

LAKE GEORGE PARK COMMISSION

PROJECT SYNOPSIS

Meeting Date 01/26/2021

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|--|--|--|
| Applicant FINLEY, MADISON K | Facility private lakefront | Parcel 200.14-1-20 |
| Application # DWM20-000084 Residential | Lakefront 972' | Location BASIN BAY |
| Date Received 12/09/2020 | SEQR Type 1 - Type II Action, no further review under SEQR | Comment Period Ends 01/10/2021 |

Project

Construct seven covered E-shaped crib docks in accordance with plans attached.

Background

Application has been made for 7 covered E-shaped crib docks associated with a 4 lot subdivision of 21.96 acres with 972' of total lakefront on Cotton Point Road in Bolton. The lakefront is located on Basin Bay adjacent to Cotton Point Road, which has a right of way through the property.

Proposed lakefront length and associated dock for each of the four lots is as follows:

- Lot 1: 239' comprised of non-contiguous sections of 179' and 60', 1 E-shaped dock with sundeck
- Lot 2 198' with 2 E-shaped docks, one peaked roof, one sundeck
- Lot 3: 214' with 2 E-shaped docks, one peaked roof, one sundeck
- Lot 4: 320' with 2 E-shaped docks, one peaked roof, one sundeck

By Commission regulation, the amount of docks that may be authorized is dependent, in part, by the amount of lakefront. Per the definition, "Lakefront means the number of feet of land along the waters of Lake George, excluding streams flowing into Lake George and wetlands, measured as a line along the mean high-water mark. For the purpose of computing the amount of lakefront, individual rocks and minor projections or indentations shall be disregarded. In any case where the measurement of the lakefront exceeds 110 percent of the chord distance between the points where the property lines intersect the mean high-water mark of the lot, parcel or property in question, a survey prepared by a licensed land surveyor shall be submitted to the Commission to justify the measurement of lakefront." 972' of lakefront may support up to 7 total docks. It should be noted that 251'+ is necessary to have two E-shaped docks, and individually, lots 2 and 3 have insufficient frontage to support two E-shaped docks.

Basin Bay is identified by the Lake George Recreation Study as zone 6C. This zone is identified by the 2015 Recreation Study as being overcapacity, and an increase in use of this bay was observed between 2005 and 2015. Nine percent of those surveyed for the 2015 study identified Basin Bay as being congested. The 2015 Study data indicates that the maximum number of motorized vessels observed underway was 42. Basin Bay is roughly 200 acres in size, which equates to 4.8 acres per vessel, which is below the recommended density of 6 and 13 acres cited in the 2005 and 2015 studies, respectively. In addition, at the time of max boats underway, there were an additional 41 vessels anchored in the Bay. To estimate the potential change in boat use represented by the subject proposal, we may look to the 2006 Recreation Study by Holmes et al., which states that during the peak months of July and August each vessel that is operated by an annual vessel registration holder may be expected to be utilized 10 days per month, or roughly 2.5 per week. Recognizing that the project involves four residential lots, we may estimate the project will result in an additional 10 boat trips per week (1 boat per lot, 2.5x per week). Assuming that each landowner may only operate one vessel at a time, peak boating may increase by four vessels, which would equate to 46 motorized vessels on 200 acres of water for a density of roughly 4.3 acres/vessel.

The subdivision development and construction of 7 boathouses has been approved by APA Permit. 2019-0224. The Town of Bolton has reviewed and approved the proposed 4 lot residential subdivision, and prohibits lakefront access by vehicle. Site plan review for individual lots is pending. SHPO has issued a letter of no impact.

The public comment period ended 1/10/2021. A significant number of public comments have been cited. Concerns cited include congestion on Cotton Point Road, visual impacts, and congestion in Basin Bay.

Regulatory Determinations

SEQRA

The application represents a Type II action and no further review is required under SEQRA. Specifically, pursuant to *617.5 (c)*, *"the following actions are not subject to review under this Part: (45) Actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to sections 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law;"*

FINDINGS FOR MARINAS, DOCKS, MOORINGS APPLS

The Commission must make findings under provision 6NYCRR 646-1.6(a):

"Prior to granting any permit relative to a dock, wharf, mooring or marina, the Commission shall ascertain the probable effect of the proposed facility and the operation thereof on the health, safety and welfare of the public and on the resources of the Park. The Commission shall also ascertain the impact of the proposed facility upon the congestion of Lake George and the probable visual, cultural and audible effects of the proposed facility on the neighborhood in which the facility is proposed and on the Park. Where the Commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public or the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park, a permit shall be denied."

BOLTON LOCAL WATERFRONT REVITALIZATION PROGRAM

The project is subject to the Bolton Local Waterfront Revitalization Program. Under State law, certain State actions, such as permit approvals, within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP.

https://www.boltonnewyork.com/upload_files/town-ordinances/LWRP.pdf



NYS ITS GIS Program Office, Westchester County GIS



1" = 250 feet

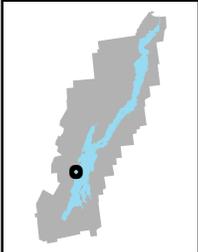


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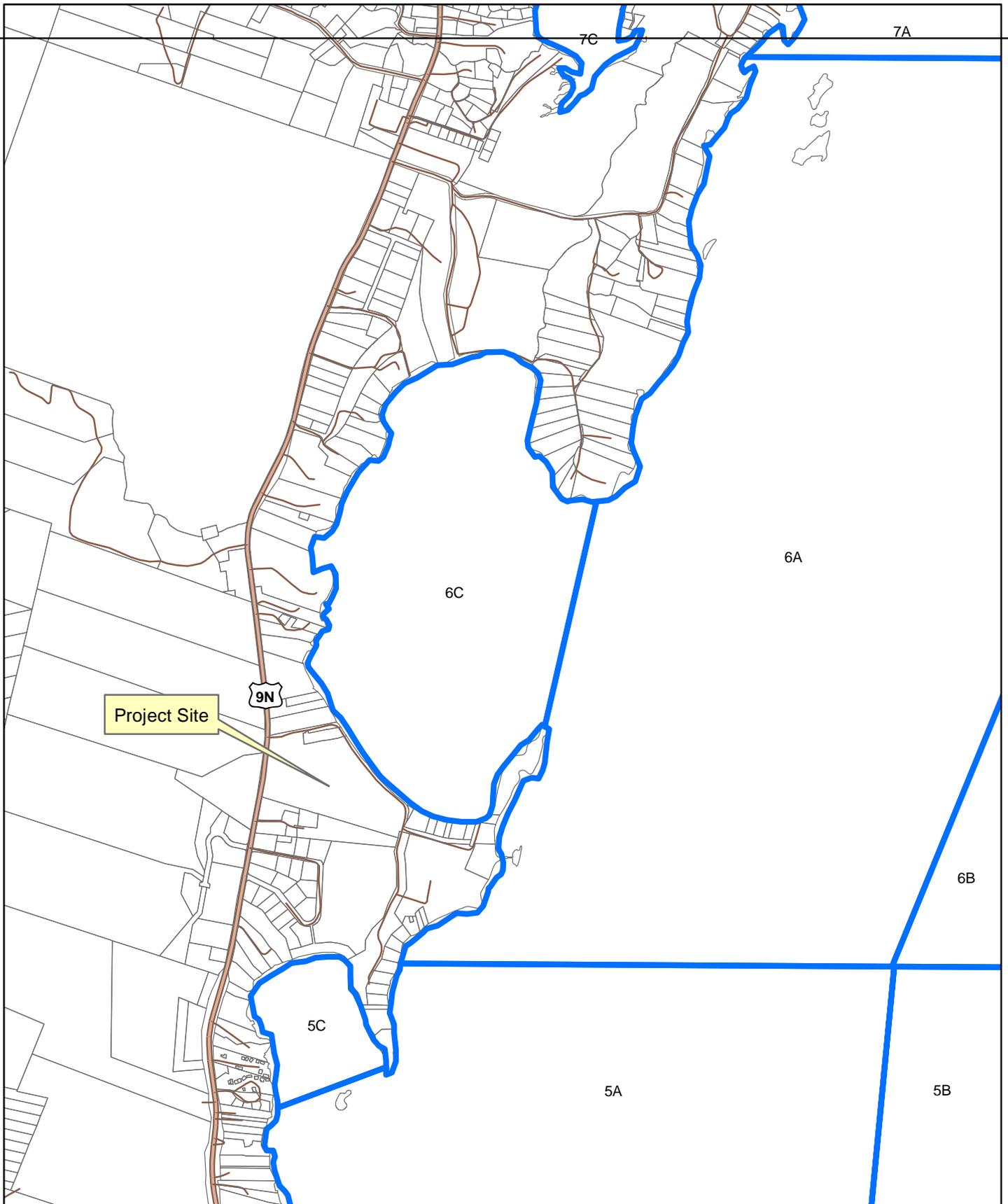
Finley Dock Application
 TM# 200.14-1-20
 Cotton Point Road
 Town of Bolton

