



Bruce E. Young
Chairman

Dave Wick
Executive Director

MEETING MINUTES

MEETING NO. 483

TUESDAY, APRIL 30, 2019

FORT WILLIAM HENRY, LAKE GEORGE, NY

PRESIDING: Kenneth W. Parker, Vice-Chairman

COMMISSION MEMBERS PRESENT:

Bruce E. Young
Marc Migliore
Joe Stanek
Catherine LaBombard
Dave Floyd
William Mason
James Kneeshaw

COMMISSION MEMBERS ABSENT:

John McDonald
Dean Cook

COMMISSION STAFF PRESENT:

Dave Wick, Executive Director
Joseph Johns, Director of Law Enforcement
Roger Smith, Conservation Operations Supervisor III
Joe Thouin, Environmental Analyst I
Justin Luyk, Park Ranger

COMMISSION COUNSEL PRESENT: Karla Buettner

OTHERS PRESENT:

Linda Rose	Lily Healy	Thomas Jones
Luise Ahlers	Rolf Ahlers	Chris Girard
Corrina Martino	Kitty Rooney	Andrew Brodie
Jon Brodie	Walt Lender	Matt Fuller
Matt O'Hara	Kris Dawson	Ron Miller

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 February meeting minutes which was seconded by Cathy LaBombard; all members present voted unanimously with the exception of Dave Floyd who abstained from the vote.

Item #2 — Fiscal Actions Report for February and March 2019: Bruce E. Young, Chairman

Joe Stanek made a motion to approve the February and March Fiscal Actions Reports which was seconded by William Mason; all members present voted unanimously.

Item #3 — Project Review, Acceptance of the Project Review Actions Report: Joe Thouin

Resolution 2019-11 — Project Review Actions Report

Joe Stanek read and moved to approve the Project Review Actions Report which was seconded by James Kneeshaw; all members present voted unanimously.

WHEREAS the Commission has received and reviewed the Project Review Actions Report prepared by staff and dated April 16, 2019.

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 and Tour Boat Application Submitted by Twin Birches Cottages, LLC & Devocean Watersports, Town of Lake George, Warren County

Joe Thouin introduced the application submitted by Twin Birches Cottages & Devocean Watersports. He explained that this submission is actually two applications. The first part of the application is the marina modification to add a charter vessel and the second part is the tour boat portion allowing for use of the charter vessel.

Tom Jones spoke on behalf of the applications. He said that they are looking to add a charter vessel to their small operation and he explained that guests of Twin Birches have shown great interest and as such most of his business would come from the guests of Twin Birches.

Mr. Jones explained that the tour times would be structured just as they are for his jet-ski tours. He finds that structured tours are much easier to manage. They plan to follow the same tour route and would like to have the ability to take passengers out for sightseeing and tubing.

Chairman Young asked if the Commission members had any questions. There were none.

Joe Stanek said that he and the Commission members visited the site and don't see any problems with approving the application. He said that Devocean Watersports has been a good operator for the last couple years.

A brief discussion followed regarding congestion. It has been determined that there are no congestion issues in the areas where they are proposing to travel.

Joe Stanek read and moved to approve Resolution 2019-12 which was seconded by James Kneeshaw; all members present voted unanimously.

WHEREAS the applicants have applied for permits to modify a Class A Marina to offer a Tour Boat; 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 Class A Marina requirements of 6 NYCRR 646-1.2(b) and Tour Boat requirements of 646-1.4(d)(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

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

Class A Marina Modification Submitted by 10 Dunham's Bay Road, LLC, Town of Queensbury, Warren County

Joe Thouin introduced the Class A Marina Modification application submitted by 10 Dunham's Bay Road, LLC. He said that this is an existing Class A Marina formerly known as Dunham's Bay Sea Ray. The applicant has requested to modify the seasonal berthing spaces from 42 to 14 and increase boat rentals from 4 to 20 and add a sightseeing charter vessel.

Matt Fuller of Meyer, Fuller & Stockwell spoke on behalf of the applicant, Matt O'Hara. He said that a lot of work has been completed on the property. It was a bit tired. Upgrades were made to the fuel system as well as the septic system and future upgrades are planned for the building and surrounding property. They will be going before Queensbury for site plan approval later this month.

