIATION, INC

2. PERSON FILLING OUT THIS FORM RICK LEFEBVRE

3. FACILITY SOUTH BEACH ASSOC, INC.

4. PROJECT ☒ Wharf Modification/Construction ☐ Mooring Placement ☐ Tour Boat

5. VARIANCE SOUGHT FROM:

☐ Property line setbacks ☒ Off-shore distance ☐ Number of wharfs/moorings allowed
☐ Shape of wharf ☐ Area of wharf ☐ Height of structure above wharf
☐ Width of wharf ☐ Width of pier
☐ Tour boats shall be operated from properly permitted marina facilities

6. Please describe the purpose of the project

EXTEND SBA DOCK #5 NORTH PIER 16' (2 8' SECTIONS) TO AVOID LEDGE ROCK AND ALLOW FOR SAFE DOCKING OF POWER BOATS UP TO 25' (MAX. SIZE ALLOWABLE IN SBA) OFF-SHORE DISTANCE WOULD GO FROM APPROX. 47' TO 63'. DISTANCE FROM MLW CHANGE FROM APPROX 38' TO 54'.

7. Discuss alternatives that would not require a variance and demonstrate why these are not viable options. (Note: Variance requests should be for the minimum variance necessary to alleviate the hardship.)

1- RELOCATE DOCK #5 FURTHER SOUTH - WOULD REQUIRE SIGNIFCANT RECONFIGURATION OF ENTIRE WHARF PLUS POSSIBLE SHORE LINE ALTERATION TO ACCOMODATE ACCESS. 2- REMOVE LEDGE ROCK WHICH IS NOT PRACTICLE

8. What conditions unique and peculiar to your situation would impose a significant technological, financial or safety burden if you were required to comply with the regulations?

LIMITATION OF BOAT SIZE THAT COULD BE SAFELY DOCKED. VALUE OF A 25' SLIP VS, A 16-18' SLIP ADVERSELY IMPACTS MARKET VALUE OF ASSOCIATED PROPERTY.

9. List what supporting evidence of unique and peculiar conditions you are attaching to this application to support your answer to question 8.

COMPARATIVE ANALYSIS OF DOCKAGE COSTS IN AREA AND CONFIRMATION FROM REAL ESTATE PROFFESSIONAL RE: PROPERTY VALUE IMPACT.

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10. Describe in detail why due to the unique and peculiar circumstance described in question 9 above, there is no reasonable possibility that your property or, if no property is involved, the continuation of your business, enterprise, use or activity will bring a reasonable return following conformity with the regulations of the Commission.

PROPERTY ASSOCIATED WITH WHARF SLIP IS NEGATIVELY IMPACTED IF IT CAN ONLY SAFELY ACCOMMODATE A 16'-18' BOAT. PROPERTY VALUE WOULD BE HIGHER IF ASSOCIATED SLIP WOULD ACCOMMODATE A 25' BOAT.

11. List the supporting documentation you have enclosed to support your response to question 10.

COMPARITE ANAGSIS OF DOCKAGE COSTS IN THE AREA AN CONFIRMATION OF MARKET VALUE FROM REAL ESTATE PROFESSIONAL.

12. What forms of evidence are being submitted to demonstrate that the proposed project will have no adverse impact on the public health, safety or welfare, the environment or the resources of the Park?

- SBA BYLAWS ARE SENSITVE TO ALL MATTERS OF PUBLIC HEALTH, SAFETY, THE ENVIRONMENT AND RESOURCES OF THE PARK.
- YEARS AGO A 60' WHARF WAS AT THIS LOCATION WITH NO KNOW ADVERSE IMPACT.

13. What forms of evidence are being submitted to demonstrate that the proposed project will not alter the essential character of the area in which the proposed use or activity is located, and will not lead to congestion in the park?

THE # OF BOATS USING THIS WHARF WILL NOT CHANGE. SBA BYLAWS LIMIT THE NUMBER OF MEMBERS AS WELL AS RESTRICT EACH MEMBER TO ONLY 1 BOAT.

14. CERTIFICATION

I hereby affirm that the information on this form and all attachments submitted herewith are true to the best of my knowledge and belief. (LGL)

James Mutter PRESIDENT SOUTH BEACH ASSOC. OF LAKE GEORGE NY, INC — 8-18-19

SIGNATURE OF APPLICANT (Note title if signing for a corporation or association) — **DATE**

INCLUDE WITH THIS FORM

- A completed permit application, application fee and all attachments.
- If the applicant is an Association, Addendum D to the *Application for Permit for Docks, Wharfs, and Moorings.*
- All supporting documentation referenced in this form. PLEASE REFERENCE ANY/ALL PREVIOUSLY PROVIDED DOCUMENTS ON FILE WITH LGPC

NEW YORK STATE OF OPPORTUNITY. Lake George Park Commission

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APPLICATION FOR PERMIT FOR DOCKS, WHARFS AND MOORINGS
ADDENDUM D - Association Information

This is a supplement and attachment to applications requiring a variance for the construction or modification of Association docks, wharfs & moorings

Please complete if this is an Association owned lakefront & a variance is requested

1. What is the name of the Association? SOUTH BEACH ASSOC., INC.
2. How many members are in the Association? 31
3. Is the number of members fixed or could additional members be admitted? please explain
   FIXED AT 31 MEMBERS
4. How many members have deeded beach rights to the Association lakefront? 31
5. How many members have deeded berthing rights to the Association docks or moorings? 0
6. What is the total number of deeded berthing spaces? 0
7. How many berthing spaces are available on the Association lakefront?
   30 on docks 13 on moorings
8. What is the number of current developed lots? 31, undeveloped lots? 0
   proposed future lots? 0

Please attach the following to this application:

PLEASE REFERENCE ANY/ALL DOCUMENTS ALREADY PROVIDED AND ON FILE WITH LGPC.

- ☐ Copy of the certificate of incorporation
- ☐ Copy of Association bylaws.
- ☐ Copy of portions of the offering plan as approved by the Attorney General relating to lakefront & berthing rights.
- ☐ Most recent filed subdivision map and approved site plan map.
- ☐ Any proposed further subdivision plans.
- ☐ Names and mailing addresses of all Association members. Note which lot and/or berthing space is owned by or deeded to each member. Indicate the officers of the Association.
- ☐ Copy of deed for lakefront parcel.
- ☐ Sample copy of deed showing rights conveyed to lakefront property.
- ☐ Copies of any permits, approval or orders from the Adirondack Park Agency and/or municipality relating to the lakefront & berthing rights on the subject property.


PROPOSED 16' EXTENSIONS
08/25/2014 04:15

MICHAUD / DIRSCHERL dock (5), SBA
NORTH LEG

looking Southerly from Beusman dock
shows massive rock ledge area

Dock has been operational since 1989

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MAY 26 2015
LAKE GEORGE PARK COMMISSION


08/27/2014 07:53

MICHAUD / DIRSCHERL dock, SBA (5) NORTH LEG, ON LEFT, Beusman dock on right.

LOOKING WESTERLY TOWARD RAGGED SEA WALL & SHORELINE.

— SHOWS UNDERLYING ROCK LEDGE, SHALLOW

RECEIVED
MAY 26 2015
LAKE GEORGE PARK COMMISSION


08/25/2014 04:18

MICHAUD / DIRSCHERL dock, SBA (5), NORTH LEG

LOOKING from / on Michaud dock (20' OUT ±),
Northeasterly to Beusman's dock

SHOWS OUTER LIMITS OF ROCK LEDGE
area (shallow)

RECEIVED
MAY 26 2015
LAKE GEORGE PARK COMMISSION


08/25/2014 04:15

MICHAUD / DIRSCHERL dock, SBA (5), NORTH LEG

LOOKING SOUTHERLY from Beusman dock

SHOWS MASSIVE UNDERLYING ROCK LEDGE AREA

dock has been operational since 1989

RECEIVED
MAY 26 2015
LAKE GEORGE PARK COMMISSION


08/25/2014 04:19

MICHAUD / DIRSCHERL dock (5), SBA
NORTH LEG

looking Northeasterly from gang plank
shows beginning of rock ledge near
West end of dock

RECEIVED
MAY 26 2015
LAKE GEORGE PARK COMMISSION

FIERRO REALTY SERVICES, INC.

Appraisal – Brokerage - Management
P.O. Box 1644 Albany, New York 12201
Ph. (518) 312-2874
fierrorealtyservices@gmail.com

RECEIVED
DEC - 4 2015
LAKE GEORGE PARK COMMISSION

November 6, 2015

RECEIVED
AUG 19 2019
New York State
Lake George Park Commission

Molly Gallagher
LAKE GEORGE PARK COMMISSION
Lake George, NY

RE: LGPC Application #5220-40-1
A STUDY TO DETERMINE THE INTRINSIC VALUES OF DOCKING RIGHTS ON LAKE GEORGE AND THEIR EFFECT ON VALUE OF AN ASSOCIATED CAMP IN THE SOUTH BEACH ASSOCIATION AT LAKE GEORGE

Dear Ms. Gallagher:

I have studied the above report and have discussed the surrounding circumstances with Bob Michaud.

I found that the study is rather novel in its simple approach to extracting values of intangibles by a comparative analysis. It is very logical and " common sense " based and has produced realistic and creditable findings. The application of accepted accounting practices is also sound.

There are other appraisal approaches, touched upon by the Lake George Park Commission in their September 4, 2015 letter, which, if followed formally, would probably produce more precise, and legally defendable results. All, of course, for, a commensurate fee and consumption of time. Such appraisal types are appropriate in cases like, for bank mortgages, litigation, and the like.

It does not appear that the higher level of appraisal would be needed, or justified in this case. The argument put forth that a substantial " return" would, in fact, occur, seems un-refutable.

Very truly yours,

Thomas Fierro, MAI

LGPC now suggests, " in that it wasn't prepared by a real estate professional, but it was reviewed and endorsed by one."