2018 Air



APA Shoreline Photo ca. 2011





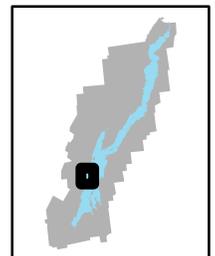
1" = 1319 feet



IMPORTANT NOTICE AND DISCLAIMER

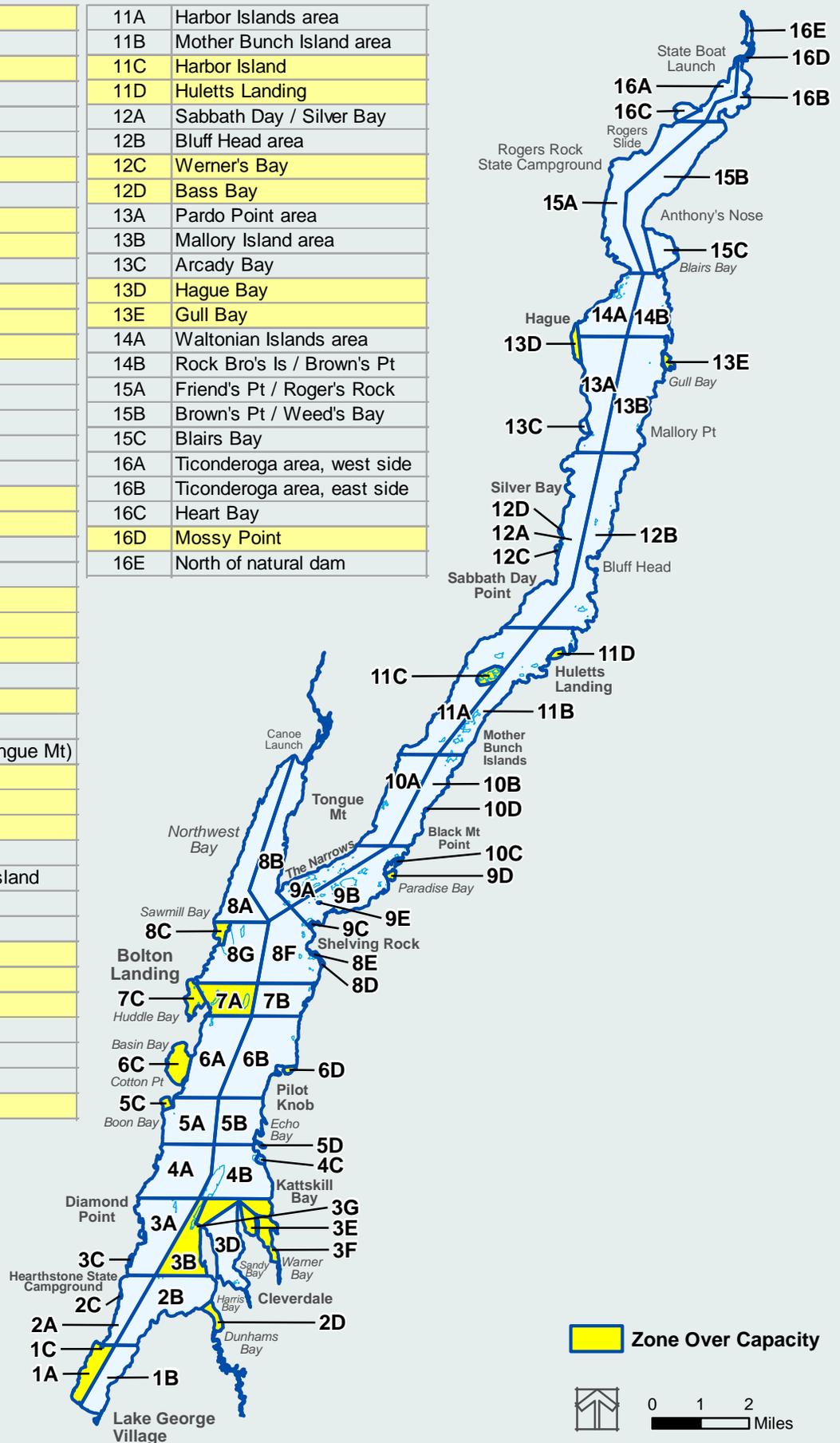
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Finley Dock Application
 TM# 200.14-1-20
 Cotton Point Road
 Town of Bolton



| | |
|-----|--------------------------------------|
| 1A | LG Village, west side |
| 1B | LG Village, east side |
| 1C | Tea Island |
| 2A | Hearthstone Point |
| 2B | Plum Pt / Woods Pt area |
| 2C | Hearthstone Campground |
| 2D | Dunham's Bay |
| 3A | Cannon Pt area |
| 3B | Assembly Pt area |
| 3C | Still Bay |
| 3D | Harris Bay |
| 3E | Sandy Bay |
| 3F | Warner Bay |
| 3G | Assembly Point Channel |
| 4A | Long Island West |
| 4B | Long Island East |
| 4C | Elizabeth Island |
| 5A | Rush Island area |
| 5B | Whipple Island area |
| 5C | Boon Bay |
| 5D | Echo Bay |
| 6A | Cotton Point area |
| 6B | Pilot Knob area |
| 6C | Basin Bay |
| 6D | Andrews Bay |
| 7A | Clay Island - Dome Island |
| 7B | Watch Point area |
| 7C | Huddle Bay |
| 8A | Northwest Bay, west side |
| 8B | Northwest Bay, east side (Tongue Mt) |
| 8C | Sawmill Bay |
| 8D | Shelving Rock Bay |
| 8E | Log Bay |
| 8F | Huckleberry Island |
| 8G | Bolton Bay & east of Green Island |
| 9A | Narrows, west side |
| 9B | Narrows, east side |
| 9C | 14 Mile Island |
| 9D | Red Rock Bay |
| 9E | Glen Island |
| 10A | Dollar Island Group area |
| 10B | Black Mtn Point area |
| 10C | Paradise Bay |
| 10D | Black Mtn Point |

| | |
|-----|-----------------------------|
| 11A | Harbor Islands area |
| 11B | Mother Bunch Island area |
| 11C | Harbor Island |
| 11D | Hulett's Landing |
| 12A | Sabbath Day / Silver Bay |
| 12B | Bluff Head area |
| 12C | Werner's Bay |
| 12D | Bass Bay |
| 13A | Pardo Point area |
| 13B | Mallory Island area |
| 13C | Arcady Bay |
| 13D | Hague Bay |
| 13E | Gull Bay |
| 14A | Waltonian Islands area |
| 14B | Rock Bro's Is / Brown's Pt |
| 15A | Friend's Pt / Roger's Rock |
| 15B | Brown's Pt / Weed's Bay |
| 15C | Blairs Bay |
| 16A | Ticonderoga area, west side |
| 16B | Ticonderoga area, east side |
| 16C | Heart Bay |
| 16D | Mossy Point |
| 16E | North of natural dam |



Lake George 2015 Recreation Study

Lake Zones Map



Lake George Park Commission



May, 2016

LA Group
 Lake George Recreation Survey 2015
 977 Lake George Boaters, Dock Owners Recreation Visitors

