



Bruce E. Young
Chairman

Dave Wick
Executive Director

MEETING MINUTES

MEETING NO. 485

TUESDAY, MAY 28, 2019

HOLIDAY INN, LAKE GEORGE, NY

PRESIDING: Bruce E. Young, Chairman

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS ABSENT:

John McDonald
William Mason

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
Michelle Way, Office Assistant II

COMMISSION COUNSEL PRESENT: Karla Buettner

OTHERS PRESENT:

Buzz Lamb	Peter Voll	Marty Oldenburger
Randy McIntosh	Eric McIntosh	Carol McIntosh
Bob Palandrani	Michelle Palandrani	Rich Simonson
Vivian Simonson	Harold Pike	Jim Splonskowski
Robin Peters	Ann Marie Splonskowski	

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 April meeting minutes which was seconded by Cathy LaBombard; all members present voted.

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

Joe Stanek made a motion to approve the April 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 2019-19 — 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 May 14, 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.

Tour Boat Application Submitted by ADK Boat Tours, Town of Bolton, Warren County

Joe Thouin introduced the application submitted by ADK Boat Tours. He explained that this is a tubing and sightseeing tour that would leave from the Flamingo Resort. The Flamingo resort already has authorization for up to 5 tour boats but currently has 3. This will make up the 4th tour boat, if approved.

Eric McIntosh addressed the Commission members and said that he is 21 years old, he has been living in this area for the past 3 to 4 years, coming from the Lake Ontario area.

Mr. McIntosh has complied with all requirements of the Park Commission as well as the NYS Office of Parks, Recreation & Historic Preservation.

There were no questions, concerns or comments.

Joe Stanek read and moved to approve Resolution 2019-21 which was seconded by Dave Floyd; all members present voted unanimously.

WHEREAS the applicant has applied for a permit to operate a Tour Boat; 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 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.

Wharf Modification Submitted by Peter Voll, Town of Queensbury, Warren County

Peter Voll has submitted an application to modify his dock from 40 feet to 100 feet. This application does require a number of variances.

Mr. Voll said that he purchased this property in 1985 as his second home and when the property was purchased the delta existed and has been problematic from the beginning.

Mr. Voll explained that he has the same 17' boat that he purchased many years ago – he is not looking for a longer dock so that he can purchase a larger boat.

Mr. Voll said that the delta has been growing and getting larger over a number of years. He said that anyone who has swum at the Hague Town Beach knows just how shallow this area really is. He said that he has a good relationship with the Town of Hague and the neighbors and he supports all the activities that go on in the area.

Dean Cook asked Mr. Voll about his thoughts on the increasing delta.

Mr. Voll said that he does not have any measurements but said that he does have his memories and he believes that the depth has gone up about 6 inches. He explained that the water comes ripping out into the lake and you can see the turbulence, muddy water and the debris – the water flows cleanly as there is no odor.

Cathy LaBombard said that she visited the site and there was a lot of precipitation so the water wasn't running as clearly as it usually does.

A discussion followed regarding the dock. The dock is a stake dock and is put in, in 10 foot sections each year – there are no plans for a boathouse.

The dock to the north was granted a variance with the added condition that if dredging was to occur and lake depth becomes suitable the dock length must be pulled in. The same would be authorized for this dock.

Joe Stanek read and moved to approve Resolution 2019-22 which was seconded by Dean Cook; all members present voted unanimously.

WHEREAS the applicant has applied for a permit to replace a 40' pier with a 140' 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:

(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.

(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 approves the request for variance and approves the above application.

Chairman Young noted that this hardship was not caused by the applicant.

Dean Cook said that erosion is still occurring at the Hague Brook.

Class A Marina Application Submitted by Snug Harbor South, Inc., Town of Hague, Warren County

Joe Thouin introduced the application submitted by Snug Harbor South Marina. He said that the applicant has purchased the adjacent property which was previously a marina called Prop & Sail. There will be no change in marina services.

Bob Palandrani spoke on behalf of the application. He said that his marina is directly next door to what used to be called the Prop & Sail Marina where they have always

had access to docking. He explained that they would be doing the same thing they have always done – nothing will be changing.

No one was present to speak against the application and no additional comments.

Joe Stanek read and moved to approve Resolution 2019-23 which was seconded by Dean Cook; all members present voted unanimously.

WHEREAS the applicant has applied for a permit to modify a Class A Marina to expand the docking facility to include existing structures on an adjacent parcel, which was recently purchased by the applicant; 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 projects are Unlisted actions 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 projects 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 as proposed.

New Class A Marina Application Submitted by Madison Finley, Town of Bolton, Warren County

Joe Thouin introduced the next application submitted by Madison Finley. He explained that Mr. Finley already has a Class B Marina permit so this application would be an increase of one additional boat.

Mr. Finley addressed the Commission and said that there would be no new construction and explained that both boats are owned by full time Bolton Landing residents – this is strictly rental of dock space and absolutely no marina services.