KEY THOUGHTS:

OUR POINT, IN THIS STUDY, IS TO BUILD ON THE COMMON KNOWLEDGE THAT DOCKING ON LAKE GEORGE IS VERY EXPENSIVE, THEREFORE, THE FACILITIES ACCOMMODATING DOCKING MUST BE COMMENSURATELY VALUABLE. IT, ALSO, FOLLOWS THAT, THE BIGGER THE BOAT TO BE ACCOMMODATED, THE MORE EXPENSIVE DOCKING WILL BE, AND THE MORE VALUABLE WILL BE THE DOCKING FACILITY.

OUR POINT IS ALSO TO VALIDATE OUR BELIEF, EXPRESSED IN BLOCK 10, THAT...IT IS SELF EVIDENT THAT THERE WILL, AT LEAST, BE A SIGNIFICANT DIFFERENCE IN CAPITALIZED VALUE OF AN 18' DOCK SPACE VERSUS A 25' DOCK SPACE.

OUR APPROACH IS TO CONDUCT A COMPARATIVE ANALYSIS WITH EXISTING COMMERCIAL DOCKING FACILITIES (MARINAS) THAT CHARGE BASED ON THE SIZE OF THE BOAT TO BE ACCOMMODATED.

FROM THAT COMPARATIVE ANALYSIS, WE CAPITALIZED THE INCOME STREAMS THAT COULD BE GENERATED FOR 18' BOATS AND 25' BOATS FOR THEIR ECONOMIC LIVES, ASSUMED 20 YEARS, TO PRODUCE AN EQUIVALENT CAPITAL VALUE SYSTEM ,WHICH COULD THEN BE APPLIED TO OUR DOCKING SITUATION.

AN IMPORTANT POINT, FOR CLARITY, IS THAT THE VALUE OF--- "THE RIGHT TO DOCK VARIOUS SIZE BOATS"--- IS WHAT'S AT ISSUE HERE, NOT THE VALUE OF THE DOCK ITSELF.

THESE "DOCKING RIGHTS" COSTS (FOR COMPARISON PURPOSES) ARE ALSO SEPARABLE, IN THIS EXERCISE, AND EASILY OBTAINABLE THROUGH CANVASSING.

THE REVENUE NUMBERS GENERATED THROUGH THIS EXERCISE ARE FOR ESTIMATING PURPOSES, ONLY, AND SHOULD NOT BE CONSTRUED AS ACTUAL, SINCE WE ARE NOT ALLOWED TO RENT DOCK SPACE.

STUDY/OBJECTIVE:

DETERMINE THE INTRINSIC VALUE OF "DOCK ACCESS RIGHTS" AT LAKE GEORGE, AND THE EXTENT TO WHICH THEY MAY CONTRIBUTE TO THE FAIR MARKET VALUE OF AN ASSOCIATED SBA CAMP PACKAGE.

ACCORDINGLY, THIS STUDY INTENDS TO ADDRESS THE "REASONABLE RETURN" ISSUE, AS DISCUSSED IN BLOCKS 10 AND 11 OF THE STANDARD "REQUEST FOR VARIANCE" FORM, AND MORE SPECIFICALLY, LGPC's POSITION, (9/04/15 LETTER TO STEVE ADAMS) THAT, "WE NEED TO MORE FULLY SUPPORT OUR CLAIM THAT---A LACK OF REASONABLE RETURN WILL RESULT IF THIS REQUEST FOR A 16' DOCK EXTENSION IS NOT APPROVED".

THE COMMON UNDERSTANDING OF THE TERM, "REASONABLE RETURN", DOES NOT FIT WELL WITH THE SITUATION AT HAND, AS IT IS MORE COMMONLY HEARD IN THE BUSINESS CONTEXT OF INCOME, PROFITS, LOSSES, ETC. WHERE "RETURN" CAN BE DIRECTLY MEASURED IN DOLLARS AND CENTS. IN A CASE AS THIS, THERE WOULD BE NO ACTUAL INCOME, BY WHICH, TO MEASURE THE RETURN, BUT, THERE ARE SUBSTANTIAL VALUES INVOLVED AND THERE MUST BE A WAY TO CONVERT THAT SUBSTANTIAL POTENTIAL INCOME STREAM TO EQUIVALENT CAPITAL VALUES THAT COULD BE APPLIED TO COMPARABLE DOCKING ASSETS, AS OURS. WHEN DOING THAT, A DOCKING ACCESS FOR A 25' BOAT WILL, OBVIOUSLY, ADD MORE VALUE TO THE ASSOCIATED PROPERTY THAN DOES THE EXISTING ONE WHICH LIMITS BOAT LENGTHS TO 18FT.

THE "RETURN", IN THIS CASE, WOULD BE THE SUBSTANTIAL CAPITAL VALUE THAT WOULD BE ADDED BY EXTENDING THE DOCK TO ACCOMMODATE 25' BOATS.

THESE VALUES WOULD LOGICALLY BE IMPARTED TO THE ASSOCIATED "CAMP PROPERTY PACKAGE" TO FORM ITS TOTAL "FAIR MARKET VALUE".

APPROACH;

CANVASS MARINAS IN THE SOUTHERN BASIN OF LAKE GEORGE THAT SEASONABLY RENT DOCK SLIPS . INQUIRE AS TO THEIR BASIS OF PRICING FOR BOATS OF VARIOUS LENGTHS.

OUR METHODOLOGY IS TO CALCULATE THE TOTAL POTENTIAL RENTAL INCOME IN 2015 DOLLARS FOR EACH CASE (18' BOAT AND 25') FOR A 20 YEAR PERIOD.

WE UNDERSTAND THIS TO BE A CONSERVATIVE CAPITALIZING PERIOD THAT IS CONSISTENT WITH ACCEPTED ACCOUNTING PRACTICES.

ACCORDINGLY, THE CALCULATED DOLLAR DIFFERENCE BETWEEN THE TWO CONDITIONS SHOULD ALSO REFLECT THE DIFFERENCE IN THEIR FAIR MARKET VALUES IN 2015 DOLLARS, WHICH IS THE DESIRED END PRODUCT OF THIS STUDY.

CANVASSING PROCESS AND DATA COLLECTED:

14 DIFFERENT MARINAS WERE CALLED. OF THAT, 7 PROVIDED SOME INFORMATION, OR DATA (AS DETAILED BELOW), WITH THE REST BEING EITHER UNREACHABLE OR DEFINITELY NOT PROVIDING THOSE SERVICES. HOWEVER, THE ONES THAT DID PROVIDE THOSE SERVICES, WERE MOSTLY BOOKED FOR NEXT YEAR, REFLECTING AN ABUNDANT DEMAND.

SPECIFIC REPLIES FROM MARINAS:

HARRIS BAY MARINA:

ALL DOCKS ARE PART OF A DOCK CONDOMINIUM WHERE RENTALS ARE ALL PRIVATELY HANDLED BY EACH OWNER. NO AVAILABLE RENTALS WERE DISCOVERED.

BOATS BT GEORGE:

THEY'RE ACCEPTING ONLY THEIR BRAND OF BOAT AND THEY MUST BE AT LEAST 30' IN LENGTH. FOR THAT, THEY CHARGE $195/FT. THEY ALSO HAVE A WAITING LIST FOR NEXT YEAR.

CASTAWAY MARINA:

THEY ACCEPT ONLY THE BUNDLE OF STORAGE AND DOCKAGE, AND THEY HAVE A WAITING LIST BESIDES.

NORAWAL MARINA:

THEY CHARGE $163/FT FOR BEAMS UP TO 8.5 FT.

DUNHAM'S BAY MARINA:

THEY CHARGED $150/FT IN 2015, BUT WILL CHARGE $160/FT IN 2016

FISHER"s MARINA:

$144/FT. BUT THEY HAVE A WAITING LIST, ALSO.

BECKLEY's BOATS: $150/FT.

SUMMARY OF FINDINGS:

FROM SCANNING THE ABOVE DATA, IT APPEARS THAT $150/FT. IS A CONSERVATIVE "GOING RATE" WHICH WE SUGGEST BE USED FOR FURTHER CALCULATIONS.

FOR THE 18' BOAT CONDITION, THE FAIR MARKET VALUE CALCULATION FOR THAT DOCKING ACCESS FOR THE 20 YEAR PERIOD WOULD BE --- (18') ($150) (20YEARS) = $54,000

FOR THE 25' BOAT CONDITION, THAT COMPARABLE AMOUNT WOULD BE (25/18) ($54,000) = $75,000. THEREFORE, THE DIFFERENCE IN FAIR MARKET VALUE, BETWEEN THE TWO IS $21,000.

CONCLUSIONS:

$21,000 REPRESENTS THE LACK OF REASONABLE RETURN IF THE DOCK EXTENSION OF 16', WHICH COULD ACCOMMODATE A BOAT UP TO 25', IS NOT APPROVED.

THE PRECISION IMPLIED BY THIS PROCESS MAY BE QUESTIONED, BUT WHAT SEEMS UNDENIABLE IS THAT THERE IS A SUBSTANTIAL POTENTIAL RETURN, OR VALUE ADDED, THAT WOULD REALIZED IF THE REQUESTED DOCK EXTENSION WERE APPROVED.

BY APPLYING THE ABOVE METHOD, A CAMP HAVING DOCK ACCESS FOR ONE 25' BOAT IN THE SBA AREA INCREASES ITS FAIR MARKET VALUE SUBSTANTIALLY, SOME 54 THOUSAND DOLLARS, OVER A LIKE ONE WITH NO DOCKING ACCESS AT ALL. WE SUSPECT THAT THIS ESTIMATE IS LOW.

Association Documents

SOUTH BEACH ASSOCIATION OF LAKE GEORGE, N.Y., INC

Molly Gallagher, Deputy Permit Administrator

Lake George Park Commission

75 Fort George Road, PO Box 749

Lake George, NY 12845

September 19, 2015

RECEIVED
DEC - 4 2015
LAKE GEORGE PARK COMMISSION

Re: Application for Dock Variance-Michaud/South Beach Association

Dear Ms. Gallagher,

I have been the President of South Beach Association over the past 24 months and have been the keeper of the president's files including legal documentation during that time. I am a retired lawyer licensed in NY and PA and am the grandson of Joseph Brozyna who was one of the founding members of our association in 1946. I am familiar with the legal structure and history of our association. I believe a brief review will be helpful in your determination as to the documentation necessary to move this application forward.

