



Bruce E. Young
Chairman

Dave Wick
Executive Director

MEETING MINUTES

MEETING NO. 496

TUESDAY, JUNE 23, 2020

MEETING HELD VIA TELE-CONFERENCE

PRESIDING: Bruce E. Young, Chairman

COMMISSION MEMBERS PRESENT: Kenneth W. Parker
Joe Stanek
Catherine LaBombard
James Kneeshaw
Erin Burns
Dean Cook
Dave Floyd
William Mason

COMMISSION MEMBERS ABSENT: John McDonald

COMMISSION STAFF PRESENT: Dave Wick, Executive Director
Joseph Johns, Director of Law Enforcement
Joe Thouin, Environmental Analyst I
Michelle Way, Office Assistant III
Justin Luyk, Park Ranger

COMMISSION COUNSEL PRESENT: Karla Buettner

OTHERS PRESENT:

Chad Arnold

Gwen Craig

Tom Jones

Buzz Lamb

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.

Dave Floyd made a motion to approve the May meeting minutes which was seconded by Joe Stanek; all members present voted unanimously.

Item #2 — Fiscal Actions Report for May 2020: Bruce E. Young, Chairman

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

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

Resolution 2020- 23— Project Review Actions Report

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

WHEREAS the Commission has received and reviewed the Project Review Actions Report prepared by staff and dated June 4, 2020.

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 Submitted by Francis Sisca, Mountain Motors and Restoration, Town of Hague, Warren County

Joe Thouin introduced the application submitted by Francis Sisca of Mountain Motors and Restoration. He said that the applicant wishes to modify his upland winter storage to add 50 boats.

Mr. Sisca said that he started his business about 3 years ago and has had a 3 full seasons of a successful business. He said that he seems to be adding more boats each year – started with 30 boats, then went to 40 and now he is at 50.

Mr. Sisca said that the property was need of a lot of work which has been completed. He said that he has been a good neighbor and a good steward of the lake.

Mr. Sisca said that he is planning ahead, using a conservative approach by adding 10-15 boats each year. The plan has already been approved by the Town of Hague.

Chairman Young asked if there was anyone else present to speak on the application.

There was no one else present to speak.

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

Catherine LaBombard asked about plans to install a regular bathroom facility and wondered if it would be run on town sewer or septic.

Mr. Sisca said that the town sewer does not run this far up Route 8, once the bathroom is installed it will be septic.

Joe Stanek made a motion to approve Resolution 2020-24. The motion was seconded by Catherine LaBombard. All members present voted affirmatively.

WHEREAS the applicant has have applied for a permit to modify a Class A Marina to increase outdoor winter storage by 50 vessels; 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 and facility comply 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.

Class A Marina Modification Submitted by Twin Birches and Devocean Watersports, Town of Lake George, Warren County

Joe Thouin introduced the application submitted by Twin Birches and Devocean Watersports. He explained that the applicant has requested to add 16 non-motorized vessels. 8 are solely used by guests of Twin Birches and the others would be offered to the public with instruction.

Tom Jones of Devocean Watersports said that he has been offering complimentary use at Twin Birches but would now like to offer instruction and rentals. Mr. Jones explained that the rentals are inflatable paddle boards that can be easily rolled up and placed into a back pack. Inspection of rented equipment is completed every day.

Chairman Young asked if there is any way of knowing where clientele will use the equipment.

Tom Jones said that the clients are questioned pretty well so he has an idea of the areas they will be and he also lets them know about the areas they are not allowed to be in.

Vice-Chairman Parker asked what exactly is being rented.

Mr. Jones said that onsite at Twin Birches they are renting bright green kayaks and bright yellow paddle boards. There are flags on the kayaks.

Catherine LaBombard said that she still has some concern regarding Joe Johns comments and said that she knows that they are trying to rent to people who already have a dock but how do we know that they aren't going to be in the busiest parts of the lake.

Mr. Jones explained the materials that he covers with his clients and said that they are told that they need to have access to the lake and speak further about acceptable areas of use.

Catherine LaBombard said that she is very familiar with these stand up paddleboards – her daughter has one in Florida and they seem very safe.

A discussion followed regarding the use of the southern area of English Brook.

Chairman Young said “We should not overthink this. I paddled on a log as a kid.” You have to allow a certain amount of personal liability.

Chairman Young said that he is perfectly comfortable with the application as it is.

Joe Stanek read and moved to approve Resolution 2020-25 which was seconded by Dave Floyd; all members present voted unanimously.

WHEREAS the applicant has have applied for a permit to modify a Class A Marina to offer non-motorized rental vessels; 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 and facility comply 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.

