



Bruce E. Young
Chairman

Dave Wick
Executive Director

MEETING MINUTES

MEETING No. 471

TUESDAY, DECEMBER 19, 2017

FORT WILLIAM HENRY CONFERENCE CENTER, LAKE GEORGE, NY

- PRESIDING:** Kenneth W. Parker, Vice-Chairman
- COMMISSION MEMBERS PRESENT:** William Mason
John McDonald
Marc Migliore
Joe Stanek
James Kneeshaw
Catherine LaBombard
Dean Cook
Dave Floyd
- COMMISSION MEMBERS ABSENT:** Bruce E. Young
- COMMISSION STAFF PRESENT:** Dave Wick, Executive Director
Molly Gallagher, Environmental Analyst II
Joseph A. Thouin, Environmental Analyst I
Joseph Johns, Director of Law Enforcement
Roger Smith, Conservation Operations Supervisor III
Justin Luyk, Park Ranger
Erica White, Office Assistant III
- COMMISSION COUNSEL PRESENT:** Karla Buettner
- OTHERS PRESENT:** Thomas Ulasewicz Scott Gillis
Nichole Gillis Dave Wilcox
John Salvador, Jr. Ron Miller
Isobel Munoff Frank Munoff
Chris Navitsky Ron Seguljic
Walt Lender Tony Hall

Item #1 — Introductions, Roll Call, Minutes of Previous Meeting: Kenneth W. Parker, Vice-Chairman

The meeting was called to order at 10:03 a.m. and the roll call was taken.

James Kneeshaw made a motion to approve the November meeting minutes which was seconded by Dean Cook. Catherine LaBombard abstained from the vote. All other members present voted affirmatively.

Item #2 — Fiscal Actions Report for November 2017: Kenneth W. Parker, Vice-Chairman

Joe Stanek made a motion to approve the November Fiscal Actions Report which was seconded by Dean Cook; all members present voted unanimously.

Item #3 — Project Review, Acceptance of the Project Review Actions Report: Molly Gallagher

Resolution 2017-71 — Project Review Actions Report

Joe Stanek read and moved to approve the Project Review Actions Report which was seconded by Dean Cook, all members present voted unanimously.

WHEREAS the Commission has received and reviewed the Project Review Actions Report prepared by staff and dated December 5, 2017.

WHEREAS the Project Review Committee recommends acceptance of the Project Review Actions Report.

NOW THEREFORE BE IT RESOLVED that the Commission directs that the Project Review Actions Report be incorporated in the minutes of the full Commission meeting.

Class A Marina Application Submitted by Harold Halliday, Town of Queensbury, Warren County

Joe Thouin introduced the application for a Class A Marina permit submitted by Harold Halliday. He said that the application was before the Commission in May where the

application was declined. In August of 2017 a hearing was held before Administrative Law Judge Molly McBride. During the ALJ review, Honorable McBride found that the application materials submitted were sufficient to render a decision.

Mr. Thouin explained that at the prior Lake George Park Commission meeting comments were made but it has been determined that those comments must be disregarded and no further comments can be accepted or heard from the floor.

Joe Stanek read and moved to approve Resolution 2017-72 which was seconded by Marc Migliore. All members present voted to approve with the exception of Vice-Chairman Parker who voted against the project.

WHEREAS the applicant has applied for a Class A Marina permit to construct a building and offer indoor winter storage for five vessels; and

WHEREAS the Lake George Park Commission has reviewed the application, supporting documents, comments received and other information which appears in the record; and

WHEREAS the Commission has made a determination that the project is an Unlisted action pursuant to the State Environmental Quality Review Act 6NYCRR 617.5 and, as Lead Agency for the purposes of the State Environmental Quality Review Act, has made a determination that the project will have no significant impact on the environment; and

WHEREAS the action is considered to be a Major project pursuant to 6 NYCRR 645-5.3 and public notice has been published and distributed as required; and

WHEREAS the applicant has demonstrated that the facility complies with the Class A Marina requirements of 6 NYCRR 646-1.2; and

WHEREAS the Commission finds that the project will have no adverse impact on the health, safety or welfare of the public, the environment or the resources of the Park; will not alter the essential character of the area in which it is proposed; will not lead to congestion in the Park and will not have an undue visual, cultural or audible impact on the neighborhood or the Park.

NOW THEREFORE BE IT RESOLVED that the Lake George Park Commission hereby resolves to approve the above application as proposed.

Variance Request for Application to Modify Moorings Submitted by Shore Colony Association, Town of Queensbury, Warren County

The Shore Colony Association has submitted an application to request a variance due to the off shore distance.

Mr. Seguljic explained that the moorings were placed in the wrong location years ago. Due to safety reasons, the original permit and placement does not work. He said that he has worked with the Marine Patrol to find the best location for the moorings. He added that 2 of the moorings have been moved closer to shore.

Dave Wick said that the site was visited. Shore Colony is trying to have the appropriate swing space from the dock while still keeping as close to the 100 foot mark as possible.