HISTORY: During the 1930s and 1940s a group of campers tented on property owned by Ruth Guernsey Jenks in the Town of Bolton. In 1946 Mrs. Jenks wanted to sell the property. Rather than lose their right to use the property, the campers pooled their funds, formed a corporation (South Beach Association of Lake George, N.Y., Inc.) and their corporation purchased the property in 1946. The corporation owned the land which was one legal parcel. When an individual was approved as a member and paid their membership fee they gained the right to one vote in corporate affairs and an equal share of net corporate assets in the event of dissolution. Each member was issued a ground lease (making them ground lessees) which gave them the right to occupy a site on the parcel and to build their cabin. The corporation (as ground lessor) receives an annual ground rent. The corporate Constitution and By Laws, the Ground, Harbor and Beach Rules of the corporation, and the ground leases state the rights and responsibilities of the members. Docks are owned by individual members or groups of members, not the corporation.

DOCUMENTS: The following documents are provided to you to verify this arrangement:

1. Deed dated 12 Feb. 1946 from Ruth Guernsey Jenks to South Beach Association of Lake George, N.Y., Inc. recorded in Book 245, p. 577 Warren County Book of Deeds on Dec. 18, 1946. The deed includes the shore line where the six docks (including the Michaud dock) are currently located. A single land parcel was conveyed.
2. Certificate of Report of Existence of South Beach Association of Lake George, N.Y., Inc. filed in 1946 under the Membership Corporation Law of NY.

3. Certificate of Type of Not-For- Profit Corporation (Type A Membership Corporation) Sept. 12 1973. (Filing required by changes in the law at that time.)
4. Copy of Map prepared by E.G. Liberty, Eng. and Surveyor, dated May 8, 1946, updated May 1, 1966 showing boundaries of the South Beach Association of Lake George, N.Y., Inc. land parcel and assigned camp (ground lease) sites. (This map and its camp sites {designated as lot numbers} are referenced in all ground leases.)
5. Constitution and By Laws of South Beach Association of Lake George, N.Y., Inc.
6. Ground, Harbor and Beach Rules
7. Ground Lease for camp site #47 - Robert P. Michaud and Jane E, Michaud (ground lessees) issued in 1988.
8. List of the names of the officers of the corporation.
9. List of the names of the 31 members/shareholders

CATEGORIES OF LEGAL DOCUMENTS THAT DO NOT APPLY TO OUR SITUATION:

1. Offering Plan Pertaining to Lake Front and Berthing Rights approved by Attorney General- We are not a condominium association, these requirements did not exist in 1946 and this does not apply to our situation.
2. Subdivision map and approved site plan map. There never was a subdivision situation here. This always was and continues to be a single legal parcel of land and was never subdivided. There were no zoning or subdivision ordinances in Bolton in 1946.
3. The Michauds never received a deed to lake front property. South Beach Association of Lake George, N.Y., Inc. received such a deed in 1946. The Michauds were given ground lease rights which included lakefront and docking rights in 1988. No additional legal documentation from South Beach Association of Lake George, N.Y., Inc. was required as part of that transaction.
4. We have never been informed of any APA or Town regulatory jurisdiction over our harbor during the 60 years of our existence and, therefore, have no paperwork to share. The Special Anchorage Area encompassing our harbor is permitted by DEC.

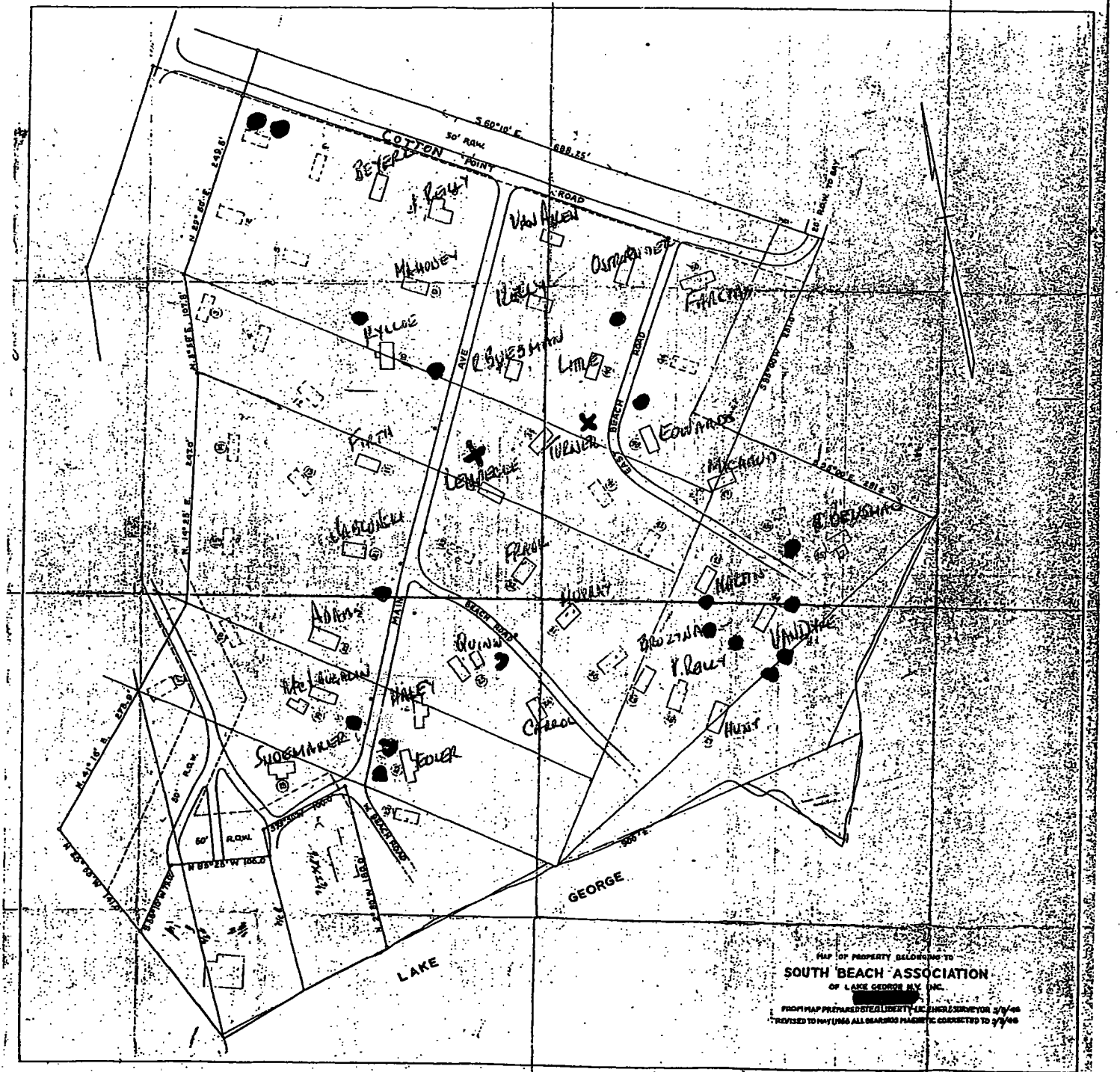
My term as President will expire on Sept. 20 and Peter Firth will become President. Steve Adams will continue to serve as a Director and Chairman of our Docks and Harbors Committee. Please direct future contacts to them.

I hope this information will be helpful in moving this application forward. Thank you.

Respectfully,

Jeffrey M Brozyna

Jeff Brozyna, President


COTTON POINT ROAD
50' R.O.W.
S 60°10' E 888.25'
50' R.O.W. TO BAY
BEYER
J. REILLY
VAN HOEVEN
OSTRANDER
MALHOLEN
REILLY
FALCONE
REILLY
SWEENEY
LIME
EDWARDS
EAST BEACH ROAD
S 88°00' W 187.0'
N 88°55' E 249.6'
N 88°55' E 107.8'
N 1°48' W 242.0'
FAITH
DEMARCO
TURNER
MACHAN
S 87°00' E 281.5'
GLOVSHAK
SLOCUM
PEARL
HURLEY
MALTON
ADAMS
MAIN BEACH ROAD
RUINS
BROWN
VANDIKE
V. REILLY
MACLAUGHLIN
HALEY
CREEK
HUNT
SWEENEY
FEDLER
N 87°15' E 274.0'
40' R.O.W.
50' R.O.W.
S 89°22' W 106.0'
N 89°22' W 106.0'
N. BEACH ROAD
N 89°28' W 100.0'
N 89°28' W 100.0'
300' ±
GEORGE
LAKE
MAP OF PROPERTY BELONGING TO
SOUTH BEACH ASSOCIATION
OF LAKE GEORGE N.Y. INC.
[redacted]
FROM MAP PREPARED BY E. G. LIBERTY - LIC. ENGR. & SURVEYOR 3/9/48
REVISED TO MAY 1966 ALL BEARINGS MAGNETIC CORRECTED TO 9/9/66

(D)

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LAKE GEORGE PARK COMMISSION

South Beach Association Membership List 2015

(31)

Stephen Adams (Nancy)
6 Hadel Road
Scotia, NY 12302
496-6909 (518-399-3921)
23 So. Beach Avenue
sadams26@nycap.rr.com

Richard Beusman (Mikey)
57 Cross River Road
Pound Ridge, NY 10576
(914-763-9142)
Cell 914-584-6937
19 E. Beach Avenue
rick@beusman.com

Edwin Beyerl (Tippi)
2274 Pine Ridge Road
Schenectady, NY 12309
668-5798 (518-374-1205)
90 Cotton Point Road

Jeffry Brozyna (Patty)
34 Konci Terrace
Lake George, NY 12845
(518-668-5170)
11 Beach Avenue
jhbrozyna@gmail.com

Peggy Carroll (Tim)
16 Montery Road
Schenectady, NY 12303
668-0390 (518-357-2997)
8 Beach Avenue
pcarroll16@nycap.rr.com
mmc10@health.state.ny.us