Mr. Fuller said that this application, essentially, moves the Freedom Boat Club model from Beckley's to this property. He said that they have gone through the application and have read all of the comment letters. This is classified by the LGPC, for lack of a better term, as rentals but these boats are not for rent. This is strictly club membership – one must take a course and familiarize themselves with the boats and choose which vessel they would like to use within their club membership. He said that this is a pretty successful model throughout the country and is doing pretty well.

Mr. Fuller said that from a traffic stand point, he doesn't necessarily believe that they will make a massive impact. This property was a marina and is still a marina and it's highly unlikely that all of these boats will be on the water every day.

Chairman Young asked the Commission members if they had any questions for the applicant.

Marc Migliore asked if the number of members exceed the number of boats available.

Mr. O'Hara explained the ratio of members per boat. He said that this ratio of 8 members per boat is never exceeded.

A discussion followed regarding the number of rental slips, the location and color of the fuel holding tank and boat styles and usage for club members.

Cathy LaBombard questioned the increase of rental vessels being requested for this season and also asked about the times when boats are to be used. It was determined that some of the boats will go out from 9 a.m. to 2 p.m. and others will go out later in the afternoon but all boats must be back by 7 p.m.

There were no further questions from the Commission members.

Carol Collins spoke against the application. She spoke about concerns regarding overcrowding and damage to the shoreline. She said that the Dunham's Bay 5 mph zone is displacing the problem of congestion to other parts of the lake. Because of this 5 mph zone the area is still crowded but it is not labeled as congested. Just outside of the bay it's labeled as being 283% overcrowded. This comes directly from LGPC's 2015 Recreation Study. She said that we need to be looking at these findings and she urged the Commission members to table the application to allow for further examination of the application.

John Collins spoke against the application. He pointed out that by decreasing the seasonal berthing slips by 12 you are taking out boats that were being used, on average, 2.5 times per week and substituting 20 boats that may go out 1.5 times per day. Mr. Collins said this is a factor of use of 4.6 more times per week than what currently exists.

Arlene Lotters said that she and her husband are permanent year round residents of Dunham's Bay. She said that their property is just outside of the 5 mph zone.

Mrs. Lotters said that she and her husband have not had very much time to review the application but what she knows of the area and the atmosphere here is that it is a bit like a circus. It is crazy with boats going on the rocks – the waves are huge and boaters put on the power as soon as they get outside of the 5 mph zone.

Mrs. Lotters said that she does not feel prepared enough to give substantive comments, however, she did ask for more time to review the application.

Bob Clandon, a resident of Assembly Point, said that he had a chance to quickly review the application. He said that he would recommend approving with just 10 boats and feels that allowing 20 would be a huge mistake at this time. He also spoke about the Freedom Boat Club business and said that there are 150 of these around the United States and at any given time members who have reciprocal privileges can just come up and take a boat out – so thinking that it's just local people who love and appreciate the lake is not true.

Rolf Ahlers reaffirmed what everyone else previously stated. He said that himself, the Collins and Mr. Clendon are all part of the Assembly Point Water Quality Coalition.

Mr. Ahlers said that the Lake George Park Commission has the obligation to maintain the integrity of the lake. Our small group has seen a major deterioration of the lake mainly because of outside agents.

Barbara Simms, a year round resident of Dunham's Bay, explained that several members wanted to be here but due to the late notice they were unable to make it. Ms. Simms reiterated all of the comments stated previously and she urged the Lake George Park Commission to table this application to allow more time to review the information found in the packet. Ms. Simms said that when the Dunham's Bay Association applied to move their buoys further into the lake the boat traffic was video-taped so the information given on boat traffic is accurate.

Matt Fuller said that the applicant has an engineered system in place for pump outs and this system meets and exceeds Queensbury's standards.

Mr. Fuller also spoke about keeping his boat at a local marina and said that it's just not true that seasonal berthing customers don't use their boat several times a day. He knows that he takes family out many times on holidays and get-togethers.

Mr. Fuller said that many of the comments are subjective in nature. The applicant, Matt O'Hara, has made a considerable investment in the property. He has replaced the leaking fuel tank and replaced the failing septic system. Freedom Boat Company has a history on the lake – they were on the lake for the last several years and had no complaints. The proposal for this site works.

Joe Stanek asked if the applicant would be amenable to reducing his slips from 20 to 12 and then he could come back the following year to request an increase.

Chairman Young said that this is an unusual situation that I have not seen where people in the audience are requesting the application be tabled. Did the neighbors have enough time to review the application materials?

