



Bruce E. Young
Chairman

Dave Wick
Executive Director

MEETING MINUTES

MEETING No. 500

TUESDAY, OCTOBER 27, 2020

MEETING HELD VIA TELECONFERENCE

PRESIDING:

Bruce E. Young, Chairman

COMMISSION MEMBERS PRESENT:

Kenneth Parker, Vice-Chairman
Joe Stanek
Catherine LaBombard
Erin Burns
Dave Floyd
William Mason
James Kneeshaw
John McDonald
Dean Cook

COMMISSION MEMBERS ABSENT:

None

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: Rosemary Pusateri Robert Palandrani Mark Schachner
 Walt Lender Pat Dowd Chris Navitsky
 Lorraine Ruffing Charles Harding Carol Collins
 Lorraine Charbognin Ginger Kuenzel Mark DiChiara

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.

Dean Cook made a motion to approve the September meeting minutes which was seconded by Joe Stanek; all members present voted unanimously.

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

Joe Stanek made a motion to approve the September 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- 41— 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 October 20, 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.

Variance Request for Dock Modification Submitted by Charles Harding, Town of Putnam, Washington County

Joe Thouin introduced the application that was submitted by Charles Harding. He said that Mr. Harding has a dock structure that pre-dates Commission regulations. Mr. Harding is seeking a variance because his sundeck is in the setback and is only 3.5 feet above his dock which makes it very difficult to get a boat into.

Mr. Harding said that he purchased the property in 1998/99 in Glenburnie. The docks were not built where they were supposed to so there was a lawsuit in the 1980's and a judge redrafted the survey and the Commission accepted it. The dock is totally in the setback and no objections have been received.

Mr. Harding does not believe that this change will impact any of the homeowners around him.

There were no further questions or comments for the applicant.

Dean Cook believes that this is fine and he would approve the variance.

Joe Stanek said that this application has been reviewed with staff and it seems to be the most reasonable proposal.

Chairman Young spoke about the financial hardship aspect. He said that this would be a significant financial hardship for the applicant if he is unable to use his dock.

Joe Stanek moved to approve Resolution 2020-42 which was seconded by Dean Cook; all members present voted unanimously.

WHEREAS the applicant has applied for a permit to increase the areal extent and height of a sundeck within the 20' sideline setback

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 a variance from: 6 NYCRR 646-1.1(c)
-Every dock constructed shall have a minimum setback of twenty feet from the adjacent property line extended into the lake

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 or safety burdens; and

WHEREAS the Commission finds that there is no reasonable possibility that the applicant's property, or if no property is involved, the continuation of the applicant's business, enterprise, use or activity 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 as proposed.

Marina Modification Request Submitted by Snug Harbor Marina, Town of Ticonderoga, Essex County

Joe Thouin introduced the application submitted by Snug Harbor Marina. He explained that Mr. Palandrani is seeking a modification to relocate the fuel dispensing equipment at the marina.

Mr. Palandrani explained that he is looking to upgrade the fuel dispensing equipment as well as all the piping and the contractor believes that it would be best to move the equipment to land.

Kenneth Parker said that on a normal day more than 1 boat is being fueled and more than one boat is waiting to be fueled. He said if he was a resident next to a marina, he would be concerned.

Mark Schachner of Miller, Mannix, Schachner & Hafner, LLC said that he is representing the DiChiara family, the McArdle family and the Ranguelov family in opposition to the Snug Harbor Marina Modification application.

These families have extremely serious concerns and believe that the current location is the most unobtrusive.

Attorney Schachner spoke about SEQR and said that once you go through the document, you will not be allowed to issue a negative declaration.

Mr. Schachner spoke further about the extended property line encroachments, navigational issues in the very narrow channel, operation stacking, silt disturbance and fuel leakage with regard to property owners' water lines, etc.

Mr. Schachner spoke further about the fact that noises will stop once the marina closes for the evening but the odor from the gasoline will not stop and any semblance of privacy for the immediate neighbors will end.

Additional concerns were mentioned regarding emergency shut offs, negative impacts to the resources of the lake and the neighborhood.

Chairman Young asked if the applicant wished to speak.

Mr. Palandrani said that no one said that he had to make these changes and he said that he already stated the reasons for doing this.

Chairman Young asked if anyone else wished to speak.

Mark DiChiara said that this application is strongly contested by himself and his neighbors. He is concerned about the visual, audible and safety issues surrounding the application. He asked that the members picture themselves sitting in their backyard enjoying a peaceful day and then imagine having a Stewart's gas station right next to you.

Mr. DiChiara respectfully requests that the application be denied.

Chairman Young asked if there were any alternatives.

Joe Thouin explained that additional alternatives were discussed such as replacing in kind or a dock reconfiguration which would require a variance.

Cathy LaBombard said that she thinks it is great that Mr. Palandrani wants to upgrade his fuel system and she understands the concerns of the neighbors.

A conversation followed regarding the price per foot of new piping.

William Mason said that he was very impressed with Mr. Palandrani and it seemed to him that he was talking about the right issues – the environment and safety.

I think the best solution would be to replace in kind.