James Dirscherl (Marie)
7 Hamilton Ct.
Old Bridge, NJ 08857
(732 679-9398)
Jim's cell 732 439-0448
Marie's cell 908 812-2079
10 E.Beach Ave
jjdirsch@aol.com

Barbara Jean Edwards
PO Box 232
Diamond Point, NY 12824
Cell 315-439-7315
7 E. Beach Avenue
bedwards002@nycap.rr.com

(11)

Joan Euler (Fred)
Summer: PO Box 177 Bolton Landing, NY 12814 668-5252
Winter: 328 Beach Rd. Venice, FL 34285 (941) 484- 8619
Cell 518-495-9961
22 So. Beach Avenue
jseuler@nycap.rr.com

William J. Farstad (Mary)
12 Pinehollow Drive
Ballston Spa, NY 12020
668-5359 (518-885-1465)
110 Cotton Point Road
wmdcrfar@aol.com

Peter A. Firth (Carol)
100 Appomattox Lane
Chocowinity, NC 27817
668-3326 (252-974-2097)
33 So. Beach Avenue
firstfirth@yahoo

Robert J. Frank (Donna)
PO Box 1111
Bolton Landing, NY 12814
668-5332
3 Beach Ave.
Winter: Parkview Villas 2440 Lake Osborne Dr. Apt. 207B
Lake Worth, FL 33461
(561) 585-5601
dhf716@gmail.com

Fall Membership List 2015

Diane Haley
1513 Dorwaldt Blvd.
Niskayuna, NY 12309
D. Haley (cont.)
668-2597 (518-377-6620)
24 So. Beach Avenue
dhaley1513@gmail.com

Charles Jablonski (Ellen Ackerman)
578 Edgewood Road
Redwood City, CA 94062
668-2438 (650-299-9770)
Cell 917-971-4798
29 So. Beach Avenue
cjablonski@mindspring.com

Anna May Kelly
PO Box 204
Bolton Landing, NY 12814
668-2187 (518-482-6371)
42 So. Beach Avenue

Ralph Kylloe (Michele)
PO Box 669
Lake Luzerne Road (9N)
Lake George, NY 12845
(518-696-4100)
Cell 518-932-1038
39 So. Beach Avenue
info@ralphkylloe.com

Rick LeFebvre (Wendy)
37 Country Fair Lane
Scotia, NY 12302
668-5200 (518-399-1555)
15 Beach Avenue
wslrjl@nycap.rr.com

Jack Lemperle (Judy)
966 Watervliet Shaker Road
Albany, NY 12205
(518-456-2250)
Cell 518-461-5707
34 So. Beach Avenue
jlemp1@gmail.com

Barbara Little (Ward)
11 Guilder Place
Ballston Lake, NY 12019
(518-877-8198)
Barbara Cell 518-428-2937
Carol Cell 518-852-4276
8 E. Beach Avenue
barblittle82@gmail.com

Pat Magliocca
30 King Arthurs Way
Hudson, NY 12534
(518-822-1266)
Cell 518-365-2666
7 Beach Avenue
magliocca@mhcable.com

Robert Mahoney
~~6494 Vosburgh Road~~
~~Altamont, NY 12009~~
1120 Garner Ave.
Garner Ave
Schenectady, NY 12309
668-3274 (518-355-6063)
Bob Cell 518-878-6812
41 So. Beach Avenue
rmahoney@sunmarkfcu.org

James Martin (Elizabeth)
1404 Myron Street
Niskayuna, NY 12309
668-4414 (518-346-2251)
14 E. Beach Avenue

Steven McLaughlin (Susan)
PO Box 1721
Bolton Landing, NY 12814
Winter: 400 Merwin Rd.
Raleigh, NC 27606
315 720-6463 (Sue's cell)
315 720-9471 (Steve's cell)
21 So. Beach Avenue
smclaughlin1349@nycap.rr.com

Revised 9/13/15

Robert Michaud (Jane)
139 Route 146
Altamont, NY 12009
(518-456-2532)
Jane Cell 518-577-2532
Bob Cell 518-495-3755
13 E. Beach Avenue
bobmichaud@hotmail.com

Janet M. Ostrander (Jerry)
9 Claire Pass
Saratoga Springs, NY 12866
668-4672 (518-581-9644)
Cell 518-469-5125
104 Cotton Point Road
janetandjerryostrander@gmail.com

Julie S. Provost (Randy)
13 5th Street
Glens Falls, NY 12801
668-4651 (518-745-5624)
15 So. Beach Ave
julietprovost60@gmail.com

Edward T. Quinn (Marjorie)
28 Claire Pass
Saratoga Springs, NY 12866
(518-886-8190)
Cell 518-222-3131
4 Beach Avenue
quinn1225@msn.com

Alexander Rawson (Tess)
790 Main St.
Acton, Ma. 01720
(914-410-6667)
40 So. Beach Avenue
rawsonalex@gmail.com

James F. Reilly (Norma)
5 Centennial Drive
Queensbury, NY 12804
668-5298 (518-793-5060)
45 So. Beach Avenue
jamesreilly4@yahoo.com

Vincent J. Reilly (Linda)
1595 Kingston Avenue
Niskayuna, NY 12309
(518-346-4909) Cell 518-527-5122
13 Beach Avenue
vreilly6@aol.com
lrriles6@aol.com

David F. Van Aken (Dorla)
PO Box 1002
Bolton Landing, NY 12814
668-5349
100 Cotton Point Road
Winter Address:
4300 SE St. Lucie Blvd, #41
Stuart, FL 33997
(772-286-8712)
davanddor@gmail.com

Dawn VanDyck (Barbara)
255 Sunny Hill Drive
N. Clarendon, VT 05759
802-775-4505 (Home Fax)
781-858-4428
Dawn@DawnVanDyck.com

STATE OF NEW YORK DEPARTMENT OF STATE
DIVISION OF CORPORATIONS AND STATE RECORDS
ALBANY

bds

FILING RECEIPT – MISC.

TYPE OF CERTIFICATE
Certificate of Type Type A

CORPORATION NAME
THE SOUTH BEACH ASSOCIATION OF LAKE GEORGE, N.Y., INC.

DATE FILED
September 12, 1973

57 Warren

LOCATION OF PRIN. OFFICE

FILM NO.
A100347--2

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LAKE GEORGE PARK COMMISSION

Notice-Address

FILER AND ADDRESS
Higgins, Roberts, Beyerl & Goan, Esqs.
502 State St.
Schenectady, N.Y. 12305

1 DOLLAR FEE TO COUNTY

FEES AND/OR TAX PAID AS FOLLOWS:

[X] CHK. [ ] M.O. [ ] CASH $ 10.00

10.00 FILING
TAX
CERTIFIED COPY
CERTIFICATE

TOTAL $ 10.00
REFUND OF $ TO FOLLOW

JOHN P. LOMENZO
SECRETARY OF STATE

R 662-518M

State of New York

Department of State

DIVISION OF CORPORATIONS AND STATE RECORDS
162 Washington Avenue, Albany 12225

CERTIFICATE OF TYPE OF NOT-FOR-PROFIT CORPORATION OF

RECEIVED
DEC - 4 2015
LAKE GEORGE PARK COMMISSION

THE SOUTH BEACH ASSOCIATION OF LAKE GEORGE, N.Y., INC.
Exact Name of Corporation

Under Section 113 of the Not-for-Profit Corporation Law

The name of the corporation is **The South Beach Association Of Lake George, N. Y., Inc.**

The original name was **As above**

The certificate of incorporation was filed by the Department of State on **March 4, 1946**
Date of Incorporation

The corporation was formed pursuant to **Membership Corporation Law State of New York**
Cite Incorporation Statute

The post office address to which the Secretary of State shall mail a copy of any notice required by law is **Diamond Point, Lake George, New York 12845**

That under Section 201, it is a Type **A** Not-for-Profit Corporation as defined in this chapter.
(Insert A, B, C or D)

IN WITNESS WHEREOF, this certificate has been subscribed this day of **July,** 1973 at the County of **Schenectady,** by the undersigned who affirm(s) that the statements made herein are true under the penalties of perjury.

THE SOUTH BEACH ASSOCIATION OF LAKE GEORGE, N. Y., INC.

To be signed pursuant to Section 104(d) of the N-PCL

Richard C. Mahoney
Richard C. Mahoney **President**

Mary V. Reynolds
Print or Type Names
Mary V. Reynolds **Secretary**

NOTE: The fee for filing the foregoing certificate is $10 payable to the Department of State by certified check or money order.
Every corporation required to file under Paragraph (a) of Section 113 of the N-PCL will be considered a Type B corporation until it has filed a certificate of type.

CO-109

CERTIFICATE OF TYPE
OF
NOT-FOR-PROFIT CORPORATION
OF

_____

Exact Name of Corporation

Under Section 113
of the
NOT-FOR-PROFIT CORPORATION LAW

_____

Name and address of filer

RECEIVED
DEC - 4 2015
LAKE GEORGE PARK COMMISSION

CERTIFICATE OF INCORPORATION

OF

THE SOUTH BEACH ASSOCIATION OF LAKE GEORGE, N.Y., INC.

Pursuant to the Membership Corporation Law.

WE, THE UNDERSIGNED, for the purpose of forming a membership corporation pursuant to the Membership Corporations Law of the State of New York, hereby certify:

1. The name of the proposed corporation shall be THE SOUTH BEACH ASSOCIATION OF LAKE GEORGE, N.Y., INC.

2. The purposes for which it is to be formed are: To promote camping, fishing, boating, swimming, and other lawful forms of sport and recreation; to maintain a camp site and bathing beach, and to do such other things as may pertain to the advancement of sport and pleasure; and to lease, hold, own, and dispose of real and personal property necessary or desirable to carry out the objects aforesaid.

3. The territory in which its operations are principally to be conducted is Diamond Point, Town of Bolton, Warren County, New York.