| Where, if anywhere, did you feel there was boat congestion on the Lake? (Check all that apply). | | | | | | | | | | | | | | | | | | |
|---|--------------------|------|------|------------|--------|--------|----------|----------|----------|--------------|------------------------------|------------------|--------------------|----------------|--------------------|------------------------|-------------------------|---------------------|
| | Use of Lake George | | | | Gender | | Age | | | | Association with Lake George | | | Home Community | | | | |
| | Total | Dock | Boat | Recreation | Male | Female | Under 40 | 40 to 49 | 50 to 64 | 65 and older | Year-round resident | Seasonal visitor | Visitor/Daily user | Rural | Under 5,000 people | 5,000 to 24,999 people | 25,000 to 99,999 people | Over 100,000 people |
| 1A: LG Village, east side | 15% | 13% | 14% | 15% | 14% | 18% | 25% | 11% | 15% | 14% | 19% | 13% | 15% | 17% | 14% | 15% | 12% | 15% |
| 1B: LG Village, west side | 19% | 19% | 18% | 21% | 18% | 21% | 21% | 13% | 19% | 20% | 24% | 17% | 17% | 19% | 18% | 18% | 19% | 24% |
| 1C: Tea Island Channel | 4% | 4% | 4% | 5% | 4% | 4% | 2% | 1% | 4% | 6% | 7% | 4% | 1% | 4% | 5% | 4% | 0% | 7% |
| 2A: Hearthstone Point | 3% | 2% | 3% | 2% | 2% | 3% | 1% | 3% | 3% | 2% | 5% | 2% | 2% | 2% | 5% | 2% | 0% | 3% |
| 2B: Plum Pt / Woods Pt area | 2% | 2% | 2% | 1% | 2% | 2% | 2% | 1% | 2% | 2% | 3% | 1% | 1% | 1% | 4% | 1% | 2% | 2% |
| 2D: Dunham's Bay | 6% | 8% | 6% | 5% | 5% | 6% | 6% | 1% | 5% | 8% | 9% | 5% | 4% | 6% | 5% | 5% | 5% | 5% |
| 3A: Cannon Pt area | 2% | 2% | 2% | 2% | 1% | 3% | 3% | 3% | 2% | 1% | 2% | 1% | 3% | 1% | 4% | 1% | 1% | 4% |
| 3B: Assembly Pt area | 6% | 7% | 6% | 7% | 5% | 9% | 11% | 7% | 6% | 4% | 9% | 6% | 4% | 5% | 6% | 8% | 3% | 5% |
| 3C: Still Bay | 1% | 1% | 1% | 0% | 1% | 1% | 1% | 0% | 1% | 1% | 2% | 0% | 0% | 0% | 3% | 1% | 0% | 0% |
| 3D: Harris Bay | 6% | 10% | 6% | 6% | 6% | 7% | 4% | 3% | 7% | 8% | 10% | 6% | 4% | 6% | 11% | 5% | 3% | 5% |
| 3E: Sandy Bay | 14% | 20% | 15% | 14% | 13% | 18% | 13% | 15% | 14% | 14% | 22% | 13% | 8% | 13% | 17% | 15% | 14% | 10% |
| 3F: Warner Bay | 4% | 7% | 4% | 4% | 4% | 4% | 2% | 3% | 5% | 4% | 9% | 2% | 2% | 3% | 8% | 3% | 2% | 4% |
| 3G: Assembly Pt Channel | 7% | 11% | 7% | 5% | 7% | 8% | 7% | 1% | 7% | 9% | 10% | 7% | 3% | 7% | 7% | 8% | 5% | 5% |
| 4A: Hayden Point area | 1% | 1% | 1% | 1% | 0% | 2% | 2% | 1% | 1% | 1% | 1% | 1% | 0% | 0% | 1% | 1% | 0% | 2% |
| 4B: Long Is / Van Warmer Bay | 4% | 5% | 4% | 4% | 4% | 5% | 5% | 7% | 4% | 2% | 6% | 3% | 4% | 5% | 4% | 3% | 5% | 7% |
| 4C: Elizabeth Is Channel | 1% | 2% | 1% | 2% | 1% | 2% | 0% | 0% | 1% | 2% | 1% | 2% | 0% | 1% | 2% | 1% | 0% | 2% |
| 5A: Rush Island area | 1% | 1% | 1% | 1% | 1% | 2% | 2% | 1% | 1% | 1% | 1% | 1% | 0% | 0% | 2% | 1% | 1% | 2% |
| 5B: Whipple Island area | 1% | 1% | 1% | 1% | 1% | 0% | 0% | 1% | 1% | 1% | 0% | 1% | 0% | 0% | 1% | 1% | 0% | 2% |
| 5C: Boon Bay | 2% | 3% | 2% | 2% | 2% | 1% | 1% | 2% | 2% | 2% | 3% | 2% | 0% | 2% | 2% | 1% | 1% | 3% |
| 5D: Echo Bay | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 0% | 1% | 2% | 0% | 0% | 1% |
| 6A: Cotton Point area | 3% | 6% | 3% | 4% | 3% | 2% | 3% | 3% | 3% | 3% | 4% | 4% | 0% | 2% | 2% | 3% | 5% | 3% |
| 6B: Pilot Knob area | 5% | 8% | 5% | 6% | 5% | 4% | 5% | 3% | 6% | 5% | 7% | 5% | 2% | 6% | 5% | 6% | 1% | 5% |
| 6C: Basin Bay | 9% | 15% | 9% | 8% | 10% | 6% | 7% | 6% | 11% | 8% | 16% | 9% | 2% | 8% | 13% | 7% | 12% | 5% |
| 6D: Andrews Bay | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 1% | 0% | 1% | 1% | 0% | 0% |
| 7A: Clay - Dome Islands | 4% | 5% | 5% | 5% | 5% | 3% | 5% | 6% | 4% | 3% | 4% | 4% | 4% | 5% | 4% | 4% | 2% | 4% |
| 7B: Watch Point area | 2% | 2% | 2% | 2% | 2% | 1% | 2% | 3% | 2% | 1% | 2% | 2% | 2% | 1% | 2% | 3% | 0% | 2% |
| 7C: Huddle Bay | 5% | 7% | 5% | 7% | 5% | 5% | 4% | 3% | 5% | 7% | 6% | 5% | 4% | 4% | 8% | 5% | 4% | 4% |
| 8A: NW Bay - West side | 2% | 2% | 1% | 2% | 1% | 2% | 1% | 0% | 2% | 2% | 2% | 1% | 1% | 3% | 1% | 1% | 2% | 0% |
| 8B: NW Bay - East side (Tongue) | 2% | 2% | 1% | 2% | 1% | 2% | 1% | 1% | 2% | 2% | 2% | 2% | 1% | 3% | 0% | 1% | 0% | 4% |
| 8C: Sawmill Bay | 2% | 3% | 3% | 2% | 3% | 2% | 6% | 3% | 2% | 2% | 4% | 2% | 1% | 3% | 2% | 2% | 1% | 4% |
| 8D: Shelving Rock Bay | 8% | 11% | 9% | 9% | 7% | 11% | 11% | 6% | 8% | 9% | 14% | 7% | 6% | 9% | 10% | 8% | 4% | 10% |
| 8E: Log Bay | 20% | 25% | 21% | 20% | 19% | 22% | 21% | 20% | 17% | 22% | 28% | 18% | 13% | 22% | 21% | 20% | 15% | 16% |
| 8F: Huckleberry Is. area | 3% | 4% | 3% | 2% | 3% | 2% | 4% | 4% | 3% | 1% | 3% | 4% | 1% | 2% | 2% | 4% | 2% | 2% |
| 8G: Bolton Bay & E of Grn. Is. | 10% | 12% | 10% | 10% | 10% | 10% | 10% | 10% | 10% | 10% | 8% | 12% | 7% | 12% | 7% | 11% | 9% | 10% |
| 9A: Narrows - west side | 5% | 5% | 5% | 5% | 4% | 5% | 6% | 3% | 5% | 4% | 4% | 5% | 4% | 7% | 3% | 4% | 4% | 5% |
| 9B: Narrows - east side | 8% | 8% | 8% | 9% | 8% | 8% | 8% | 8% | 8% | 8% | 11% | 7% | 7% | 9% | 8% | 9% | 5% | 8% |
| 9C: 14 Mile Island Channel | 2% | 3% | 2% | 3% | 2% | 2% | 5% | 0% | 2% | 3% | 3% | 2% | 2% | 2% | 2% | 3% | 1% | 2% |
| 9D: Red Rock Bay | 5% | 6% | 6% | 4% | 6% | 5% | 3% | 3% | 7% | 5% | 8% | 5% | 4% | 6% | 8% | 5% | 2% | 5% |
| 9E: Glen Island | 6% | 7% | 6% | 5% | 6% | 5% | 7% | 4% | 5% | 7% | 7% | 6% | 4% | 7% | 9% | 4% | 5% | 4% |
| 9F: Paradise Bay | 8% | 11% | 8% | 7% | 8% | 6% | 4% | 4% | 7% | 12% | 9% | 9% | 4% | 7% | 10% | 8% | 5% | 8% |
| 10A: Dollar Island Group area | 1% | 1% | 1% | 1% | 1% | 1% | 3% | 1% | 1% | 1% | 2% | 1% | 1% | 1% | 1% | 1% | 2% | 0% |
| 10B: Black Mtn Point area | 2% | 2% | 2% | 3% | 2% | 2% | 4% | 2% | 2% | 2% | 4% | 2% | 2% | 2% | 4% | 2% | 2% | 1% |
| 10D: Black Mtn Point | 2% | 1% | 2% | 2% | 2% | 2% | 3% | 1% | 2% | 2% | 2% | 2% | 1% | 2% | 3% | 2% | 1% | 0% |
| 11A: Harbor Islands area | 0% | 1% | 0% | 0% | 0% | 0% | 2% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 1% | 0% | 0% | 0% |
| 11B: Mother Bunch Island area | 2% | 2% | 2% | 2% | 2% | 3% | 2% | 1% | 2% | 2% | 2% | 2% | 2% | 2% | 4% | 1% | 2% | 5% |
| 11C: Harbor Island | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% | 0% |
| 11D: Hulett's Landing | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 0% | 1% | 1% | 1% | 1% | 0% | 1% | 2% | 0% | 1% | 0% |

LA Group
 Lake George Recreation Survey 2015
 977 Lake George Boaters, Dock Owners Recreation Visitors

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 12A: Sabbath Day / Silver Bay | 1% | 1% | 1% | 1% | 0% | 2% | 0% | 1% | 1% | 1% | 0% | 1% | 0% | 1% | 1% | 0% | 1% | 3% |
| 12B: Bluff Head area | 0% | 1% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 1% |
| 12C: Werner's Bay | 1% | 2% | 1% | 1% | 1% | 1% | 1% | 0% | 1% | 2% | 0% | 2% | 1% | 0% | 1% | 2% | 2% | 0% |
| 12D: Bass Bay | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| 13A: Pardo Point area | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% |
| 13B: Mallory Island area | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% |
| 13D: Arcady Bay | 0% | 1% | 0% | 0% | 0% | 1% | 0% | 1% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 2% | 0% |
| 13E: Hague Bay | 2% | 3% | 2% | 2% | 2% | 1% | 2% | 1% | 1% | 3% | 1% | 3% | 0% | 1% | 2% | 2% | 2% | 1% |
| 13F: Gull Bay | 0% | 1% | 0% | 1% | 1% | 0% | 0% | 0% | 1% | 0% | 1% | 0% | 0% | 1% | 1% | 1% | 0% | 0% |
| 14A: Walltonian Islands area | 2% | 2% | 2% | 2% | 1% | 2% | 2% | 2% | 2% | 1% | 1% | 2% | 1% | 2% | 2% | 1% | 1% | 3% |
| 14B: Rock Bro's Is / Brown's Pt | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| 15A: Friend's Pt / Roger's Rock | 1% | 2% | 1% | 2% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 2% | 2% | 1% | 1% | 0% |
| 15B: Brown's Pt / Weed's Bay | 1% | 2% | 1% | 1% | 1% | 1% | 2% | 0% | 1% | 0% | 0% | 1% | 0% | 1% | 0% | 1% | 1% | 1% |
| 15C: Blairs Bay | 0% | 1% | 0% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 1% | 0% | 0% | 0% |
| 16A: Ticonderoga area - West side | 1% | 2% | 1% | 0% | 1% | 1% | 2% | 0% | 1% | 2% | 2% | 1% | 0% | 2% | 1% | 1% | 1% | 2% |
| 16B: Ticonderoga area - East side | 1% | 3% | 1% | 1% | 1% | 1% | 1% | 0% | 1% | 2% | 2% | 1% | 0% | 2% | 2% | 1% | 1% | 2% |
| 16C: Heart Bay | 0% | 1% | 0% | 0% | 1% | 0% | 1% | 1% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 1% | 0% | 1% |
| 16D: Mossy Point | 1% | 2% | 1% | 0% | 1% | 0% | 1% | 1% | 1% | 1% | 3% | 0% | 0% | 2% | 1% | 0% | 0% | 0% |
| 16E: N. of natural dam | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| Did not feel there was boat congestion on the Lake | 35% | 24% | 35% | 37% | 37% | 30% | 31% | 35% | 36% | 36% | 24% | 35% | 48% | 37% | 29% | 37% | 35% | 35% |

Did you change your plans or modify your behavior in any of the following ways because of problems you experienced on your recent visit to Lake George? (Check all that apply).