Item #4 — Regional Road Salt Reduction & Salt Brine Program: Dave Wick, Executive Director

Dave Wick, Executive Director, said that the Commission has been working with the Highway Departments to reduce road salt applications. The road salt brine keeps snow and ice from adhering to the pavement which has been very effective in our area.

Mr. Wick spoke about grants he worked on with the Village of Lake George and Warren County and spoke further about the fact the Street Treet (the company who makes the brine) was bought out so they have been looking into the possibility of making brine locally. He said that he has been working with Chris Belden on this initiative and the unit cost is \$100,000. We are short about \$28,000 so we are looking into the possibility of other Towns contributing \$5,000 to Warren County. Warren County would own the unit but would have MOU's with the Towns so they could use the unit. The unit makes about 3,000 gallons of brine per hour and it is self-cleaning.

Item #5 — Stream Corridor Regulations Update: Dave Wick, Executive Director

Dave Wick, Executive Director, spoke about the stream corridor regulations that have been being worked on for the past 3 years. He said that they LGPC has been working with the Department of Environmental Conservation and the Adirondack Park Agency who has strongly encouraged the Commission to set two distinct sets of regulations, the Stormwater Regulations and the Buffer Regulations.

Karla Buettner, Commission Counsel, explained that the Commission looked at these regulations back in 2009/2010 and the SEQR done at that time was deemed sufficient. A short EAF has been completed setting the Lake George Park Commission as Lead Agency.

Kenneth Parker read and moved to approve Resolution 2020-27 which was seconded by Dave Floyd; all members present voted unanimously.

WHEREAS, the Lake George Park Commission is directed to adopt rules and regulations in conformity with the provisions of the Environmental Conservation Law (“ECL”), including Section 43-0112(5) requiring promulgation of regulations relative to stream corridor management, including standards for locations of roads, stream channelization, frequency of stream crossings, timber harvesting and vegetative cutting restrictions within designated stream corridors; and

WHEREAS, from 2007 through 2009, the Commission engaged in rulemaking pursuant to the State Administrative Procedure Act and the State Environmental Quality Review Act, and

WHEREAS, on February 26, 2008, the Commission adopted a Positive Declaration pursuant to SEQR and authorized the preparation of a Draft Environmental Impact Statement; and

WHEREAS, the DGEIS was completed on January 27, 2009, and public hearings were held from February 24, 2009 through March 15, 2009; and

WHEREAS, the Commission reviewed all of the public comment received on the DEIS and prepared a Final EIS; and

WHEREAS, the Commission accepted a Final Environmental Impact Statement on May 26, 2009; and

WHEREAS, the Commission finalized the stream corridor regulations but chose not to enact them due to public comment and concern; and

WHEREAS, the Commission has reviewed and revised the 2009 stream corridor proposed regulations and is in the process of preparing them for release to the public for comment; and

WHEREAS, the proposed regulations have a smaller environmental impact than the 2009 regulations covered by the Final EIS; and

WHEREAS, as a result of the lesser environmental impact, the Commission has already taken a hard look at the environmental impact under the Final EIS sufficient to comply with SEQR; and

WHEREAS, on April 28, 2020, the Commission adopted a resolution finding that the Final EIS dated May 26, 2009, took into account all of the environmental issues and concerns on the 2009 stream corridor regulations and therefore is applicable to comply with SEQR for the 2020 proposed regulations; and

WHEREAS, in order to ensure that the requisite hard look is taken by the Commission on the changes to the proposed regulations, the Commission has determined it prudent to conduct additional environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Commission has reviewed and accepts Part 1 of the Draft Environmental Assessment Form attached herewith; and be it further

RESOLVED, that the Commission hereby declares itself Lead Agency for this Unlisted Action; and be it further

RESOLVED, that the Executive Director, Staff and Commission Counsel shall cause all interested agencies to be notified of this resolution.

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

Kenneth Parker said that the Law Enforcement Committee met this morning. He said they discussed enforcement activity on the lake, were advised of equipment issues and were told that Marine Patrol will be full time as of June 19, 2020. He said that they also discussed the lack of fireworks and anchoring issues in Sandy Bay.

Kenneth Parker read and moved to approve Resolution 2020-27 which was seconded by Joe Stanek; all members present voted unanimously.

WHEREAS the Law Enforcement Committee met June 23, 2020 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 #7 — Public Comments

Rosemary Pusateri thanked the Commission for being allowed to attend the meeting and asked if the Stormwater/Buffer regulations will be available online?

Mr. Wick said that regulations will not be released until they are approved by Albany.

Item #8 — Adjournment

Joe Stanek made a motion to adjourn the meeting which was seconded by William Mason; all members present voting affirmatively. The meeting was adjourned at 10:43 a.m.

SECRETARY'S NOTE: The next Commission meeting is scheduled for **Tuesday, July 28, 2020 via Tele-Conference**