4. The town and county in which its office is to be located are Diamond Point, Town of Bolton, Warren County, New York.

5. The number of its directors shall be five.

6. The names and residences of the directors until the first annual meeting are:

NAMES	ADDRESSES
Kenneth M. Lindsay	48 Washington Rd., Scotia, N.Y.
Joseph Brozyna	1020 Laura St., Schenectady, N.Y.
E. Glenn Liberty	1030 Keyes Ave., Schenectady, N.Y.
Melcolm R. Pratt	431 Plymouth Ave., Schenectady, N.Y.
E. B. Vandewater	1403 Clifton Park Rd., Schenectady, N.Y.

4639-45-1

7. All of the subscribers to this certificate are of full age; at least two-thirds of them are citizens of the United States; at least one of them is a resident of the State of New York. Of the persons named as directors, at least one is a citizen of the United States and a resident of the State of New York.

IN WITNESS WHEREOF, we have made, subscribed, and acknowledged this certificate, this 15th day of February 1946.

Walter Lawton
Harry J. Wells
Joseph Bruyna
E. B. VanDuzer
Howard Mesler
E. Glen Liberty
Edmund Tomas
Malcolm R. Pratt
Wilfred Stone
Robert McKeon
Kenneth M. Lindsay
Edmund Schreiber
Allen L. Riley
Frank Charbonneau
Rowland M. Potter
Henry J. Pratt Jr.

4639-85-2

STATE OF NEW YORK

COUNTY OF SCHENECTADY SS:

On this 15 dey of February , 1946, be[fore]
me personally came Joseph Brozyna, Frenk Charbonneau, Robert
M.Harr, Howard Heisler, [illegible], E.Glenn Liberty,
Kenneth M.Lindsay, Kneeland M.Potter, Malcolm R. Pratt,
A. L.Ruiz, Edmund Scheiber, Wilfred Stone, Edmund Tomic,
E.B. Vandewater and Harry Wells, to me known and known to
to be the same persons described in and who executed the
foregoing certificate of incorporetion, and they there[upon]
severally duly acknowledged to me that they executed the
same.

[signature]
Notary Public
of Schenectady

STATE OF New York
COUNTY OF Westchester: SS

On this 20 dey of Feb , 1946, before
me personally came Henry Pratt, to me known and known to me
to be the same person described in and who executed the
foregoing certificate of incorporetion, and he thereupon
duly acknowledged to me that he executed the same.

[signature]
Notary Public, County
Notary Public Westchester Co. N.Y.
My commission expires 3/30/46

NOTARY PUBLIC WESTCHESTER COUNTY, N.Y.

STATE OF Florida
COUNTY OF Pinellas

On this 6th day of February, 1946, before
me personally came Walter Lawton, to me known and known to me to be
the same person described in and who executed the foregoing certificate
of incorporation, and he thereupon duly acknowledged to me that he
executed the same.

[signature]
Notary Public, County

Notary Public, State of Florida at Large
My Commission Expires Sept. 19, 1949

NOTARY PUBLIC STATE OF FLORIDA

4637-85-3

[signature] Deputy.

STATE OF FLORIDA }
COUNTY OF PINELLAS } SS.

I, Ray E. Green, Clerk of the County of Pinellas, and also Clerk of the Circuit Court of the said County, the same being a Court of Record,

DO HEREBY CERTIFY, That L. E. LIVINGSTON whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument and thereon written, was at the time of taking such proof and acknowledgement, a Notary Public, in and for said County, residing therein, duly commissioned and sworn, and anthorized by the laws of said State to take the acknowledgements and proofs of deeds or conveyances, for land, tenements or hereditaments in said State, to be recorded therein. And further, that I am well acquainted with the handwriting of snch Notary Public, and verily believe the signature to said certificate of proof or acknowledgment is genuine; that I have compared the impression of the seal affixed thereto with a specimen impression thereof filed or deposited in my office, and that I believe the impression of the seal npon the original certificate is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and Connty, this 26th day of February, 1946

RAY E. GREEN, Clerk Circuit Court.

By [signature] Deputy Clerk.

4639-85-4

I, John Alexander, a Justice of the Supreme Court of the fourth judicial district, hereby approve the foregoing certificate of incorporation.

Dated March 2nd 1946.

John Alexander

Justice Supreme Court.

State of New York
DEPARTMENT OF STATE } ss.:

I CERTIFY That I have compared the preceding copy with the original Certificate of Incorporation of

State of New York

ss:

Warren County Clerk's Office

I, SIDNEY VAN DUSEN, Clerk of said County, and Clerk of the County and Supreme Courts, the same being Courts of Record in and for said County, do hereby CERTIFY that I have compared the annexed copy of Certificate of Incorporation with the original thereof, filed in this office on the 20th day of March 1946 at -- hour -- M., and that the same is a correct transcript therefrom, and of the whole of said original.

In Testimony Whereof, I have hereunto set my hand, and affixed my official seal at the Town of Queensbury, N.Y., this 10th day of June 1965

Sidney Van Dusen

Clerk

By Eunice M Engwer

Deputy.

I, John Aldrich, a Justice of the Supreme Court of the fourth judicial district, hereby approve the foregoing certificate of incorporation.

Dated March 2nd 1946.

John Aldrich

Justice Supreme Court.

State of New York
DEPARTMENT OF STATE } ss.:

I CERTIFY That I have compared the preceding copy with the original Certificate of Incorporation of

THE SOUTH BEACH ASSOCIATION OF LAKE GEORGE, N.Y., INC.,

filed in this department on the 4th day of March, 1946 and that such copy is a correct transcript therefrom and of the whole of such original.

WITNESS my hand and the official seal of the Department of State at the City of Albany, this fourth day of March one thousand nine hundred and forty-six.

Warren 7K 3/4

463

CERTIFICATE OF INCORPORATION

OF

THE SOUTH BEACH ASSOCIATION

OF LAKE GEORGE, N.Y., INC.

99.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED MAR 4 - 1946
TAX $ None
FEE $ 10 —

Thomas J. Curran
SECRETARY OF STATE
By D. A. Keenan

SORGE AND SMITH
LAW OFFICES
214 STATE STREET
SCHENECTADY 5, N. Y.

14/13
(B)

South Beach Association of Lake George, NY, Inc.

RECEIVED
DEC - 4 2015
LAKE GEORGE PARK COMMISSION

Constitution and Bylaws

As adopted April 8, 1946 and amended June 2, 1946; September 16, 1946; January 6, 1947; June 9, 1948; April 8, 1957; July 2, 1967; September 24, 1967; July 7, 1974; September 29, 1974; September 26, 1976; July 2, 1989; September 24, 1992; September 28, 1997; August 14, 2005; July 15, 2006, September 26, 2010

ARTICLE I - NAME

The Association will be known as the South Beach Association of Lake George, NY, Inc.

ARTICLE II - OBJECTS

The particular objects for which this Association is formed are to promote camping, fishing, boating, swimming and other lawful forms of sport and recreation; to maintain a campsite and bathing beach, and to do such other things as may pertain to the advancement of sport and pleasure; and to lease, hold, own and dispose of real and personal property necessary or desirable to carry out the objects aforesaid.

ARTICLE III - MEMBERSHIP

SECTION I Definition

a) The Association shall consist of thirty-one (31) memberships, each of which shall be entitled to one vote in corporate affairs and shall be entitled to one thirty-first (1/31) share of the corporation in the event of dissolution.

b) At no time shall the number of corporate memberships exceed thirty-one (31).

c) Memberships may be held solely by an individual or jointly by husband and wife only, at the option of the member. No husband and wife shall hold two separate and distinct memberships.

d) A member in good standing is a member as defined in this section who has fulfilled the financial requirements of Article IV of this Constitution and Bylaws.

SECTION II Value

The value of a membership share when purchased from, or sold to, the corporation shall be One Thousand Dollars ($1,000 – 1946) plus an increment of Forty Dollars ($40) annually commencing with January 1, 1947.

SECTION III Transfers

a) No person shall hold more than one membership except when selling/transferring a camp and purchasing another member's camp. Such person shall be liable for the obligations of two memberships and by a two-thirds vote of the Board of Directors may, for a limited period, exercise the privilege of two memberships.

b) Requests for transfer of membership within the same family only must be made in writing and confined to spouse or child of the applicant except as set forth in Section III c. Acknowledgment of the receipt of such request by the presiding officer at a regular or special meeting shall constitute approval of the transfer.

c) Requests for transfer of membership within the same family may include a request for transfer to a grandchild or sibling of the member but are subject to the formal application and membership approval. However, when such a situation occurs, the member making such request shall not be required to first offer the camp for sale to the membership.

SECTION IV New Members

a) When a sole membership becomes available because of death, it shall be transferred without approval of the membership to the legally designated beneficiary of the deceased member, providing said beneficiary is the surviving spouse or child of the deceased member. In all other cases the beneficiary shall be considered a new applicant.

b) Any new candidate desiring membership must submit the required application in writing and be proposed by a member.

c) Any candidate who has agreed to purchase a member's camp must apply for membership in accordance with this section and may be elected to membership in accordance with Article III, Section V.

d) At the time of application, prospective members will be provided with copies of the current Constitution and Bylaws and the Ground, Harbor and Beach Rules.

SECTION V Election of Members

a) A written notice listing the name of any candidate for membership and the proposing member shall be served, either personally or by mail, upon each member, not less than fifteen days before any action is taken by the Board of Directors on the application.

b) Any member objecting to a proposed candidate may communicate such objection in writing to the Board of Directors within fifteen (15) days following notification to the membership. Such communication shall be treated as confidential and shall, immediately after consideration, be destroyed.

c) The proceedings of the Board in this particular shall be secret and confidential.

d) The Board of Directors shall consider all applications in the order in which they are received and shall pass in the order in which they are received and shall pass upon each name separately by secret ballot. A negative vote by three (3) directors shall be a rejection of the candidate.

e) At the annual meeting of the Association or at any special meeting thereof called for the purpose, the Board of Directors shall report the names of the persons approved by them for membership and members shall proceed to vote separately by secret ballot upon the names so submitted. A vote by at least three-fourths (3/4) of the members of the Association in good standing shall be required for the election of a member.

f) All persons elected to membership shall signify their intention of acceptance within fifteen (15) days from date of notice of election, and shall at that time be supplied with a copy of the Constitution and

Bylaws and Ground, Harbor and Beach Rules of the South Beach Association of Lake George, NY, Inc.