| | Use of Lake George | | | | Gender | | Age | | | | Association with Lake George | | | Home Community | | | | |
|--|--------------------|------|------|------------|--------|--------|----------|----------|----------|--------------|------------------------------|------------------|------------------|----------------|--------------------|------------------------|-------------------------|---------------------|
| | Total | Dock | Boat | Recreation | Male | Female | Under 40 | 40 to 49 | 50 to 64 | 65 and older | Year-round resident | Seasonal visitor | Visitor/Day-user | Rural | Under 5,000 people | 5,000 to 24,999 people | 25,000 to 99,999 people | Over 100,000 people |
| Boated earlier or later in the day | 29% | 34% | 29% | 30% | 27% | 36% | 21% | 32% | 31% | 28% | 37% | 28% | 23% | 26% | 36% | 26% | 31% | 32% |
| Boated more often earlier or later in the season | 17% | 20% | 17% | 15% | 16% | 18% | 12% | 15% | 19% | 15% | 31% | 12% | 13% | 21% | 20% | 15% | 18% | 8% |
| Boated more on weekdays than weekends or holidays | 40% | 49% | 40% | 42% | 36% | 49% | 30% | 25% | 38% | 53% | 55% | 37% | 28% | 42% | 51% | 35% | 36% | 36% |
| Boated other areas of the lake than where I prefer | 11% | 10% | 11% | 14% | 10% | 13% | 23% | 11% | 11% | 7% | 11% | 11% | 11% | 9% | 10% | 10% | 16% | 13% |
| Canceled certain boating activities (e.g., water-skiing) | 9% | 15% | 9% | 12% | 8% | 12% | 20% | 11% | 9% | 5% | 11% | 11% | 4% | 6% | 12% | 8% | 11% | 12% |
| Boated on other water bodies | 5% | 2% | 5% | 6% | 5% | 3% | 8% | 5% | 5% | 3% | 6% | 3% | 8% | 6% | 6% | 5% | 2% | 1% |
| None of the above | 44% | 40% | 44% | 43% | 47% | 36% | 46% | 51% | 43% | 41% | 27% | 49% | 50% | 41% | 33% | 48% | 45% | 48% |

Are you aware of the special Rules and Regulations on Lake George for governing speed, engine noise, anchoring, PWC use, parasailing, etc.?

| | Use of Lake George | | | | Gender | | Age | | | | Association with Lake George | | | Home Community | | | | |
|-----|--------------------|------|------|------------|--------|--------|----------|----------|----------|--------------|------------------------------|------------------|------------------|----------------|--------------------|------------------------|-------------------------|---------------------|
| | Total | Dock | Boat | Recreation | Male | Female | Under 40 | 40 to 49 | 50 to 64 | 65 and older | Year-round resident | Seasonal visitor | Visitor/Day-user | Rural | Under 5,000 people | 5,000 to 24,999 people | 25,000 to 99,999 people | Over 100,000 people |
| Yes | 88% | 92% | 88% | 88% | 88% | 88% | 80% | 88% | 89% | 91% | 93% | 89% | 81% | 91% | 89% | 88% | 83% | 91% |
| No | 12% | 8% | 12% | 12% | 12% | 12% | 20% | 12% | 11% | 9% | 7% | 11% | 19% | 9% | 11% | 12% | 17% | 9% |

Description and Trends for Basin Bay

Basin Bay is primarily residential. The south corner of the bay contains an important wetland complex that connects Basin Bay with Boon Bay to the south. The natural lake bottom is sandy and largely free of aquatic plants making it conducive for swimming. This area is attracting an increasing number of boats that are anchoring and rafting together. The lake assessment survey indicated a marked increase in boat traffic from 2005 to 2015, which in 2005 exceeded the 6 acres per boat capacity. Increasing numbers suggest the congestion is increasing, since in 2005 the maximum total was 34 boats, and in 2015, there were 84 total boats, with 43 occupying the usable lake area.



| Location | Bay Analysis for Basin Bay | | | | | | | |
|--|---|-------------|-------------------------------|-------------|--------------------------------|-------------|--------------|-------------|
| Zone | 6C represents the area from Cotton Point in the south to Fish Point in the north | | | | | | | |
| Environmental Factors | Cotton Point Wetland Unnamed Brook | | | | | | | |
| Surface Use Factors | Spar buoys entering bay; 66 feet maximum depth with shoals and shallows along the shoreline | | | | | | | |
| Shoreline Features | <i>Public Areas</i> | | | | <i>Commercial</i> | | | |
| | None | | | | 3 Resorts/1 Restaurant | | | |
| Land Use | <i>Residential</i> | | <i>Commercial</i> | | <i>Parklands/Open Space</i> | | | |
| | 70% | | 20% | | 10% | | | |
| Enforcement Issues | <i>Tickets</i> | | <i>Warnings</i> | | <i>Complaints</i> | | <i>Calls</i> | |
| | <i>2005</i> | <i>2015</i> | <i>2005</i> | <i>2015</i> | <i>2005</i> | <i>2015</i> | <i>2005</i> | <i>2015</i> |
| | 0 | 0 | 46 | 37 | 10 | 3 | 4 | 1 |
| Special Concern Areas | Popular anchoring areas particularly in the south bay adjacent to the wetland Asian clam site in management in south corner of bay | | | | | | | |
| Boat Density (Boatable area and boat density by 2005 criteria) | <i>Lake Surface Area in Acres</i> | | <i>Maximum Boats Observed</i> | | <i>Observed Acres per Boat</i> | | | |
| | | | <i>2005</i> | <i>2015</i> | <i>2005</i> | <i>2015</i> | | |
| | 174 | | 34 | 84 | 5 | 2 | | |

DESIGN LIMITS

NUMBER OF STRUCTURES

| LAKE FRONTAGE | NUMBER OF WHARFS | NUMBER OF MOORINGS |
|---------------|--|---|
| 45' TO 65' | 1 straight pier | 0 |
| 66' TO 150' | 1 straight, T, L, OR U shaped | 1 |
| 151' TO 250' | 2 straight, T, F, L, U or 1 E shaped | 2 |
| 251' TO 500' | 3 straight, T, F, L U or 2 E shaped | 3 |
| 501 + | 4 straight, T, F, L U or E shaped, plus one additional for each 150 feet | 4 plus one additional for each 150 feet |

Important Notes: In determining the maximum number of permitted docks, wharfs or moorings, the Commission may review any subdivision of land created on or after the effective date of these regulations which involved the lot or parcel in issue to determine the maximum number of docks, wharfs or moorings permitted and base such number upon the total footage of lakefront prior to the subdivision. Wetlands and streams are not included in the calculation of lakefront.

WHARFS

| | |
|---|---|
| LENGTH | no more than 40 feet from mean low water mark, no more than 100 feet from mean high water mark. In streams, no more than twenty percent (20%) of the width of the stream at the point of construction |
| WIDTH | no more than 40 feet along shore, no pier greater than 8 feet or less than 2 feet wide |
| SIZE | no greater than 700 square feet, counting all deck surface lakeward of the mean high water |
| HEIGHT | no higher than 16 feet from mean high water |
| SETBACKS | no closer than 20 feet from adjacent property lines as extended into lake on the same axis as the property line runs onshore where it meets the lake, or at a right angle to the mean high-water mark, whichever results in the greater setback |
| Wharfs shall not be a hazard to navigation or limit free and safe access to adjacent properties and must be designed to withstand forces of free-flowing water and wave washes. | |

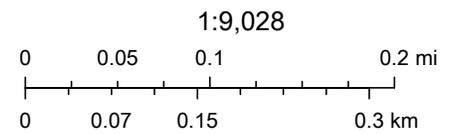
MOORINGS

| | |
|----------------------------|---|
| SETBACKS | At full swing, no closer than 20 feet to adjacent property lines as extended into lake (see project plan example) |
| OFF-SHORE DISTANCE | At full swing, no part of the vessel or mooring may extend farther than 100 feet from the mean high water mark |
| BUOY SPECIFICATIONS | at least one cubic foot of buoy must be above the waterline every buoy must be white with a one-inch blue stripe and one-inch strip of reflector tape placed all around the buoy horizontally and visible above the waterline |



January 19, 2021

-  Parcels
-  Town Boundaries



Joe Thouin

From: Joe Johns
Sent: Tuesday, January 12, 2021 9:32 AM
To: Joe Thouin
Subject: RE: Finley App

Good Morning,

After reviewing the application for the Finley property I find it poses no navigational issues. The area is shallow and there are currently buoys 200' from shore in this area to mark a no anchoring zone.

Best Regards

Joe Johns

Lt. Joe Johns
Director of Law Enforcement

Lake George Park Commission
PO Box 749, 75 Fort George Rd. Lake George NY 12845
(518)668-9347 / fax (518)668-5001/ jjohns@lgpc.state.ny.us

<http://www.lgpc.ny.gov>

From: Joe Thouin
Sent: Tuesday, January 12, 2021 7:33 AM
To: Joe Johns
Subject: Finley App

Dear Joe,

For inclusion in the record, I would appreciate your comments on the Finley dock application as it relates to navigation.

The notice of review is attached for reference.

