



Bruce E. Young
Chairman

Dave Wick
Executive Director

MEETING MINUTES

MEETING No. 486

TUESDAY, JUNE 25, 2019

HOLIDAY INN, 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

COMMISSION MEMBERS ABSENT:

John McDonald
Dave Floyd

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:

Buzz Lamb	Mike Chimiak	Carol Wright
George Goodwin	Walt Lender	Rosemary Pusateri
Gwen Craig		

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 members present voted.

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

Joe Stanek made a motion to approve the May 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 2019-26 — 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 June 11, 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 Application Submitted by Carol Wright, Town of Queensbury, Warren County

Joe Thouin introduced the application submitted by Carol Wright. He explained that this is an existing Class B Marina and the applicant wishes to add a second seasonal berthing slip, requiring the Class A permit.

There were no questions, concerns or comments.

Joe Stanek read and moved to approve Resolution 2019-28 which was seconded by Dean Cook; all members present voted unanimously.

- WHEREAS** the applicant has applied for a Class A Marina permit offering two seasonal berthing slips; 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 activity will comply with the Class A Marina requirements of 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 proposed condition: Due to the residential nature of the area, marina customers shall not be at the subject property or docks between the hours of 10pm and 5am.

Variance Request Wharf Modification Submitted by Mt. Knoll Cottages, Town of Lake George, Warren County

Mike Chimiak has submitted an application to modify his dock from 70 feet to 96 feet. This application requires two variances as it is in the 20 foot setback and extends more than 40 feet from the mean low water mark.

Mr. Chimiak said that his business could lose up to 20 percent of its rental income if the application were denied. Commissioner Stanek disagreed, stating that Mr. Chimiak could still rent cottages to guests without boats.

Joe Stanek read and moved to approve Resolution 2019-29 which was seconded by Ken Parker; all members present voted, two in favor, six against.

WHEREAS the applicant has applied for a permit to replace a 70' pier with a 96' pier; 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 a Type II action pursuant to 6NYCRR 617.5; 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 as required by 645-5.5

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 more than 40 feet beyond the mean low water mark.

(11) Every dock or wharf constructed shall have a minimum setback of 20 from [either] the adjacent property line extended into the lake... or at a right angle to the mean high water mark, whichever results in the greater setback.

WHEREAS the applicant has demonstrated unique and peculiar conditions which impose a substantial technological, financial, or safety burden; 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 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 denies the request for variance and the above application.

Item #4 – Legal Services Provider: Dave Wick, Executive Director

Vice Chairman Ken Parker provided a summary of the proposals received and reviewed by the ad hoc committee. Ken described the process by which the committee members ranked the proposals.

Ken Parker read and moved to approve Resolution 2019-30 which was seconded by Catherine LaBombard; all members present voted unanimously.

WHEREAS the Commission retains legal counsel under a contractual arrangement based upon an evaluation of competitive proposals, and

WHEREAS the term of the current agreement expires on October 31, 2019, and

WHEREAS the Commission prepared a Request for Proposals which was distributed to a number of area law firms and notice of which was published in the New York State Contract Reporter, and

WHEREAS six proposals were received in response to the RFP and were reviewed by the Ad Hoc Committee on June 19, 2019 in accordance with the methodology set forth in the RFP, and

WHEREAS the firm of Bartlett, Pontiff, Stewart and Rhodes received the highest rating by the Ad Hoc Committee and the Committee has forwarded its recommendation to the Commission.

NOW THEREFORE BE IT RESOLVED that the Commission accepts the proposal of Bartlett, Pontiff, Stewart and Rhodes to provide legal services to the Commission for the period November 1, 2019 to October 31, 2024.

Item #5 — 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 2019-31 — Law Enforcement Committee Report

Kenneth Parker read and moved to approve Resolution 2019-31 which was seconded by Dean Cook; all members present voted unanimously.

WHEREAS the Law Enforcement Committee met June 25th, 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 #6 — Public Comments

George Goodwin of Bolton made comments in regards to restricting Class A marinas in residential areas. Mr. Goodwin requested that the Commission begin publishing annual lake level reports as was done historically. Mr. Goodwin recommended that all boaters be required to take a boater's safety course. Mr. Goodwin also commented on the high levels of personal watercraft use in Huddle Bay.

Item #7 — Adjournment

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

SECRETARY'S NOTE: The next Commission meeting is scheduled for **Tuesday, July 23, 2019.**