



Bruce E. Young
Chairman

Dave Wick
Executive Director

MEETING MINUTES

MEETING NO. 475

TUESDAY, JUNE 26, 2018

HOLIDAY INN, LAKE GEORGE, NY

PRESIDING: Bruce E. Young, Chairman

COMMISSION MEMBERS PRESENT: Kenneth Parker
Marc Migliore
Joe Stanek
James Kneeshaw
Catherine LaBombard
Dean Cook
Dave Floyd
William Mason
John McDonald

COMMISSION MEMBERS ABSENT: None

COMMISSION STAFF PRESENT: Joseph A. Thouin, Environmental Analyst I
Joseph Johns, Director of Law Enforcement
Roger Smith, Conservation Operations Supervisor III
Justin Luyk, Park Ranger
Michelle D. Way, Office Assistant II
Constance Harris, Environmental Permits Aide

COMMISSION COUNSEL PRESENT: Karla Buettner

OTHERS PRESENT: Carl Schilling
Wayne Smith
Buzz Lamb
Pat Dowd
Emily Boucher
Nick Lamando
Bob Martin
Gwendolyn Craig
Kristen Wilde

Item #1 — Introductions, Roll Call, Minutes of Previous Meeting: Bruce E. Young, Chairman

The meeting was called to order at 10:00 a.m. and the roll call was taken.

Joe Stanek made a motion to approve the May meeting minutes which was seconded by Dean Cook. All other members present voted unanimously.

Item #2 — Fiscal Actions Report for May 2018: Bruce E. Young, Chairman

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

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

Resolution 2018-24 — 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 June 14, 2018.

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 Modification Application to Add Two Tour/Charter Vessels Submitted by Hall's Boat Corporation, Town of Lake George, Warren County

Joe Thouin introduced the application for a tour boat and marina modification submitted by Hall's Boat Corporation. He said that they would like to add one charter for Hall's Boat Corporation's use and one charter for the Lake George Association.

Nick Lamando spoke about working with wooden boats and said that the boat he is going to charter is a 1958 Chris Craft Sport and is 24 feet in length. He said that the charter would not be unscheduled and he doesn't foresee many charters.

There is no one present to support or object to the application.

Joe Stanek said that he visited the site and everything seems to be in order. He made a motion to approve the application which was seconded by Marc Migliore. All members present voted unanimously.

WHEREAS the applicants have applied for permits to operate Tour Boats and modify a Class A Marina to offer the subject Tour Boat services; and

WHEREAS the Lake George Park Commission has reviewed the applications, 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 applicants have demonstrated that the activity and facility comply with the Tour Boat requirements of 646-1.4(d)(2) and Class A Marina requirements of 6 NYCRR 646-1.2(b); 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

The Lake George Park Commission hereby resolves to approve the above applications as proposed.

**Application to Operate a Tour/Charter Boat Submitted by Captain Carl's Cruises,
Town of Lake George, Warren County**

Joe Thouin introduced the application and said that Mr. Schilling is present to speak on behalf of the application.

Mr. Schilling said that he purchased the 1956 wooden Chris Craft boat that used to be owned by Dick Bartlett. He said that he has restored this boat with guidance from Hall's Boat Corporation.

Mr. Schilling explained that he also owns and operates 1-800-Got Junk out of the Albany, NY area and is also a Captain on the Morgan.

Mr. Schilling has received approval from the NYS Parks and Recreation to carry 8 people onboard. Mr. Schilling said that he has a picture and a 14 Mile Island hat that belonged to Mr. Bartlett that he keeps onboard. He said that Mr. Bartlett rides with him.

Joe Stanek made a motion to approve the application which was seconded by John McDonald. All members present voted unanimously.

- WHEREAS** the applicant has applied for a permit for Tour Boat operation; 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 Tour Boat requirements of 646-1.4(d) except as noted below; and
- WHEREAS** the applicant has requested variance from 6 NYCRR 646-1.4(d)(2)(v), "Tour Boats shall be operated from properly permitted marina facilities"; and

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 or safety burdens; and

WHEREAS the Commission finds that there is no reasonable possibility that the applicant's business will bring a reasonable return following conformance with the regulations; 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; and will not alter the essential character of the area in which it is proposed; and will not lead to congestion in the Park.

NOW THEREFORE BE IT RESOLVED

The Lake George Park Commission hereby resolves to approve the above application provided no substantive adverse comments are received prior to the close of the public comment period as proposed.

