



Bruce E. Young  
Chairman

Dave Wick  
Executive Director

## **MEETING MINUTES**

**MEETING NO. 488**

**TUESDAY, AUGUST 27, 2019**

**LAKE GEORGE TOWN HALL, LAKE GEORGE, NY**

**PRESIDING:** Bruce E. Young, Chairman

**COMMISSION MEMBERS PRESENT:**

Kenneth W. Parker  
Marc Migliore  
Joe Stanek  
Catherine LaBombard  
Dean Cook  
James Kneeshaw  
William Mason  
John McDonald  
Dave Floyd

**COMMISSION MEMBERS ABSENT:** None

**COMMISSION STAFF PRESENT:**

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

**COMMISSION COUNSEL PRESENT:** Jessica Vinson

**OTHERS PRESENT:**

Gil Engler	Buzz Lamb	Dennis Quirk
Steve Ramant	Joseph DePace	Jeffrey Meyer
Norman Dascher	Brendan Willigan	Todd Earl

Jeffrey Wagner  
Kate Leary  
Julie Eigo  
Lance Hillman

Rick Karlin  
Gwen Craig  
Jim Rose

Mike Wistuk  
Sandra Smith-Cehowski  
Bernie Gambacorta

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

The meeting was called to order at 10:05 a.m. and the roll call was taken.

Marc Migliore made a motion to approve the July meeting minutes which was seconded by Dean Cook; all members present voted unanimously.

**Item #2 — Fiscal Actions Report for July 2019: Bruce E. Young, Chairman**

John McDonald made a motion to approve the July 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: Joe Thouin**

***Resolution 2019-36 — 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 August 13, 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.

**Variance Request for Wharf Modification Submitted by Sandra Smith-Cehowski, Town of Hague, Warren County**

Molly Gallagher introduced the application submitted by Sandra Smith-Cehowski. She is represented today by Jeffrey Meyer. Mr. Meyer explained that this is an application to maintain a 74' long L shaped dock. He said that the property has been in the family

for over 60 years. The dock was changed sometime in the 1980's and the L was added in the 90's. We were notified by the LGPC in 2007 that the dock needed to be fixed and put back into compliance.

Mr. Meyer said that the dock is at its current length based on shallow water conditions. The water depth is approximately 3 ft. He further explained that Sandra Smith-Cehowski has a modest 24' boat and is not looking to get a larger boat.

William Mason said that he is trying to be sympathetic to the homeowner but he doesn't feel like this fits into the neighborhood.

Chairman Young noted that the Commission does not grant variance requests based on the size or depth of a boat.

Molly Gallagher spoke about the history of the dock. She said that the dock was originally a straight pier that was 59 feet long, a permit was granted in 1999 and the dock should have only been 40 feet long and is now 74 feet long.

James Kneeshaw asked how the dock went from 59 feet to 74 feet.

Jeffrey Meyer said that his best guess is that it was built that way. He said that he is aware that Molly doesn't agree with his best guess.

Sandra Smith-Cehowski spoke to the board and said that she is feeling a little upset. She explained that her father had the property, sold it and moved the dock from one property to another. She said that nothing was added to the dock and anything that must be changed will be done by herself and her husband.

Joe Stanek read and moved to approve Resolution 2019-37. A roll call vote was called. The results are as follows:

Ayes: J. Stanek (1)

Nays: D. Cook, M. Migliore, B. Young, W. Mason, C. LaBombard, J. Kneeshaw, D. Floyd, J. McDonald, and K. Parker (9)

The application has been denied.

**WHEREAS** the applicant has applied for a variance to maintain a 74' long, 18' 9" wide L-shaped crib dock with a canopied boatlift; 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:...

(i) No dock or wharf may extend offshore for more than forty feet beyond the mean low-water mark where the wharf intersects the mean low-water mark; and

(5) The maximum width of any pier shall be eight feet.

**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 proposed project is reasonable and necessary and will not cause unreasonable, uncontrolled, or unnecessary damage to the natural resources of the state, including soils, forests, water, fish, shellfish, crustaceans and aquatic and land-related environment; 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 approves the request for variance as proposed.