Best regards,
Joe

Joe Thouin
Environmental Analyst

Lake George Park Commission
PO Box 749, 75 Fort George Rd, Lake George, NY 12845
(518) 668-9347 | fax (518) 668-5001 | joe@lgpc.state.ny.us
www.lgpc.ny.gov



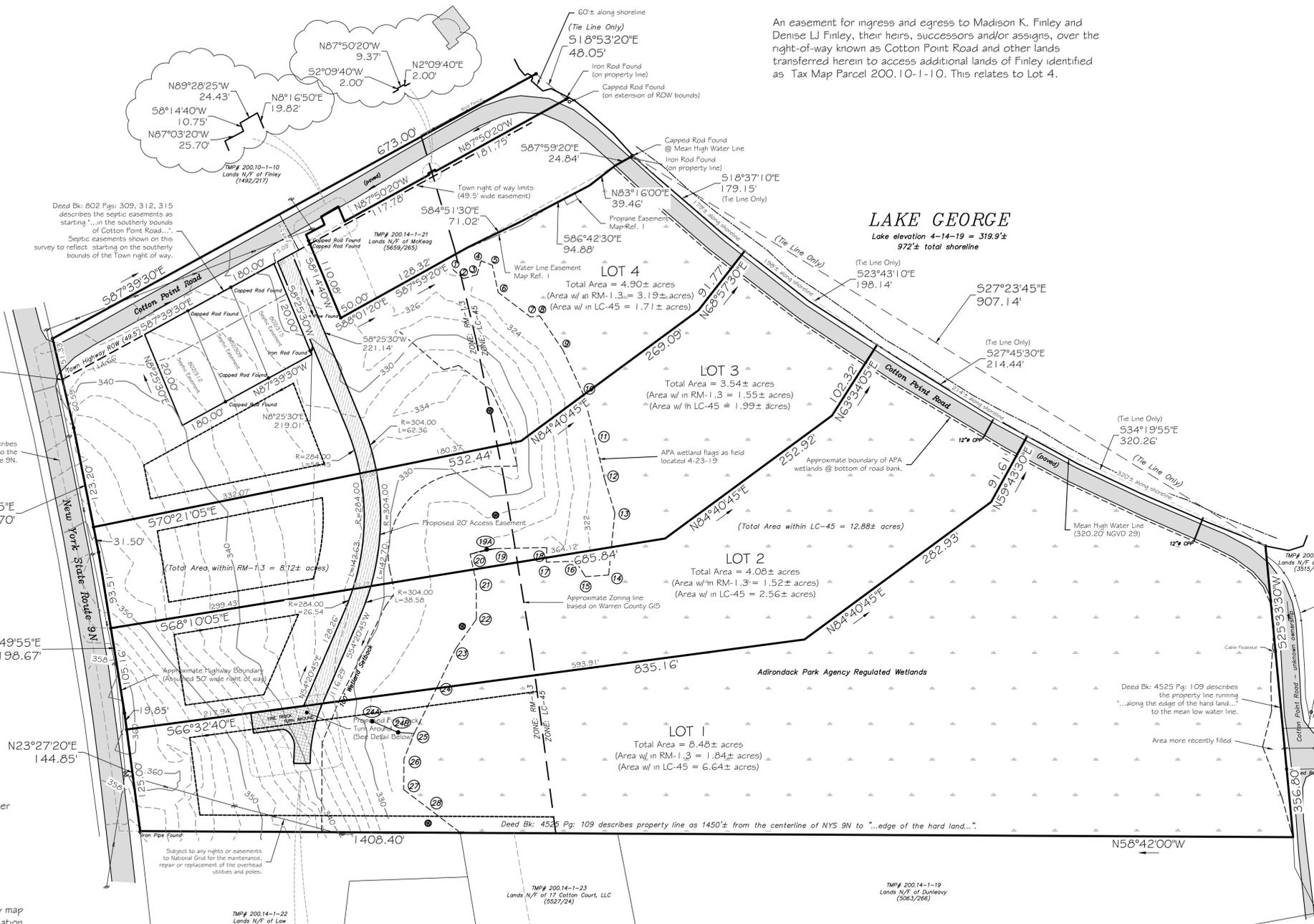
Deed Reference

Alexander Nelson, Trustee
Sherwood H.K. Finley Marital Trust to
Alexander Nelson, Trustee
Betty Ryan Finley Irrevocable Gift Trust
Book: 4525
Page: 109
Date: 28 June 2012

Map Reference

- 1. Map of... Joan McKeag
By: Van Dusen & Steves
Date: 21 October 2004
Last Revised: 31 October 2017
2. Map of... Finley Estate
By: D.L. Dickinson Associates
Date: 22 December 2004
Last Revised: 26 April 2011
3. Map of... Sherwood & Betty Finley
By: Coulter & McCormack
Date: 11 June 1971
4. Survey and map of... The Fathers of the Blessed Sacrament
By: P. Raymond Keyes
Date: 31 July 1972

An easement for ingress and egress to Madison K. Finley and Denise LJ Finley, their heirs, successors and/or assigns, over the right-of-way known as Cotton Point Road and other lands transferred herein to access additional lands of Finley identified as Tax Map Parcel 200.10-1-10. This relates to Lot 4.



Mapping Notes:

Only title surveys bearing the maker's embossed seal should be relied upon since other than embossed-seal copies may contain unauthorized and undetectable modifications, deletions, additions, and changes.

Reproduction or copying of this document may be a violation of copyright law unless permission of the author and/or copyright holder is obtained.

A copy of this document without a proper application of the surveyor's embossed seal and signature in red ink, should be assumed to be an unauthorized copy.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.

Only boundary survey maps with the surveyor's embossed seal are genuine true and correct copies of the surveyor's original work and opinion.

Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Surveyors, Inc. The certification is limited to the persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.

The certifications hereon are not transferable.

The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.

Total Area (excluding NYS Rt. 9N) = 21.00± acres

Town of Bolton Planning Board Approval

Approved by resolution by the Town of Bolton Planning Board.

Chairman Date

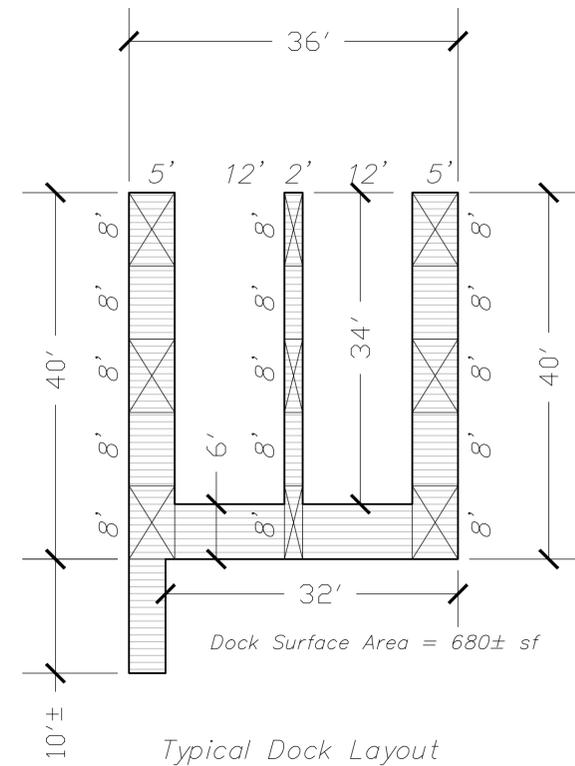
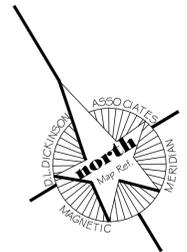
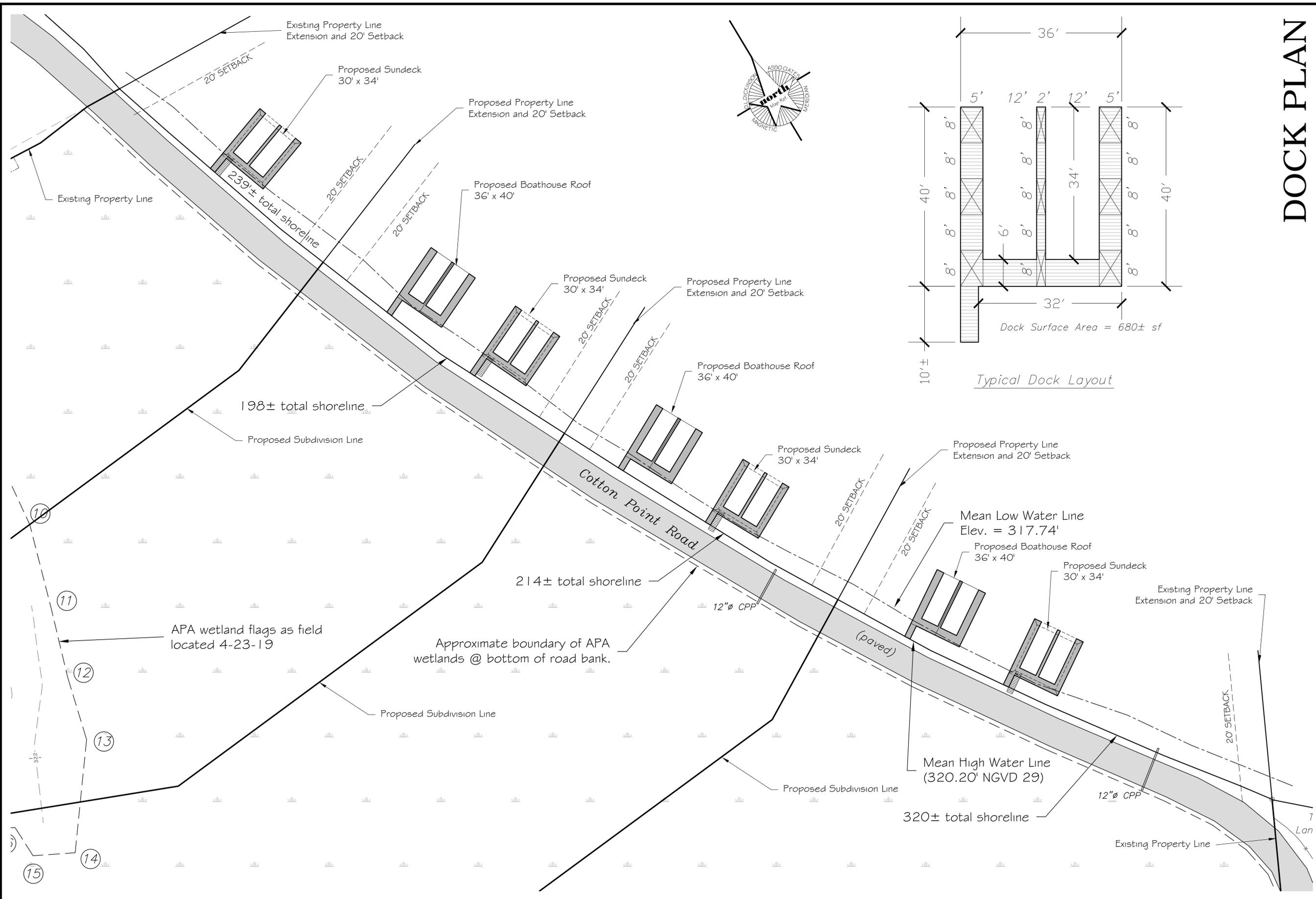
Condition of Approval
Each of the lots will undergo site plan review for any development on the lot.