SECTION VI Termination of Membership

a) When a membership is terminated because of resignation, death or otherwise, the Association will, upon written request, within ninety (90) days refund to the member or a legally designated beneficiary the value of the membership at the time of termination as stated in Article III, Section II, less any unpaid assessments.

b) Any time that three membership values have been refunded pursuant to this section and have not been replaced by payment of new membership values, the Association's obligations under this section shall be suspended until the number of outstanding membership values falls below three.

c) Any member who is proposing the sale of a camp to a candidate for membership must resign from membership to become effective only when such candidate is elected to and accepts membership in accordance with Article III, Section V. A camp being sold must first be offered for 45 days to other members.

SECTION VII Expulsion

a) Non-payment of assessment as provided by lease and any monies subscribed to be paid; misuse of the privileges granted by membership or lease; abuse or destruction of the property of the Association; obnoxious conduct; or any other acts detrimental to the welfare of the Association may be considered as cause for expulsion of any member.

b) An offending member shall be given written notice of the alleged offense and an opportunity to be heard by the Board of Directors. If further action becomes necessary, a special meeting of the Association shall be called and the unanimous vote of at least three-fourths (3/4) of the members of the Association (other than the alleged offending member) shall be required to expel a member.

c) An expelled member shall be given ninety (90) days to dispose of a camp. If this is not done, the Association will purchase it within thirty (30) days. The price of the member's camp will be determined by an appraisal committee consisting of three qualified real estate appraisers; one chosen and paid by the Association, one chosen and paid by the expelled member, and one chosen and paid jointly by equal shares.

ARTICLE IV - MEMBERSHIP FEES AND ASSESSMENTS

a) All membership fees and assessments shall be recommended by the Finance Committee, approved by the Board of Directors, and submitted to the membership for approval.

b) On or before the 31st day of July, each Committee Chairman shall submit a written budget request to the Board of Directors.

c) By the 15th of August, the Finance Committee shall present a written tentative budget to the Board of Directors.

d) By the 31st of August, the Board of Directors shall have considered the tentative budget and approved the same with or without amendment for presentation to the membership.

e) The Board of Directors shall mail a copy of the tentative budget to the membership at least fifteen (15) days prior to the annual meeting.

f) All assessments shall be due and payable to the Treasurer as of October 1st of each year and any member failing to pay the assessment due October 1st of any year by January 1st of the following year shall be assessed a minimum penalty of Twenty Dollars ($20.00), due and payable as of its assessment. Penalty schedule is $20.00 through February 1st and increases $10.00 monthly on February 2nd and the 2nd day of each succeeding month.

g) All new members shall be required to execute a lease for a campsite within thirty (30) days from notice of election.

h) All persons elected as members shall make payment of the membership fee in full within thirty (30) days from date of notice of election. Failure to make such payment and execute a lease within the above period shall cause their election to become void.

ARTICLE V - BOARD OF DIRECTORS

The affairs of the Association shall be managed by the Board of Directors consisting of five members, four of whom shall be elected as follows: At the first meeting of the Association, after organization, there shall be elected two directors for a period of two years and two directors for a period of one year. At each annual meeting thereafter, there shall be elected two directors for a period of two years. The fifth member of the Board of Directors shall be the President, who shall be elected and hold office in accordance with Article VII. The election of Directors shall be by written ballot and a majority of votes cast shall elect except when the Secretary is instructed to cast one written ballot. All directors shall hold office until others are elected and qualify in their stead. In the event

of inability of any director to act and perform the duties of their office, a majority of the remaining members of the Board of Directors may declare the office vacant. Vacancies on the Board of Directors caused by resignation, death, or otherwise shall be filled by vote of the remaining members of the Board until the next annual meeting of the Association.

ARTICLE VI - DUTIES OF THE BOARD OF DIRECTORS

The Board of Directors shall have the power to manage the business of the Association subject to the provisions of law, its charter, constitution, and bylaws, and exercise all such powers and do all things as may be exercised or done by the Association. The Board of Directors may appoint such Committees from its own number or from members as it may deem desirable, and may grant such powers to such Committees as it may deem necessary. The Board of Directors shall not authorize the expenditure of more than Two Hundred Dollars ($200.00) in excess of the approved budget without approval of the membership.

ARTICLE VII - OFFICERS

SECTION I <u>President</u>

At the first meeting of the Association, after organization, and at each annual meeting thereafter, there shall be elected a President who shall hold office for one year and until his successor is elected and qualifies. The election of President shall be by written ballot and a majority of votes cast shall elect except when the Secretary is instructed to cast one written ballot. The President shall concurrently be a member of the Board of Directors in accordance with Article V.

SECTION II <u>Vice President, Treasurer and Secretary</u>

a) The Board of Directors shall immediately following each annual meeting elect from its number (except President), a Vice President, and a Treasurer who shall hold office for one year and until their successors are elected and qualify.

b) The Board of Directors shall also elect annually a Secretary who shall hold office for one year, subject to removal by the Board at any time, with or without cause. The Secretary need not be a member of the Board of Directors.

c) The Board may also elect and remove such other officers as it may deem necessary.

ARTICLE VIII - DUTIES OF OFFICERS

SECTION I President

The President shall preside at all meetings of the Association and of the Board of Directors. The president shall be the chief executive officer of the Association and shall have general control of its business and affairs; execute contracts in the name of the Association, when authorized to do so by the Board of Directors, appoint and discharge employees subject to the Board's approval. The President shall be a member ex-officio of all Committees.

SECTION II Vice President

The Vice-President shall be vested with all the powers and shall perform all the duties of the President in the President's absence and shall also perform such duties as shall from time to time be assigned by the President or the Board of Directors.

SECTION III Treasurer

a) The Treasurer shall keep full and accurate accounts of receipts and disbursements in the Association books and shall deposit all monies and other valuable effects in the name and to the credit of the Association in such depositories as may be designated by the Board of Directors.

b) The Treasurer shall disburse the funds of the Association as may be ordered by the Board, taking proper vouchers for such disbursements, and shall render to the President and Directors at the regular meetings of the Board, and whenever they may require it, an account of all transactions and of the financial condition of the Association. The Treasurer shall give such bonds for the faithful performance of these duties as the Board of Directors may determine. The Treasurer shall be Chairman of the Finance Committee.

SECTION IV Secretary

The Secretary shall attend all meetings of the Association and of the Board of Directors, and shall record the minutes of all proceedings in a book to be kept for that purpose. The Secretary shall mail notices of all meetings, as provided for herein, and shall perform such other duties as may be required by the Board of Directors or the President.

ARTICLE IX - COMMITTEES

SECTION I Finance, Grounds, Docks, & Harbors

Immediately following the annual meeting of the Association, a Finance Committee, a Grounds Committee and a Docks and Harbors Committee, each consisting of a Director to act as Chairman, shall be appointed by the Board of Directors to serve for one year. No one director shall serve on more than two (2) committees.

SECTION II Nominating

a) At each annual meeting of the Association, a nominating committee consisting of three members shall be elected to serve until the next annual meeting.

b) If there is a committee vacancy during this period, a new member shall be appointed and a new chairman selected, if necessary, by the Board of Directors.

SECTION III Auditing

At each annual meeting, the President shall appoint an Auditing Committee consisting of a Chairman and two others members to serve for a period of one year.

SECTION IV Building Committee

Immediately following approval of this resolution, the Board of Directors shall appoint a Building Committee consisting of a chairperson and two other members to serve until the Annual Meeting in September 2008. Subsequent terms for Committee members shall be two years. One Committee member shall be a member of the Board of Directors. The Committee shall have jurisdiction over any new exterior construction, reconstruction (except repairs necessary to return a building to pre-existing condition) and/or structural alteration work to be done on any

structure owned by any member on the lands owned by the Association. Before any building permit or permitting agency approval is applied for and prior to the beginning of work, any proposed new exterior construction, reconstruction and/or alteration must be submitted to the Building Committee in such detail as it may request. Within a reasonable time, the Building Committee shall consult with impacted members and then make a recommendation to the Board concerning the proposed project. The Board shall then consider the Building Committee's recommendation, meet with the applicant, and make a final determination within a reasonable time, which shall be binding upon the applicant. The Building Committee and Board shall base their decisions on the stated objectives of the Association contained in Article II and the Section entitled "Ground Rules – Construction" of the Ground, Harbor and Beach Rules. If any member objects to the final determination of the Building Committee and Board, he or she may appeal to the members at the Associations' next scheduled meeting or a special meeting within thirty (30) days of the determination. The Building Committee will exercise oversight of the project until it is properly completed.

ARTICLE X - DUTIES OF COMMITTEES

SECTION I Finance Committee

a) It shall be the duty of the Finance Committee to prepare a tentative financial budget and to recommend the annual assessments to be paid by members for the subsequent year, subject to the approval of the Board of Directors and the membership.

b) It shall be the duty of the Finance Committee to prepare and submit to the Board of Directors by the 31st of August, a financial statement setting for all transactions conducted during the current year and all balances remaining as of that date.

SECTION II Grounds Committee

It shall be the duty of the Grounds Committee, subject to the control of the Board of Directors, to manage the roads, water system and camping grounds, excluding float, docks and beach, and including all buildings in possession of the Association for the preservation of its property and the best interests of its members and to recommend to the membership any proposed changes therein; and to perform such other duties as the President and Board of Directors may prescribe.

SECTION III Docks and Harbor Committee

It shall be the duty of the Docks and Harbor Committee, subject to the control of the Board of Directors, and in compliance with current Lake George Park Commission regulations, to approve the size and location of all docks, the location of all moorings and beached boats; installation, removal and maintenance of the swimming float and to exercise general supervision and responsibility for the docks, harbors and shore areas. The shore area is defined as that land extending twenty-five (25) feet inward from the high water line.