Joe Thouin explained that this application was received by the Lake George Park Commission in the fall of 2018 and was sent out for public comment twice. Our policy is to contact neighbors that are within 500' of the subject property.

Carol Collins said that they were not notified because they are not within that 500' area.

William Mason said that he thinks the LGPC did their job on getting notice out to the neighbors but he was surprised that they didn't hear from more people.

Mr. Fuller said that his client applied in the fall on purpose, enough time to allow the neighbors to review his proposal and to submit comments and knowing this

application would take some time to work through zoning, the NYS Department of Environmental Conservation and for time to work on the failing septic system.

Mr. Fuller said that it would be unfair to kick this can down the road – it is just delaying the inevitable. They would come back to apply again. Mr. O’Hara has already agreed to reduce his seasonal berthing slips – which is worth a lot on Lake George.

Dave Wick said that the clear opposition here is congestion, density and boat traffic. The Commission is an unbiased third party to this issue – not for it, not against it. Joe Thouin has spent days going through this application evaluating what impacts there may be.

Joe Thouin said that we expected opposition on this application so we recommended that the applicant have all his ducks in a row. We did receive comment letters from the Dunham’s Bay Association who said that he represented over 60 property owners and we also received a letter from Barbara Simms who represented herself as the Chair of the Water Quality Committee.

Mr. Thouin said that in doing some mathematical computations, the increase in boats trips results in a 7 to 8% increase in the total number of vessels in the bay on a week day. This mathematical computation is based on the original application request of 20 rentals.

Joe Stanek said that he is not in favor of tabling the application. He believes that staff has done due diligence and have done a lot of work on this.

James Kneeshaw said that he cannot disagree with anything said today but you also cannot blame one person for the congestion. Everyone on the lake contributes to the congestion.

Kenneth Parker said that he has been on the lake for the last 40 years and he lives in a busy bay. We always knew that there was a marina there and was must remember that these 5 mph zones are no wake zones and the LGPC has nothing to do with designating these areas in the bays. He said that the history stands for itself – this is not a new problem.

Cathy LaBombard said that Freedom Boat Club is a vehicle to allow responsible people access to the lake. It’s nice that this is available to the average person. There are other factors that contribute to the issues in Dunham’s Bay, such as the size of boats and large wakes that destroy the shoreline.

Marc Migliore said that he agrees with much of what was said today and without a firm reason to deny, the application should be approved. He said that the applicant should be given a chance. The model shows responsible ownership and use.

Dave Floyd said that he is familiar with the Freedom Boat Club. He tried to rent a boat when he was in Florida and they wanted him to take a three day course although he is a Coast Guard Captain. He said that they are very stringent with their training. The Commission did a good job trying to inform the public – the applicant did not try to sneak the application through and he is reducing the number of slips.

William Mason said that everything we do as Commission members is a balance. He said that he was very impressed with the neighbors' comments – they are the ones that have to live there. He said that it seems to him that these are not our typical renters who just hop in the boat and go. He said that he would be in favor of approving the application with reduction to 12.

Chairman Young said that these are not the normal boat renters and he doesn't feel like this is going to be an increase. He said that he believes that the Freedom Boat Club did a good job and his concern was that the neighbors did not get enough time to review the application but it has been going on since 2018.

Joe Stanek read and moved to approve Resolution 2019-13 which was seconded by William Mason; all members present voted unanimously.

WHEREAS the applicant has applied for a permit to modify a Class A Marina to reduce seasonal berthing by 28 vessels and increase motorized rentals by 16; 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 applicant has demonstrated that the facility complies with the 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 application with the following modifications or conditions:

Motorized rentals shall increase from 4 vessels to 12 vessels.

Class A Marina Application Submitted by Salim Amersi, Town of Lake George, Warren County

Joe Thouin introduced the application submitted by Salim Amersi. He said that this is an application for a new Class A Marina, offering 10 berthing slips. There is also a companion application for new docks that we are reviewing as well. Chris Girard is present to speak on behalf of the application.

Mr. Girard spoke about the history of the property. He said that the applicants have built their home and removed the old hotel from up the road and are making additional upgrades to the property. Their goal with their docks is to remove as much of the non-conforming portions as possible, however, they would like to keep the boathouse and replace two of the dock fingers. The facility, currently, would accommodate 7 boats including one in the boathouse. The application is for 5 slips on that side, 2 of those boats would be counted towards the Class A Marina which is asking for 10 boats in total. On the South side, you'll see two "U" shaped docks that will accommodate 8 slips. Mr. Amersi would like to retain 3 slips on the boathouse dock.