Map of a proposed subdivision for Michael Caruso

Situate in Town of Bolton County of Warren State of New York
Scale: 1" = 80' feet Date: 22 May 2019



TMP#: BO: 6_1_12 (old)
TMP#: BO: 200.14-1-20 (new)



DOCK PLAN

Scale: 1" = 30'
 Date: 21 August 2019
 Rev.:

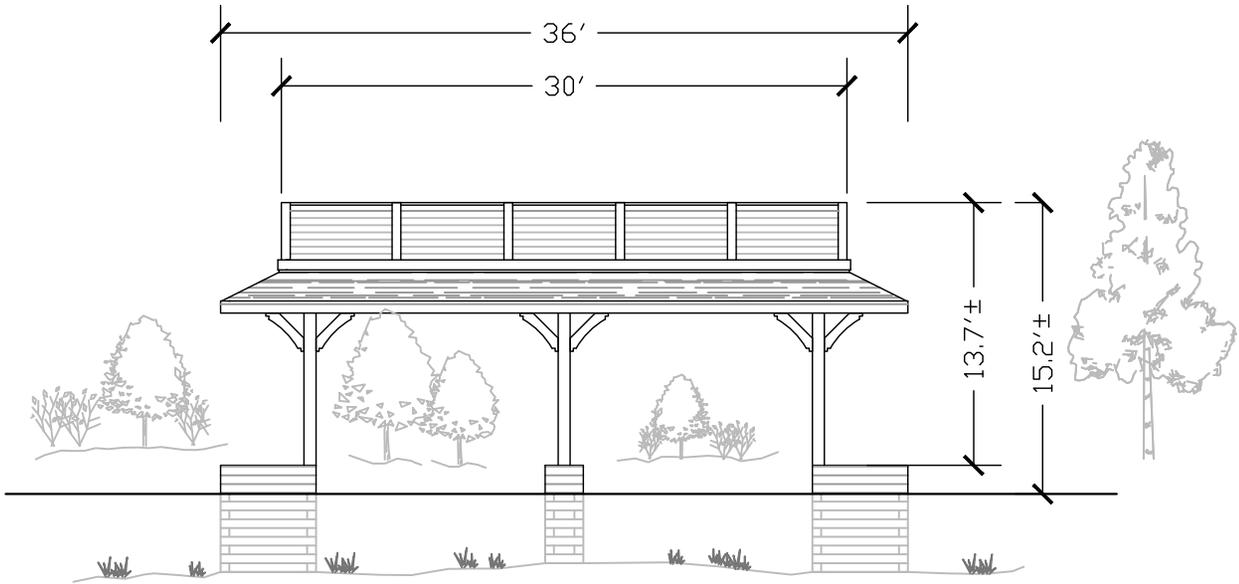
Sheet 1 of 1

Proposed dock plan for
Michael Caruso
 Town of Bolton
 County of Warren
 State of New York
 TMP#: BO: 6_L_12 (old)
 TMP#: BO: 200.14-1-20 (new)

P.O. Box 388
 Lake George, New York 12845
 (518) 668-4676 - Phone
 (518) 668-4674 - Fax

DICKINSON ASSOCIATES
 SURVEYORS • ENGINEERS • LAND CONSULTANTS

SUNDECK ELEVATION
EAST E



Scale: 1" = 10'
Date: 6 September 2019
Rev.:

Sheet 2 of 5

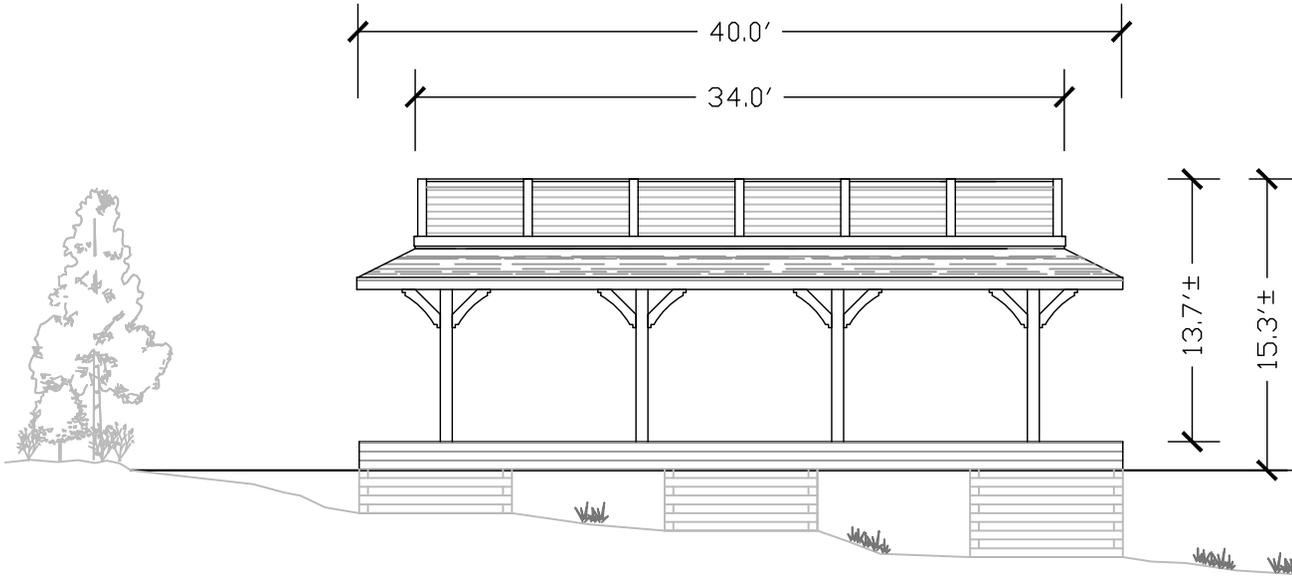
Proposed sundeck for
Michael Caruso
Town of Bolton
County of Warren
State of New York
Map # 80-6-L-12 (adj)
Map # 80-200-11-120 (new)

P.O. Box 388
Lake George, New York 12845
(518) 668-4676 - Phone
(518) 668-4674 - Fax

DICKINSON
ASSOCIATES
SURVEYORS • ENGINEERS • LAND CONSULTANTS

SUNDECK ELEVATION
SOUTH

S



Scale: 1" = 10'
Date: 6 September 2019
Rev.:

Sheet 3 of 5

Proposed sundeck for
Michael Carruso

Town of Bolton
County of Warren
State of New York

TRF# BC: 6.1.12 (64)
TRF# BC: 20014-120 (64)

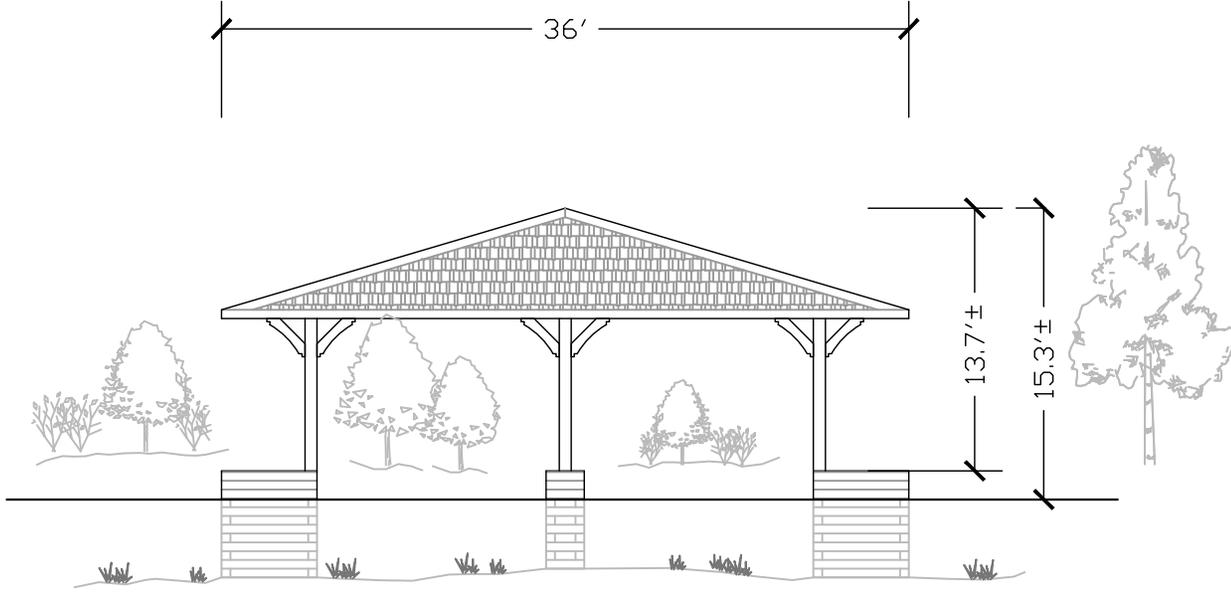
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Lake George, New York 12845
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ASSOCIATES

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BOATHOUSE ELEVATION
EAST

E



Scale: 1" = 10'
Date: 6 September 2019
Rev.:

Sheet 4 of 5

Proposed boathouse for
Michael Caruso

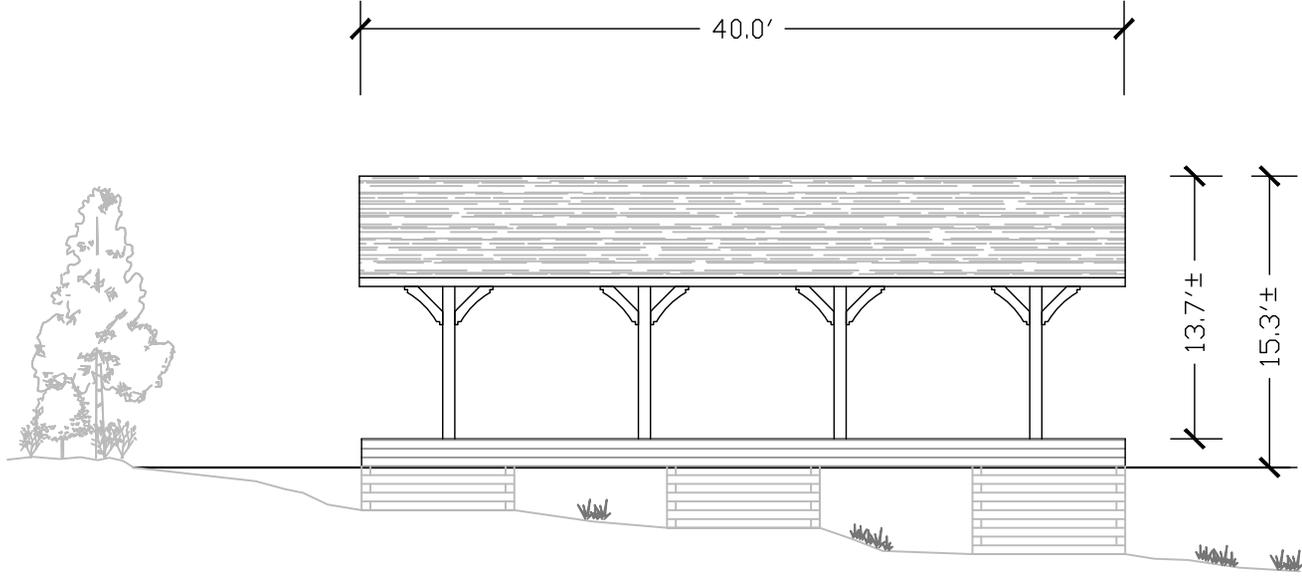
Town of Bolton
County of Warren
State of New York

Thru, EC: 6.1.19 (old)
Thru, EC: 2021.1-1-20 (new)

P.O. Box 388
Lake George, New York 12845
(518) 668-4676 - Phone
(518) 668-4674 - Fax

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BOATHOUSE ELEVATION
SOUTH



Scale: 1" = 10'
Date: 6 September 2019
Rev.:

Sheet 5 of 5

Proposed boathouse for
Michael Caruso

Town of Bolton
County of Warren
State of New York

Proj. No. 2019-120 (new)
Prof. No. 66-112 (exp)

P.O. Box 388
Lake George, New York 12845
(518) 668-4676 - Phone
(518) 668-4674 - Fax

DICKINSON
ASSOCIATES
SURVEYORS • ENGINEERS • LAND CONSULTANTS

Dennis L. Dickinson, LS/PE
Devin T. Dickinson



(TEL) 518-668-4676
dldickinson78@gmail.com

SURVEYORS • ENGINEERS • LAND CONSULTANTS

Location: 30 Stone Schoolhouse Road

Mail: P.O. Box 388, Lake George, New York 12845

23 December 2020

Joe Thouin, Environmental Analyst
Lake George Park Commission
75 Fort George Road
Lake George, New York 12845

RE: Michael Caruso/Finley Estate
Cotton Point – Bolton Landing

Dear Joe:

You have recently reviewed our proposal for new docks associated with a (4) lot subdivision on Cotton Point Road. The subdivision approval allows for (4) private, residential homes that have individually owned lakefront. The associated docks will be used for residential purposes to service the homeowner and their guests.

If you have any questions or would like to discuss this further, please do not hesitate to contact our office.

Sincerely,

Devin T. Dickinson

Devin T. Dickinson

Joe Thouin

From: D.L. Dickinson Associates <dldickinson78@gmail.com>
Sent: Friday, January 8, 2021 1:52 PM
To: Joe Thouin
Cc: mcaruso2@nycap.rr.com
Subject: Re: Finley Dock App
Attachments: Caruso.pdf

Hello Joe and thanks for the thorough review. We have the following responses to your comments and questions:

1. The APA permit references a boathouse plan and a SWPPP, however these are not included in the permit materials provided to this office. As previously requested, please provide copies of applications, plans, visual analyses, etc. provided to other agencies, and all resulting permits and correspondence. **Need full engineering plans from Brett.**
2. The Town of Bolton approval appears limited to subdivision approval. Please clarify if any site plan review, including stormwater and wastewater management review, have been undertaken at the municipal level. Please provide copies of any additional applications, plans, and correspondence from the Town. **Need plans from Brett.**
3. According to the survey/subdivision map, the total lakefront of the subject parent parcel is listed at 972'. At the northern portion of the site survey, 60' feet of this frontage is shown within a ROW for Cotton Pt Road. This portion of lakefront appears to be retained by Lot 4, which would give Lot 4 a total of 239'. It is noted however, that the dock plan cites the lakefront of Lot 4 as having 179'. Please clarify the proposed ownership and any rights to the subject 60' of lakefront. If this lakefront will be part of Lot 4, please make reference to this on the dock plan and/or modify the plan to depict the entirety of the lakefront. **The plan has been revised to show the accurate 239' of shoreline on Lot 4.**
4. The subject 60' of lakefront is recognized as a boat launch on Lake George. Please clarify the proposed use of this launch by the landowner(s), and any other rights to this launch by any other parties. **The current launch will remain in use by Lot 4 as is currently permitted.**
5. Related to the above, please update the launch agreement with the Commission identify how this launch will operate and be secured. A draft launch agreement is attached hereto. **The draft launch agreement will be completed and submitted to your office.**
6. The dock plan has labels denoting the length of lakefront, which overlay and obscure the proposed docks. Update the plan so that the proposed docks are clearly visible in their entirety. **Plans have been revised for clarity.**
7. To ensure proper water circulation, please update the drawings to confirm the most landward cribs will be located at least 6' from target navigation elevation (319.56'). **The current plan has taken this requirement into consideration and will allow a minimum of 6' or more between the average lake elevation and the first crib.**
8. The docks are proposed to extend 40' from the mean low water mark, which is the regulatory maximum for dock construction. So as to avoid any enforcement action that may result from minor errors in construction or identification of the mean low water mark, the applicant is encouraged to reduce the length of the docks to allow/account for any minor variability. **All docks are currently designed to be a maximum of 39' from the mean low water line. The mean low water line must be verified by Commission staff prior to construction.**
9. Related to the above, the proposed boathouses and sundecks are depicted 2.4" below the regulatory maximum for height. While these structures as depicted are compliant, they leave little room for error. The applicant is encouraged to reduce the height of the boathouses to a lot for any field or construction variability that is encountered. **The height of the proposed boathouses has been reduced by 6" to allow for errors during construction.**

10. The proposed building sites and lakefront areas are separated by distances ranging between roughly 800' to 1,900' depending on the building lot. Please clarify how the docks will be accessed from the building sites (eg. by foot, by golf cart, by motor vehicle). In the instance of vehicular access, please clarify where vehicles will be parked and any upland development necessary to accommodate this activity (eg. gravel or asphalt parking, etc.). **All residents must walk to their dock.**

11. The docks are proposed immediately adjacent public right of way. Please clarify how and when construction may be undertaken so as to avoid any impact to the ROW that may be caused by construction equipment, vehicles, materials, etc. **The majority of dock builders work from pontoon platforms or barges. Aside from occasional loading and unloading the docks will be built over the water. Furthermore, all of the docks will not be built at the same time or during the summer season.**

12. It is somewhat unusual for a single family residential lakefront to have multiple docks. Additionally, where multiple docks are seen, the docks are commonly connected and function as a single unit. If for no other reason than to disperse public concerns regarding the intent of these structures, please clarify the need for having multiple E-shaped docks to service single family residences and the general intent influencing this design/proposal. **Multiple docks on larger lakefront properties are very common and reflect the regulations of the Adirondack Park Agency and the Lake George Park Commission. This proposal reflects the extent of the rights granted by the Lake George Park Commission regulations. The value of a lakefront property is its shoreline and dock structure potential.**

Please let me know if you have any further questions or comments.

Thank you,
Devin

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 – Project and Sponsor Information | | | |
|---|--|--|--|
| Madison K. Finley | | | |
| Name of Action or Project: Subdivision for Michael Caruso | | | |
| Project Location (describe, and attach a location map): Cotton Point - Bolton Panding | | | |
| Brief Description of Proposed Action: Construct (7) residential docks with boathouses. | | | |
| Name of Applicant or Sponsor: Michael Caruso | | Telephone: 518-857-0992 E-Mail: mcaruso2@nycap.rr.com | |
| Address: 1823 Western Ave | | | |
| City/PO: Albany | | State: NY | Zip Code: 12202 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Lake George Park Commission | | | YES <input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? _____ 21 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 21 acres | | | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland | | | |

| | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? | NO | YES | N/A |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: <u>Lake George</u> | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Wetlands will remain untouched. Docks will be placed within Lake George. _____ _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

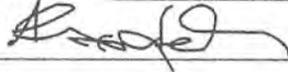
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban Suburban

| | | |
|---|-------------------------------------|-------------------------------------|
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, | NO | YES |
| a. Will storm water discharges flow to adjacent properties? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Alexander Nelson, TTEE Date: 12/03/20

Signature:  Title: _____

MADISON K. FINLEY, co-owner
 12/3/20

THIS IS A TWO-SIDED DOCUMENT

| | |
|--|---|
|  <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p> | <p>APA Permit 2019-0224</p> |
| <p>In the Matter of the Application of</p> <p>MADISON FINLEY, MIKE CARUSO ALEXANDER NELSON, TRUSTEE OF THE BETTY BRYAN FINLEY IRREVOCABLE TRUST Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p> | <p>Date Issued: December 28, 2020</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"> 1. Madison Finley 2. Mike Caruso 3. Alexander Nelson, Trustee of the Betty Bryan Finley Irrevocable Trust |

This permit supersedes un-recorded Permit 2019-0224, issued by the Agency on December 10, 2020.

SUMMARY AND AUTHORIZATION

This permit authorizes a four-lot subdivision and construction of four single-family dwellings in an area classified Moderate Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Bolton, Warren County.