All applications made to the Lake George Park Commission for docks and moorings must be endorsed by the chairman of the Docks and Harbors Committee, approved by the Board of Directors and signed by the President.

SECTION IV Nominating Committee

a) The Nominating Committee shall nominate candidates for election as members of the Board of Directors and as President and shall give notice of such candidates to all members, either personally or by mail, at least thirty (30) days prior to the annual meeting.

b) Any five regular members of the Association may nominate any members as candidates for Directors and/or for President by serving notice, listing the names of such candidates together with the names of nominators at least five (5) days before the annual meeting, on each member.

c) In the absence of any nominations per Article X, Section IV, paragraph b), the members, by duly adopted motion, may instruct the Secretary to cast one written ballot for the election of the nominees as presented by the Nominating Committee.

SECTION V Auditing Committee

It shall be the duty of the Auditing Committee to examine and audit within the period of August 31st and the annual meeting, the books and accounts of the Treasurer and report its findings to the Board of Directors prior to the annual meeting.

SECTION VI Building Committee

It shall be the duty of the Building Committee, subject to the review and approval of the Board of Directors, to exercise jurisdiction and oversight over all new exterior construction, reconstruction (except repairs

necessary to return a building to pre-existing condition) and/or structural alteration of any structure owned by any member on Association property and to apply all applicable requirements established in the Constitution and By-Laws as well as the Ground, Harbor and Beach Rules.

ARTICLE XI - MEETINGS

SECTION I Annual Meeting

a) After the adoption of this Constitution and Bylaws, the annual meeting of the Association shall be held between the Fifteenth and Thirtieth day of September, at such time and place as shall be designated by the President, for the election of Directors and President, the adoption of the annual budget and such other business as may properly come before said meeting.

b) Written notice of the time, place and purpose of such meeting shall be served, either personally or by mail, not less than thirty (30) days before the meeting upon each member and, if mailed, such notices shall be directed to the member's address as it appears in the records of the Secretary.

c) At the annual meeting of the Association, the order of business shall be as follows:

1) Roll call of members in good standing

2) Reading of minutes (notes) of the previous meeting

3) Reports of Officers

4) Presentation of tentative budget and financial statement

5) Adoption of Budget

6) Reports of Committees

7) Unfinished Business

8) Election of Directors, President and Nominating Committee

9) Installation of new President

10) New Business

SECTION II Summer Meetings

During the July 4th weekend there shall be a general membership meeting at a place and time set by the President (upon ten days written notice) for the purpose of organizing activities and functions for the summer season and any other business as may properly come before the meeting.

SECTION III Special Meetings

Special meetings of the Association may be called at any time by the President or by a majority of the Board of Directors. Such meetings must also be called by the President whenever requested in writing to do so by not less than five members in good standing. Written notice of every special meeting, stating the time, place and purpose thereof shall be served, either personally or by mail, not less than ten (10) days before the meeting upon each member and, if mailed, such notices shall be directed to the member's address as it appears in the records of the Secretary. No business other than that specified in the notice of the special meetings shall be considered.

ARTICLE XII - QUORUM

At all meetings of the Association, at least three-fourths (3/4) of the members in good standing must be present in person or by proxy to constitute a quorum. A quorum at any meeting of the Board of Directors or of any committee shall consist of a majority of its members.

ARTICLE XIII - AMENDMENTS

a) This Constitution and Bylaws may be altered or amended at any annual or special meeting of the Association by an affirmative vote of at least two-thirds (2/3) of the members in good standing provided notice of the intent and nature of the amendment has been included in the notice of the meeting.

b) Each time the Constitution and Bylaws is amended, a revised copy shall be sent to each member of the Association within thirty (30) days after adoption of same.

ARTICLE XIV - SEAL

The official seal of the Association shall be in the form of a circle with the word "seal" in the center and the words "South Beach Association of Lake George, NY, Inc." around the circumference. The seal shall be kept in the custody of the President.

ARTICLE XV - CAMPSITES

a) The location of campsites shall be in accordance with the map of the Association's property as prepared by Mr. E.G. Liberty and approved at the special meeting held on June 2, 1946 and any amendments thereto adopted by a majority of the members in good standing, subject to final allocation of campsites by the Building Committee and Board of Directors.

b) Any member who acquires a camp from another member will be permitted to retain the campsite on which such camp is located. It is not permissible, however, for any member to occupy more than one campsite except for a short period of time which may be required to move from one campsite to another when approved by the Grounds Committee.

ARTICLE XVI - CAPITAL FUND

a) The Capital Fund is that segregated sum of money derived from the regular membership payments of the former Associate Members upon being elected to Regular Membership in the Association and accrued interest thereon. This plan was inaugurated in April 1957.

b) The purpose of the Capital Fund is to provide financial capability for the redemption of membership terminations and to finance major improvements in the capital assets of the Association.

c) Assets may be appropriated from the Capital Fund by an affirmative vote of two-thirds (2/3) of the members in good standing. The authorization must specifically state a purpose and a sum which may not be exceeded.

d) Notwithstanding paragraphs b) and c) of this article, a sum not to exceed $2,500 may be appropriated by the members from interest earned by the Capital Fund for use in the operating budget each year.

NEW YORK STATE OF OPPORTUNITY. | **Lake George Park Commission**

This letter approved docks 4,5 & 6.

ANDREW M. CUOMO
Governor

BRUCE E. YOUNG
Chairman

DAVE WICK
Executive Director

9/22/15 TIC Mr. Michaud Did not receive his copy- corrected address + resent, MG

September 4, 2015

Steve Adams
South Beach Association
6 Hadel Rd
Scotia NY 12302

Application # 5220-40-15 Dock Modification
Parcel #: 200.14-1-12, Town of Bolton

Notice of Incomplete Application

Dear Mr. Adams,

Your application is incomplete. Lake George Park Commission procedures are established to respond as early as possible regarding information required to complete review of applications. Our review cannot continue until the items noted below are received.

As we have discussed, review of the above application has been delayed due to the lack of project plans showing the entire lakefront and all of the existing docks and moorings, as well as the discovery of an unpermitted 8.6' extension of dock #1 on our inspection of June 25, 2015.

I trust that Dock #1 has been brought into compliance by this time. I enclose the results of my site inspection. Upon our inspection we noted that docks 4, 5 and 6 have minor changes from the authorized configurations. The southern pier and bridge of dock #5 was not in the water this year so it could not be measured.

Prior to reviewing the application at hand, it is important to revise the current set of drawings which comprise the Association's "Authorized Dock Configuration" from the permitted Schedule A drawings to the as built and approved structures. Along with my inspection results I include a drawing marked "Attachment A" to this letter. Attachment A incorporates the approved docks and moorings at the site, using as-built dimensions where compliant and supercedes permit #5220-49-98. Please review this carefully and bring any errors to my immediate attention.

Please also review the attached sketch marked "Proposed Dock Extension". It appears that the requested extension may interfere with the use of Existing Mooring #5220-37-97. If the mooring must be moved as part of the proposal, this request must be added to the application. (a new application is not required, but project plans and the application fee of $50 should be submitted)

To further review of the application, please submit the following

1. Attachments to Addendum D as listed (copy enclosed)

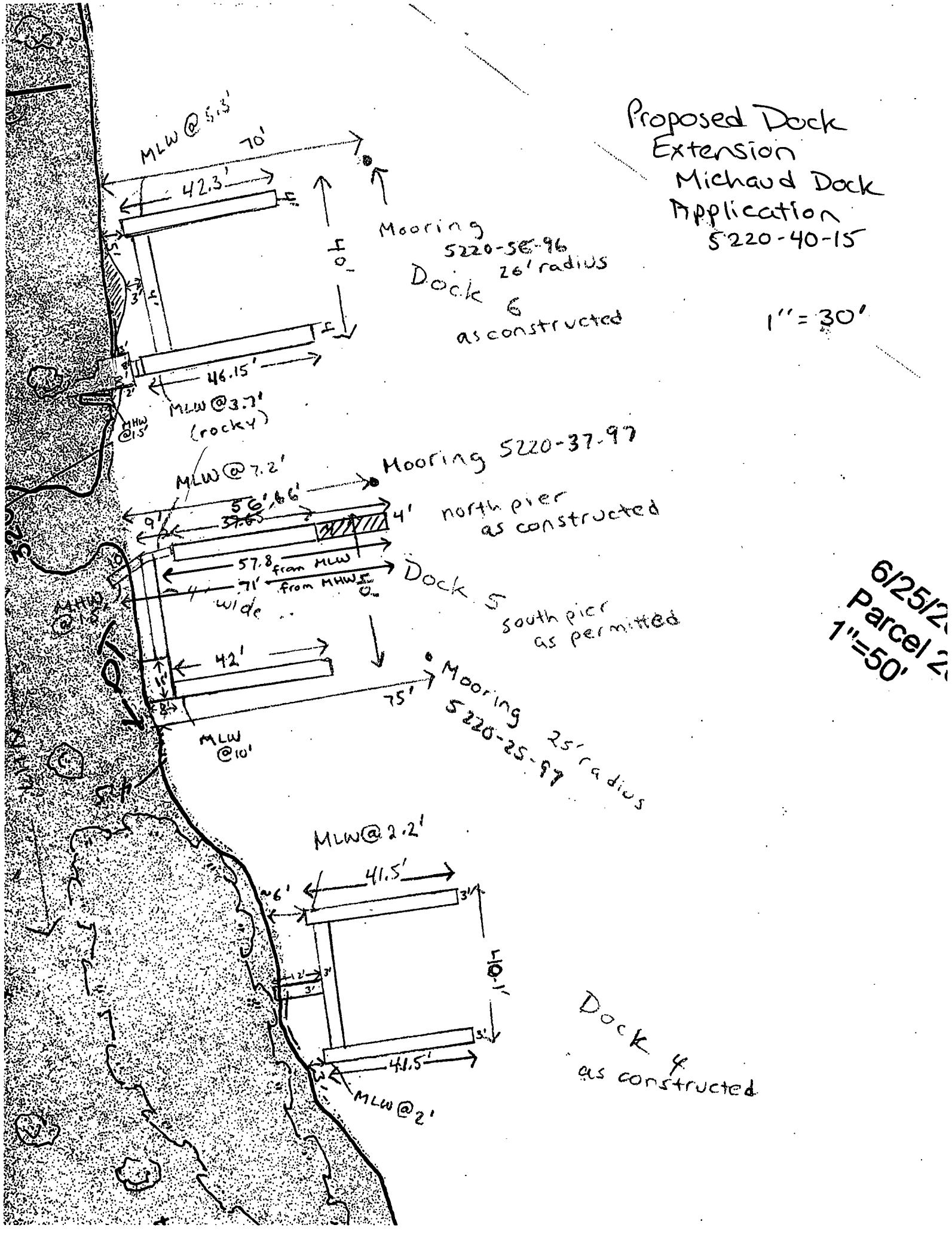
2. The Commission generally requires variance requests to more fully support the claim of lack of reasonable return. Specifically, they will often receive a letter from a real estate professional which sets forth in detail a "dollars & cents" proof of lack of reasonable return, such as contrasting the purchase price and a comparative market analysis on the worth of the property without the dock.