Mr. Girard said that the Class A Marina brings up a lot of questions. It is important to point out that there will not be any traditional marina activities. There will be no boat storage, no trailer storage, no mechanical work, no gas sales and no pump outs although we do have an agreement with the Boardwalk Marina for pump outs.

Because this is Salim's home he has requested for hours of operation of 7:00 a.m. to 8:00 p.m. from May 1 through October 31. There will be 15 parking spots available, 2 – 55 gallon receptacles and a dumpster which will have screening and security. Mr. Amersi would also like to add two port-a-johns that will not be visible from the lake.

A discussion followed regarding the depth of the stairs on the walk way as well as rehabilitation of the docks.

Joe Stanek said that he visited the site and many improvements have been made. This is a much better solution.

Marc Migliore spoke about the permit that is required from the NYS Department of Environmental Conservation.

Joe Stanek read and moved to approve Resolution 2019-14 which was seconded by Dave Floyd; all members present voted unanimously.

WHEREAS the applicant has applied for a permit to operate a Class A Marina offering 10 seasonal berthing slips; 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 applicant has demonstrated that the facility complies with the 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.

Class A Marina Modification and Tour Boat Application Submitted by Amersi Enterprises & Sunset Boat Charters, Village of Lake George, Warren County

Joe Thouin introduced the next application submitted by Amersi Enterprises. He said that this is another companion application for a marina modification and a tour boat application.

Tom Horn spoke on behalf of the applicant. He said that he operates Sunset Boat Charters out of the Surfside Resort and explained that he would like to add an additional charter vessel because the business is there. Mr. Amersi would like to add 5 additional stand up paddleboards and 4 kayaks to his marina permit.

Joe Stanek said that he and a number of the Commission members visited the site and had discussed restricting the paddleboards to the 5 mph zone – no further than the Boardwalk Marina.

Kitty Rooney said that she lives at the Lochlea Homeowners Association and is the property manager. She said that she is disturbed by the LGPC advocating that the East Brook Delta is a good destination for the paddleboards and kayaks. She added that the land along the delta is privately owned and during a week day they get anywhere from 10-15 that congregate. They are in direct violation of LGPC regulations.

We would like to ask the Commission to use buoys to mark the 200' from shore where there should be no recreating. We are not against this business venture.

Kate Breslin who also lives in the area said that she is one of the people that enjoy the lake on Saturday and Sunday because she works during the week. She too is concerned that the English Brook Delta was determined a good place to kayak and paddleboard. She explained the scene that unfolds on a weekend and said that many of the kayakers bring their dogs that have to use the shore to go to the bathroom. This also brings trash, etc.

Ms. Breslin asked the Commissioners to think about the repercussions before approving this application.

Joe Thouin explained that the Commission tries not to advocate for any one area on the lake and he read directly from the project synopsis. A discussion followed regarding the right of passage, regulations of activities and enforcement on the weekends.

Joe Stanek read and moved to approve Resolution 2019-15 which was seconded by William Mason; all members present voted unanimously.

WHEREAS the applicants have applied for permits to modify a Class A Marina to offer an additional Tour Boat and 9 non-motorized rental vessels; 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 Class A Marina requirements of 6 NYCRR 646-1.2(b) and Tour Boat requirements of 646-1.4(d)(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

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

Item #4 — Law Enforcement Committee Report: Kenneth Parker, Vice-Chairman

Vice-Chairman Parker said that a Law Enforcement meeting was held at 9:00 a.m. where they met and discussed on going enforcement cases as well as Marine Patrol needs and updates.

Resolution 2019-17 — Law Enforcement Committee Report

Kenneth Parker read and moved to approve Resolution 2019-17 which was seconded by William Mason; all members present voted unanimously.

WHEREAS the Law Enforcement Committee met April 30, 2019 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 #5 — Public Comments

No public comments.

Item #6 — Adjournment

James Kneeshaw made a motion to adjourn the meeting which was seconded by Joe Stanek; all members present voting affirmatively. The meeting was adjourned at 12:25 p.m.

SECRETARY'S NOTE: The next Commission meeting is scheduled for **Tuesday, May 28, 2019 at the Holiday Inn, Lake George, NY.**