Dean Cook said that he was looking at photos and was only able to see one dock. Mr. Finley said that the photo must have been taken prior to dock installation.

Joe Stanek read and moved to approve Resolution 2019-24 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 two seasonal berthing spaces; 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 projects are Unlisted actions 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 projects 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 as proposed.

Request to Amend Registration of Existing Wharf Submitted by Shirley Crisafulli Family Trust, Town of Bolton, Warren County

Molly Gallagher explained that this is not an application for a permit but rather a request to amend an existing wharf registration.

In 1981 Mr. Crisafulli submitted a dock diagram to DEC which was approved and grandfathered. The wharf was registered as 60' in length but when it was measured by Commission staff it was found to be 100' in length.

The applicants are here to represent the application along with their legal counsel.

Michael Stafford, legal counsel for the Crisafulli Family Trust, explained that the original dock diagram did state that it was 60 feet long. Unfortunately, many of the original owners have either died or are in nursing homes.

Mr. Stafford said that the LGPC sketched the dock in 1997 and found that it was in fact 100 feet in length. Statements from the neighbors have all stated that the dock was always 100' long. This is the same dock that was there in 1980.

Mr. Stafford said that he spoke with Scott Andersen who said that he cannot testify to this but believes this to be the same dock that was present in the 1970's.

Jim Splonskowski said that he helped put this dock together. It was made in 16 foot sections with metal posts and wooden bumpers. The dock showed signs of sagging so intermediate posts were added.

Mr. Splonskowski said that something changed in 1997 and he doesn't know what but this time frame is killing them. He said that they were never approached about the discrepancy in the length. If the Lake George Park Commission didn't ignore this for 28 years we could have had some of the original owners here – we cannot bring them back from the dead.

Richard Simonson said that he owns the shallow beach property and no mistake was made. This dock was always 60 feet long not 100 feet.

Mr. Simonson said that none of them have a legal right to a dock and no one maintains the property. He said that he is the owner of the shoreline – the others have 20' deeded right to the beach.

Robin Pike said that the longest docks in the area were the hotel docks and those hotel docks were only 88 feet long.

Mr. Stafford said that the dock was 100 long in 1990 and he believes that the applicants have met their burden.

Joe Stanek said that it is his belief that staff has done their due diligence in going back in the records. There is no other evidence from 1981 showing that this dock was 100 feet long.

Mr. Stanek said that he would have to agree with staff's determination to stay at 60 feet.

Dave Floyd said that he read the affidavits stating that the best recollection is that the dock was 100 feet long. The neighboring docks that were registered at the same time were not 100 feet long.

A discussion followed regarding the aerial photos, the neighboring properties and the belief that the docks were altered.

The Commission does not believe that there is enough evidence to substantiate changing the wharf registration from 1981. They find it hard to believe that a prominent businessman would make a 40' mistake.

Joe Stanek read and moved to approve Resolution 2019-20 which was seconded by Dean Cook; all members present voted unanimously to deny the wharf amendment.

The existing Wharf Registration from 1981 was not amended. Chairman Young gave the applicant the option to come back and apply for a variance.

WHEREAS the Lake George Park Commission has reviewed a request from the Shirley Crisafulli Family Trust to amend Registration of Existing Wharf #338; and

WHEREAS the Commission has reviewed the pertinent documents available; and

WHEREAS the Commission finds that there is new evidence showing that the sketch attached to Registration of Existing Wharf #338 was in error as to the length of the dock as it existed on July 3, 1981; and

NOW THEREFORE BE IT RESOLVED

The Lake George Park Commission hereby directs staff to amend Registration of Existing Wharf #338 by modifying the size of the registered dock to 100' X 4'.

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. He also spoke about receiving a new patrol boat as well as the purchase of an old boat at auction.

Resolution 2019-25 — Law Enforcement Committee Report

Kenneth Parker read and moved to approve Resolution 2019-25 which was seconded by Dave Floyd; all members present voted unanimously.

WHEREAS the Law Enforcement Committee met May 28, 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 — Legal Services Request for Proposals – Committee Delegation: Bruce E. Young, Chairman

The Committee of three was elected to review the legal proposals that are due on June 17, 2019. The three elected members are as follows:

Joe Stanek, Kenneth Parker and James Kneeshaw

Item #6 — Public Comments

Pat Dowd, of the Lake George Association, said that as part of the work they do they clean out sediment basins and this one is on the schedule to be cleaned out this summer – it was last cleaned out in 2015.

Joe Stanek made a note regarding the Crisafulli application – he noted that the Crisafulli's do not own the land so they would need to obtain prior approval from the owners in order to apply for a permit.

Item #7 — Adjournment

Kenneth Parker made a motion to adjourn the meeting which was seconded by Cathy LaBombard; all members present voting affirmatively. The meeting was adjourned at 11:35 a.m.

SECRETARY'S NOTE: The next Commission meeting is scheduled for **Tuesday, June 25, 2019 at the Holiday Inn, Lake George, NY.**