If no response is received within 60 days of the date of this letter, we will consider your application to be withdrawn. Please feel free to call me if you have any further questions.

Sincerely,

Molly Gallagher
Deputy Permit Administrator

cc: Bob Michaud


Proposed Dock Extension
Michaud Dock
Application
5220-40-15
1" = 30'
MLW @ 5.3'
70'
42.3'
Mooring
5220-SE-96
26' radius
Dock 6
as constructed
46.15'
MLW @ 3.7'
(rocky)
MHW @ 1.5'
MLW @ 7.2'
Mooring 5220-37-97
56'6"
39.6'
4' north pier
as constructed
57.8' from MLW
71' from MHW
Dock 5
south pier
as permitted
42'
75'
Mooring
5220-25-97
25' radius
MLW @ 10'
MLW @ 2.2'
41.5'
Dock 4
as constructed
MLW @ 2'
6/25/2
Parcel 2
1"=50'

1" = 50'

6/25/2015 & 7/14/2015 Site Inspections
Parcel 200.14-1-12 Town of Bolton
1"=50'

Dock 6
MLW@5.3'
42.3'
40'
46.15'
MLW@3.7'
(rocky)

Dock 5
MLW@7.2'
37.65'
4'

Dock 4
MLW@2.2'
41.5'
40.1'
41.5'
MLW@2'

Dock 3
141.2'
7'
MHW
MLW @ 33'
3'

Dock 2
143.3'
3'
MHW@1.2'
MLW @ 20.8'

Dock 1
148.6'
3'
MHW@5'
MLW@30.2'
8.6' unpermitted

117'
18' Ramp
7'

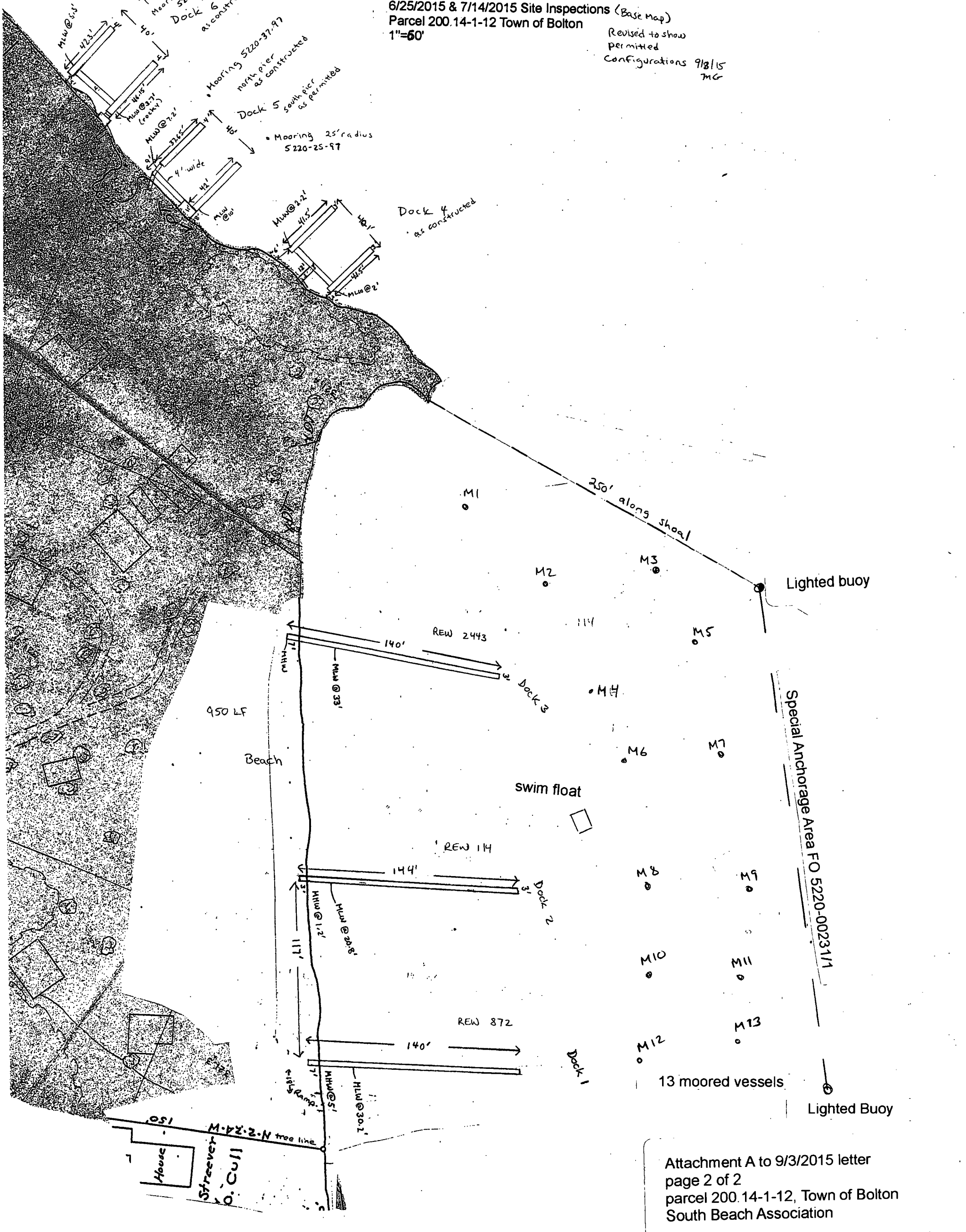
950 LF
Beach

N 2.24 W tree line
150'
House
Streever
O. Cull

T10X
T10T
T10X

6/25/2015 & 7/14/2015 Site Inspections (Base Map)
Parcel 200.14-1-12 Town of Bolton
1"=50'

Revised to show permitted Configurations 9/3/15 MG



Attachment A to 9/3/2015 letter
page 2 of 2
parcel 200.14-1-12, Town of Bolton
South Beach Association

1" = 50'

6/25/2015 & 7/14/2015 Site Inspections (Base Map)
Parcel 200.14-1-12 Town of Bolton
1"=50'

Revised to show permitted Configurations 9/3/15 MG

Mooring 5220-56-96 26' radius
Dock 6 as constructed
MLW@5.5'
70'
42.3'
40'
Mooring 5220-37-97 north pier as constructed
Dock 5 south pier as permitted
46.15'
MLW@3.7' (rocky)
MLW@7.2'
66'
37.65'
4' wide
42'
MLW @1'
Mooring 25' radius 5220-25-97
75'
Dock 4 as constructed
MLW@2.2'
41.5'
40.1'
MLW@2'
N 32° E
S 32° W
S 32° E
N 32° W
S 32° E
N 32° W
S 32° E
N

LAKE GEORGE PARK COMMISSION
FORT GEORGE ROAD, PO BOX 749
LAKE GEORGE, NEW YORK 12845
phone 518-668-9347, fax 518-668-5001

CARL R. DE SANTIS
Chairman

MICHAEL P. WHITE
Executive Director

April 6, 1998

South Beach Association
attn: Stephen Adams
Route HCR Box 37
Diamond Point NY 12824

Permit #: 5220-18-98 Dock #1 Modification
Application #: 5220-19-98 Docks #4 and 6 Modification
Parcel ID#: 7-1-12, Town of Bolton

Dear Mr. Adams:

Enclosed you will find a permit for the extension of dock #1 to its original registered length of 140'. Your other applications cannot be approved as submitted.

As previously discussed with several members of the association, the lakefront owned by South Beach currently contains well over the number of moorings currently allowed as well as three wharfs which are substantially non-conforming in length with the current limits. These structures are exempt from current limits as they have been registered as Existing Wharfs and Moorings. However, any proposed increase over what is existing would increase the entire facility's non-conformance.

The regulations allow up to 6 wharfs constructed as straight piers, T, L F,U or E-shaped wharfs plus six moorings to be constructed on a parcel with at least 851 feet of lakefront such as this one. This would allow for substantial berthing at the site. However, failing to meet the limit for moorings, and exceeding the length limit on a number of the docks greatly limit the opportunity to achieve increased berthing capacity.

We would strongly advise that the Association try to redesign wharfs and moorings to meet the regulatory limits and accommodate the full complement of members. Commission staff are available to assist you in design efforts.

It is appropriate that we advise you about a provision in the regulations which authorizes the Commission to grant a variance to one or more specific standards in unique circumstances which impose a special hardship. Based upon your application it is not possible to offer much encouragement that a variance could be granted. Nonetheless, we will assist you should you wish to pursue this avenue. Variances are subject to strict standards including proof of unnecessary hardship caused by conformance with the regulations (variance regulations are enclosed). Please contact the undersigned should you wish to request a hardship variance.

Once we receive your reply, processing of your application will continue. If I can be of any assistance, please feel free to contact me.

Sincerely,

Molly Gallagher

Molly Gallagher
Deputy Permit Administrator

98APPLS:SOBEACH.VAR