**Variance Request for Wharf Modification Submitted by Sunnyview Homeowners Association, Town of Lake George, Warren County**

The Sunnyview Homeowners Association application has been placed on hold but the Commission will be listening to anyone who wishes to comment on the application.

Joe Thouin said that the Commission has reviewed the deeds and they can only find where 10 slips were deeded to homeowners.

Norman Dascher said that he is a year round resident at Sunnyview HOA. He said that there are 14 lots, 12 of which were meant to have deeded slips. He said that only 10 have been found.

Mr. Dascher spoke further about the problems with the current dock configuration. He said that boats are land locked sometimes and explained that he lost 2 sales based on the notoriety of not being able to boats out.

Jim Rose of Twin Birches said that no matter what the boats will constantly be over the 20' setback area and he has concerns for his kayakers and swimmers.

Chairman Young said that Mr. Dascher was aware of the dock situation when he purchased so it's not a hardship, it's a mistake.

Boat sizes are listed in deeds at the following lengths: 20', 22' and 25' with a maximum beam width of 8'.

William Mason suggested that the Sunnyview HOA have their attorney straighten out the deeds and come back.

**Item #4 — Lake George Parasails: Public Input Session**

Chairman Young explained that this is not a hearing but a chance for the public to voice their concerns and opinions.

Bruce Lundgren said that he has been on the East side of the lake for over 60 years. He said that he has some concerns regarding the southern basin because the launch is always open and it is extremely busy. He also voiced concerns over the large wakes that parasail boats make and believes they should stay in the middle of the lake. They should stay on the west side of the lake – this would be better for the Eastern shoreline.

Lance Hillman said that he believes that parasailing is a relatively safe sport. He said that he grew up on Lake George in Cleverdale. He said that the driver and the observer are the most important and drug tests should be administered, life jackets must be worn, they should know how to turn on a dime and know how to stop and they should also have a mirror on board and be willing to put themselves in jeopardy if needed.

Gil Engler said this sounds like this could be a dangerous sport if you have to put your life in jeopardy.

Michael Wistuck, Manager of JDQ Enterprises Parasailing, said that they all have winch boats now so that they can easily pull in customers if it is needed. He also noted that they are regulated by the WSIA and are US Coast Guard certified, CPR certified, Lifeguard certified, etc.

Mr. Wistuck also spoke about insurance requirements as well as the number of flights that are required before an operator can put someone in the air.

Carol Collins spoke about the compatibility of parasail boats with other boats on Lake George. Do parasails cause an exclusion of other activities on Lake George? Do they cause consolidation to one area of Lake George so others can't be there?

Kate Leary said that she is a trainer who trains Norwegian and Royal Caribbean staff. She said that she has been flying for about 13-15 years and believes that we have some of the most skilled operators here on Lake George and she does not believe that we are crowded here on Lake George. She spoke about her time working in Asia where they have 80 boats or more in a 10 mile area.

There were no further comments regarding parasailing activities on Lake George.

### **Item #5 — Kayak Flags for Commercial Operations**

Steve Ramant read from an article in the Post Star Newspaper that read "Kayaker, 82 Hit and Badly Injured." We don't want this to say killed. "You know what needs to be done." Mr. Ramant suggested that we include paddle boards as well. Call it "small craft operation."

### **Item #6 — Law Enforcement Committee Report: Kenneth W. Parker, Vice-Chairman**

Kenneth Parker spoke about the Law Enforcement Committee meeting that occurred this morning. He said the Committee discussed on going enforcement cases, the law enforcement school that will occur in September and the new boat that was provided by NYS Parks and Recreation.

### **Item #7 — Public Comments**

William Mason said that we would need to get help from Albany to get new regulations but we may be able to require flags within our marina permits.

Steve Ramant spoke about adjusting your boat to get the bow down along with these flags could help to save lives.

Julie Eigo of Lake George Kayaks suggested the use of reflective stickers on paddles as well as the use of flags. She said that the flags aren't as visible as you would think.

### **Item #8 — Adjournment**

Joe Stanek made a motion to adjourn the meeting which was seconded by Dean Cook; all members present voting affirmatively.

**SECRETARY'S NOTE:** The next Commission meeting is scheduled for **Tuesday, September 24, 2019**