Class A Marina Modification Application to Increase Tour/Charter Boat Operations Submitted by Tow Boat Lake George, Town of Bolton, Warren County

Joe Thouin introduced the application submitted by Tow Boat Lake George. He said that Mr. Smith has made some changes to allow two of their rental boats to be used as charter vessels.

Mr. Smith spoke about his marina operation and said that he would like to leave here today with approval for 4 charter vessels.

Cathy LaBombard asked if the 4th vessel would be used strictly for fishing, towing, salvage, etc.

Dean Cook asked if any of the proposed charter vessels have been certified with NYS Parks and Recreation.

Mr. Smith said that they have not yet been certified but that is a simple phone call. He said that he would only use the 4th boat on an as needed basis. It is currently parked in the garage.

Chairman Young questioned the number of boats on the application and said that he cannot operate 4 vessels at one time.

There were no additional comments or questions.

Joe Stanek made a motion to approve the application which was seconded by James Kneeshaw. All members present voted unanimously.

WHEREAS the applicant has applied for permits to operate Tour Boats and modify a Class A Marina to offer additional Tour Boat services; and

WHEREAS the Lake George Park Commission has reviewed the applications, 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 applicants have demonstrated that the activity and facility comply with the Tour Boat requirements of 646-1.4(d)(2) and Class A Marina requirements of 6 NYCRR 646-1.2(b); 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 applications as proposed.

Item #4 — SEQRA for Stormwater Regulations: Karla Buettner, Commission Counsel

Karla Buettner, Commission Counsel, spoke briefly about the updating and revision of the LGPC Stormwater Regulations. She said that this has been in the works for the past 1-2 years.

Kenneth Parker read and moved to approve Resolution 2018-29 which was seconded by Cathy LaBombard, all members present voted unanimously.

WHEREAS, Environmental Conservation Law (“ECL”) § 43-0112 mandates the Lake George Park Commission (the “Commission”) to develop stormwater management regulations in consultation with the Department of Environmental Conservation and the Adirondack Park Agency and each municipality in the Lake George Park; and

WHEREAS, the Commission proposes an update to its regulations at 6 NYCRR § 646-4 “Stormwater Management”, which must be amended by rule making under the State Administrative Procedure Act (“SAPA”); and

WHEREAS, the Commission proposes to commence the SAPA rulemaking process for these regulations; and

WHEREAS, on June 30, 1998, a Final Generic Environmental Impact Statement (“FGEIS”) for the prior amendments for the Lake George Park Stormwater Management Program was completed and accepted and a SEQRA Findings Statement provided; and

WHEREAS, the FGEIS provides for future decision-makers to evaluate future actions under SEQRA, utilizing the findings and information contained in the FGEIS for that future environmental review; and

WHEREAS, the Commission has determined this to be an Unlisted Action under 6 NYCRR Part 617; and

WHEREAS, the Commission desires to serve and act as the lead agency for purposes of SEQRA; and

WHEREAS, to aid the LGPC in determining whether the action may have a significant impact on the environment, Part 1 of a Full Environmental Assessment Form (“EAF”) dated June 25, 2018 has been prepared,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to 6 NYCRR Part 617 the Commission hereby declares that this project is an Unlisted action under SEQRA and accepts the EAF submitted; and

BE IT FURTHER RESOLVED, that the Commission desires to serve and act as the lead agency for the purposes of SEQRA in this coordinated review; and

BE IT FURTHER RESOLVED, that the Executive Director, Staff and Commission Counsel shall cause all involved agencies and any other interested agencies to be notified of this resolution.

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

Vice-Chairman Parker said that a Law Enforcement meeting was held at 9 a.m. where they met and discussed on going enforcement cases. He said that they spoke about new equipment and replacements for next year. He said that Marine Patrol will be part of Operation Dry Water in efforts to combat BWI on Lake George.

Resolution 2018-30 — Law Enforcement Committee Report

Kenneth Parker read and moved to approve Resolution 2018-30 which was seconded by Marc Migliore, all members present voted unanimously.

WHEREAS the Law Enforcement Committee met June 26, 2018 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

There were no public comments.

Item #7 — Adjournment

Kenneth Parker made a motion to adjourn which was seconded by James Kneeshaw, all members present voting affirmatively. The meeting was adjourned.

SECRETARY'S NOTE: The next Commission meeting is scheduled for **Tuesday, July 24, 2018 at the Best Western of Ticonderoga, Ticonderoga, NY.**