Joe Stanek said that several of the members visited the site and went through several options which still impinge on the neighbors to the south. He believes the best option would be to replace in kind as well.

Chairman Young said that he has always thought that you should be able to do what you want to your property but this does impact the neighbors.

Erin Burns, DEC Representative, spoke about moving the lines and spoke further about bulk storage requirements, etc.

Dean Cook said that he believes that Mr. Palandrani and Joe Thouin should sit down and discuss where to go from here.

John McDonald said that he has to abstain from the discussion as Mr. Palandrani is a good friend and he does business at the marina.

Dave Floyd said that this is infringing on the neighbors and he would not approve.

James Kneeshaw said in light of what you have heard, do you have a plan B.

Chairman Young made a motion to table the application; seconded by Dean Cook, all members present with the exception of John McDoanld (abstained) voted unanimously to table the application.

Item #4 — Sandy Bay Mooring Field Repairs: Dave Wick, Executive Director

Dave Wick explained that the Sandy Bay Special Use Zone (646-2.9) allows the Commission to maintain upwards of 55 to 60 mooring buoys for public use. Boaters may only use the moorings – no anchoring is allowed in this area. Over time, the moorings have been pulled off or chains have broken.

The moorings were last replaced in 2016 where we had 55 moorings and are now down to 40. At the last meeting, the Commission allowed up to \$30,000.00. The work was completed in approximately 2 days for about \$20,000.00.

On October 10, staff started to work in the shallows to find those that were missing hardware or had damaged cables, etc. On October 13, work started in the deeper water where Patrol staff took time to locate blocks with missing hardware and buoys. They marked each with floats and this saved significant time – without this, we would have easily needed a third day.

Further discussions between myself, Bill Mason, Tricia Freer and Kim Garry will occur regarding signage.

Mr. Wick spoke about the mooring maintenance and the need for better signage. He spoke further about meeting with Kim Garry, Tricia Freer and William Mason to discuss the issues in Sandy Bay.

Item #5 — Lake George Village Milfoil Mat Removal: Dave Wick, Executive Director

Dave Wick explained that from 1993 through 2013, the Lake George Park Commission used benthic barrier to smother and control larger dense areas of milfoil. Over the last several years, we have worked with the Lake George Association to co-fund removal of these mats.

An acre of benthic barrier mat material was removed from Tea Island for about \$8,000.00.

Item #6 — Update on Stream Corridor and Stormwater Regulations: Dave Wick, Executive Director

The Commission held a hearing on September 22, 2020 for Stormwater Regulations and public comment has been extended to November 27, 2020.

The Stream Corridor regulations will be on our website tomorrow. A tentative hearing is scheduled for January 12, 2021 at the Fort William Henry.

Item #7 — Law Enforcement Committee Report: Kenneth W. Parker, Vice-Chairman

Kenneth Parker said that the Law Enforcement Committee met this morning. He said they discussed patrol on the lake – they will be out until 10/31.

Dave Floyd moved to approve Resolution 2020-44 which was seconded by William Mason; all members present voted unanimously.

WHEREAS the Law Enforcement Committee met October 27, 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 #8 — Public Comments

Carol Collins asked if other agencies were reviewing public comments. Dave explained that the Commission is internally reviewing and answering all public comments.

Karla Buettner explained that the Commission already consulted with DEC and the APA prior to releasing the regulations. These agencies are not responsible to reviewing or responding to public comments.

Chris Navitsky, Lake George Waterkeeper, spoke about his concerns regarding the end of the inspection season. He said that we know that inspection works and that the gates will now be open without inspectors present and we know that people are still arriving with invasives.

Mr. Navitsky said that he would like to discuss the possibility of coming up with a program to have a couple inspectors at the Million Dollar Beach and Mossy Point launches.

Justin Luyk explained that we would normally stay open until freezing temperatures and snow fall but determined that 10/31 will be the last day this season.

Dave Wick said that during all of November 2014 there was a total of 6 inspections at Mossy Point and 2 inspections at Rogers Rock and there was a total of 11 inspections at Million Dollar Beach in November of 2019. This program is based on risk and we don't think the risk is there.

Rosemary Pusateri thanked the Commission staff for the improvements in Sandy Bay and said that she hopes we are right but fears that more invasives will enter the lake – it only takes one boat. She urged the Commission to rethink this.

Cathy LaBombard said that she echos the comments of Rosemary and Chris and prays that the boaters have been educated.

Carol Collins said that not everything is senescing in October – algal species that we need to worry about can survive.

William Mason said that maybe it is about time that we start looking at this again. Have the science guide us.

Dean Cook said that he has always been overly cautious. It would seem that we have a very low boat count in the fall and all the other access points should be locked. We should consider having just one person at Million Dollar Beach and one at Mossy Point.

Item #9 — Adjournment

Joe Stanek made a motion to adjourn the meeting which was seconded by Willaim Mason; all members present voting affirmatively. The meeting was adjourned at 11:27 a.m.

SECRETARY'S NOTE: The next Commission meeting is scheduled for **Tuesday, November 24, 2020 via Tele-Conference.**