Bill Mason said that he visited the site and believes that the angle of the sailboats necessitate the extra room.

Marc Migliore spoke about obtaining a floating object permit and said that if this is approved the permit with DEC will also need to be updated.

Joe Stanek read and moved to approve Resolution 2017-73 which was seconded by James Kneeshaw, all members present voted unanimously.

WHEREAS the applicant has applied for a permit to modify the locations of three moorings; and

WHEREAS the Lake George Park Commission has reviewed the application, supporting documents, comments received and other information which appears in the record; and

WHEREAS the Commission has made a determination pursuant to 6NYCRR 645-3.6 and the State Environmental Quality Review Act 6NYCRR 617.5 that the project is a Type II action and does not require further review of potential environmental impacts pursuant to this act; and

WHEREAS the action is considered to be a Minor project pursuant to 6NYCRR 645-5.3 and public notice has been published and distributed; and

WHEREAS the applicant has requested variance from 6 NYCRR 646-1.1(c)

(2) No dock or wharf shall be constructed so as to exceed the following offshore distance criteria:...

(iii) No dock, wharf or mooring shall be constructed or placed so as to extend offshore more than 100 feet from the mean high water mark.

(12) ... Moorings shall not be placed so that the full swing of the vessel extends more than one hundred feet offshore from the mean high-water mark.

WHEREAS the applicant has demonstrated that strict conformance with the regulations will cause unnecessary hardship due to unique and peculiar circumstances which impose substantial financial, technical and safety burdens; and

WHEREAS the Commission finds that there is no reasonable possibility that the applicant's property will bring a reasonable return following conformance with the regulations; and

WHEREAS the Commission finds that the project represents the minimum necessary variance required to alleviate the hardship; and

WHEREAS the Commission finds that the project will have no adverse impact on the health, safety or welfare of the public, the environment or the resources of the Park; will not alter the essential character of the area in which it is proposed; will not lead to congestion in the Park and will not have an undue visual, cultural or audible impact on the neighborhood or the Park.

NOW THEREFORE BE IT RESOLVED that the Lake George Park Commission hereby approves the above application as proposed.

Item #4 — Lake George Park Commission Stormwater Updates: Dave Wick, Executive Director

Dave Wick, Executive Director of the Lake George Park Commission, spoke about stormwater updates. He said that it has been 20 years since the stormwater regulations have been updated. We are using science to guide us and it is resulting in more relaxed regulations.

Mr. Wick said that he has been working with other stakeholders, municipalities, local groups and loggers on this effort.

Mr. Wick explained that stormwater runoff is one of the biggest factors in Lake George's water quality. He said that there are a lot of projects occurring in the basin

that will help. He also said that we are looking at private properties becoming stormwater neutral when they need permits for new projects.

Mr. Wick said that he has met with 8 local governments, the NYS DEC, local loggers, etc. There will be focus group meetings that will conclude in the next couple months, Joe Thouin will send out a draft for review and then we will hold 2 public meetings in the spring.

Item #5 — Law Enforcement Committee Report: Kenneth Parker, Vice-Chairman

Vice-Chairman Parker said that a Law Enforcement meeting was held where they met and discussed on going enforcement cases, the patrol carrying weapons, the annual Marine Patrol report (which is now available to the public and is eye opening). The safety of lake users and the patrol is paramount. More man power is needed and we will no longer operate one man boats.

Resolution 2017-74 — Law Enforcement Committee Report

Joe Stanek read and moved to approve Resolution 2017-74 which was seconded by Dave Floyd, all members present voted unanimously.

WHEREAS the Law Enforcement Committee met December 19, 2017 to review matters pertaining to the Lake George Park Commission's Marine Patrol and the Commission's Law Enforcement Program, and

WHEREAS active Law Enforcement cases and their status were reviewed in Executive Session, and

WHEREAS the Law Enforcement Committee has reported on the results of that committee meeting at this full Commission meeting, and

WHEREAS the Law Enforcement Committee recommends acceptance of this month's Law Enforcement Report.

NOW THEREFORE BE IT RESOLVED that the Commission accepts the report of the Law Enforcement Committee.

Item #6 — Public Comments

John Carr, a local resident, said that the Board members make it sound like this is a done deal. He cautioned the members to be careful on wording and other priorities. He said that he has roads where salt streams are pouring down them and we don't

address it. He said that he has 5% of basin land available and out of that 5% only 1% is stream. He said not everyone is singing Kumbaya.

Joe Stanek asked Dave Wick to speak about some upgrades that will be occurring in the south basin of Lake George.

Mr. Wick said that they are looking at 1 million dollars in upgrades to the south basin and more specifically, the Village of Lake George has received \$200,000. for brining. We also received \$100,000. From Senator Little to get started.

Item #7 — Adjournment

Joe Stanek made a motion to adjourn which was seconded by Dave Floyd, all members present voting affirmatively.

SECRETARY'S NOTE: The next Commission meeting is scheduled for **Tuesday, January 23, 2018 at the Fort William Henry.**