This authorization shall expire unless recorded in the Warren County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is a vacant 21.96-acre parcel of land located on NYS Route 9N and Cotton Point Road in the Town of Bolton, Warren County, in an area classified Moderate Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 200.14, Block 1, Parcel 20, and is described in the following deeds:

- A deed from Alexander Nelson, Trustee of the Sherwood H.K. Finley Marital Trust to Alexander Nelson, Trustee of the Betty Bryan Finley Irrevocable Gift Trust, dated June 28, 2012, and recorded July 9, 2012 in the Warren County Clerk's Office at Book 4525, Page 109; and
- A deed from Madison K. Finley as Trustee of Gardner A. Finley Marital Trust to Madison K. Finley, dated June 9, 2008, and recorded June 17, 2008 in the Warren County Clerk's Office at Book 3572, Page 121.

The project site contains shoreline on Lake George. The project site also contains wetlands on the Resource Management portion of the property. These wetlands are described as a black spruce-tamarack bog that is a very sensitive significant natural community with a value rating of "1".

PROJECT DESCRIPTION

The project as conditionally approved herein involves a four-lot subdivision of the project site to create an 8.48-acre lot (Lot 1), a 4.08-acre lot (Lot 2), a 3.54-acre lot (Lot 3), and 4.90-acre lot (Lot 4). Each lot will be improved by a single-family dwelling and served by an on-site well and on-site wastewater treatment system.

The project is shown on the following maps, plans, and reports:

- "Site Plan, Mike Caruso, Route 9N, Sheet 1 of 2" (Site Plan), prepared by Brett Steenburgh, P.E., dated May 12, 2019, last revised July 22, 2020, and received electronically by the Agency on August 24, 2020;
- "Grading and E&SC Plan, Mike Caruso, Route 9N, Sheet 2 of 2" (On-Site Wastewater Treatment System Plan and Erosion and Sediment Control Plan), prepared by Brett Steenburgh, P.E., dated May 12, 2019, last revised July 22, 2020, and received electronically by the Agency on August 24, 2020;
- "Proposed dock plan for Michael Caruso, Sheet 1 of 1" (Boathouse Plan), prepared by Dickinson Associates, dated August 21, 2019, and received electronically by the Agency on August 24, 2020;
- "Stormwater Pollution Prevention Plan" (SWPPP), prepared by Brett Steenburgh, P.E., dated August 28, 2019, last revised October 1, 2019, and received by the Agency on December 18, 2019.

A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision in a Resource Management land use area in the Adirondack Park.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Warren County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit, Site Plan, On-Site Wastewater Treatment System Plan and Erosion and Sediment Control Plan, and Boathouse Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

Deeds

Recordation

4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2019-0224, issued December 28, 2020, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Subdivision

5. Subject to the conditions stated herein, this permit authorizes a four-lot subdivision as depicted on the Site Plan. Any subdivision the project site not depicted on the Site Plan shall require a new or amended permit.

Development

Construction Location and Size

6. Subject to the conditions stated herein, this permit authorizes the construction of one single-family dwelling each on Lots 1-4 in the locations shown on the Site Plan. The single-family dwellings shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The maximum footprint of each single-family dwelling, including all attached porches, decks, exterior stairs, garages, and other attached and detached accessory structures, shall be less than 4,000 square feet in total combined footprint. Any expansion beyond these dimensions shall require prior written Agency authorization.
7. The construction of any additional dwelling or other principal building on Lots 1-4 shall require a new or amended permit.

Guest Cottages

8. Construction of any guest cottage on Lots 1-4 shall require prior written Agency approval.

Boathouses

9. This permit authorizes the construction of boathouses on Lots 1-4 as depicted on the Boathouse Plan.

Docks

10. Any dock constructed on Lots 1-4 must comply with the dimensional requirements established by the Lake George Park Commission.

Outdoor Lighting

11. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Cotton Point Road, or NYS Route 9N, or Lake George, or adjoining property.

Building Color

12. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.

Tree Cutting/Vegetation Removal

13. Within 50 feet of the centerline of NYS Route 9N and within 20 feet of the side yard setbacks, no trees, shrubs or other woody-stemmed vegetation greater than 3 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lots 1-4 without prior written Agency authorization, except for the removal of 1) an area up to 20 feet in width for

shared driveway construction and utility installations, 2) construction and maintenance of the on-site wastewater treatment system on Lot 4, and 3) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

14. Within 6 feet of the mean high water mark of Lake George and within the 100 foot wetland setback depicted on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lots 1-4 without prior written Agency authorization, except for the removal of 1) an area up to 8 feet in width for boathouse construction, 2) construction of the on-site water supplies on Lots 1-3, and 3) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Wetlands

15. The undertaking of any activity involving wetlands shall require a new or amended permit.

Infrastructure

Wastewater

16. Any on-site wastewater treatment systems on Lots 1-4 installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the On-Site Wastewater Treatment System Plan and Erosion and Sediment Control Plan. Construction of the system shall be supervised by a NYS design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

Stormwater Management

17. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.

Erosion and Sediment Control

18. The project shall be undertaken in compliance with the On-Site Wastewater Treatment System Plan and Erosion and Sediment Control Plan.
19. Prior to installation of the on-site water supplies on Lots 1-4, a silt fence shall be installed between the water supply and the wetland.

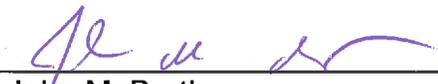
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Bolton;
- b. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- c. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state;
- d. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values; and
- g. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this 28th day of December, 2020.

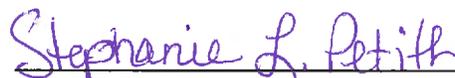
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

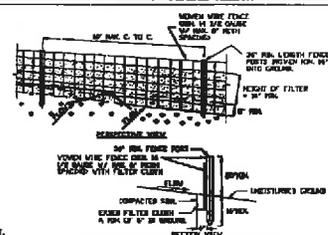
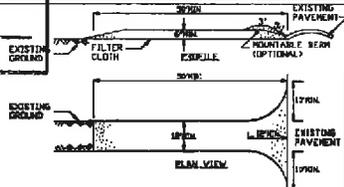
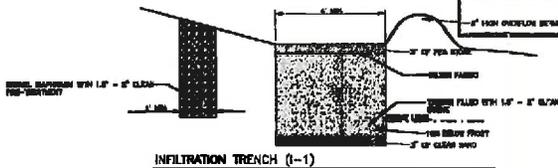
On the 28th day of December in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STEPHANIE L. PETITH
Notary Public - State of New York
Qualified in Franklin County
No. 01PE6279890
Commission Expires Apr. 15, 2021


Notary Public

FINAL ADIRONDACK PARK AGENCY

FILE # 2019-0824



CONSTRUCTION SPECIFICATIONS

- STONE SIZE - USE 1/2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
- THICKNESS - NOT LESS THAN SIX (6) INCHES.
- WIDTH - TWELVE (12) FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OF EROSION OCCURS. TWENTY-FOUR (24) FEET IF SINGLE ENTRANCE TO SITE.
- FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE FUNNEL ACROSS THE ENTRANCE BY PLACING AN IMPACT PAWL. A REMEDIABLE BARR WITH 5:1 SLOPES WILL BE FURNISHED.
- MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT COLLECTED THEREIN SHALL BE REMOVED PRIOR TO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
- WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH BEINGS WITH AN APPROVED SEDIMENT TRAPPING DEVICE.
- PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE DETAIL

DESIGN DATA

POPULATION RATE LOWEST POPULATION DENSITY = 2 PER ACRE
 SOIL LEANY BROWN SAND
 PER PERM ALLOWED USE 0-2 PER ACRE RATE CONSTRUCTION APPLICABLE
 RATE = 10 GALLONS PER ACRE PER DAY (10 GPD/ACRE/DA)
 SYSTEM TO BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING TABLES AND REGULATIONS FOR STORMWATER DISPOSAL SYSTEMS.

| NO. OF STORMWATER TRENCHES | LATERAL SPACING (FEET) | MIN. DEPTH (FEET) | MIN. LENGTH (FEET) | MIN. SPACING BETWEEN TRENCHES (FEET) | MIN. SPACING BETWEEN TRENCHES (FEET) |
|----------------------------|------------------------|-------------------|--------------------|--------------------------------------|--------------------------------------|
| 3 | 150 | 1200 | 2.0 FT | 2 | 0 |
| 4 | 220 | 1200 | 2.0 FT | 2 | 0 |

NOTES:
 FOR REMEDIATED PURPOSES PLAN SHOWS BEST SYSTEM AVAILABLE FOR A STORMWATER TRENCH TO MEET SEDIMENT RETENTION CRITERIA. MAINTENANCE OF TRENCHES AND SEDIMENT TRENCHES SHALL BE RESPONSIBILITY FOR A RESIDENT HOMEOWNER.

MAINTENANCE

- SEDIMENT SHALL BE REMOVED FROM SEDIMENT TRAPS WHENEVER THEIR CAPACITY HAS BEEN REDUCED BY HALF.
- ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSPECTED WITHIN 24 HOURS OF A STORM EVENT BY THE SITE CONTRACTOR AND REPAIRED AND/OR RELOCATED AS REQUIRED TO BE GOOD WORKING CONDITION.
- THE CONTRACTOR SHALL CONDUCT AN INSPECTION OF THE SITE ON A DAILY BASIS TO COLLECT LITTER AND CONSTRUCTION DEBRIS AND DISPOSE OF IT PROPERLY.
- ANY STOCKPILES OF FILL, SPILLS, EXCAVATED MATERIAL SHALL BE COVERED OR CONTAINED BY SEDIMENT CONTROL BARRIERS TO PREVENT EROSION.

GENERAL E & SC NOTES:

- NO MATERIAL AND/OR EQUIPMENT SHALL BE STOCKPILED OR STORED IN THE LOCATION OF THE SEDIMENT BARR.
- IT IS ASSUMED THAT USE IN THE NEAR NORMALCY OF THE ON SITE SOILS AND SEDIMENT BARRIERS SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. IF NECESSARY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF BARRIERS TO PREVENT EROSION AND SEDIMENT CONTROL.

S.W.P.P.P. REQUIREMENTS

- THE CONTRACTOR UNDERSTANDING THE CONSTRUCTION OF THIS PROJECT MUST OBTAIN THE CERTIFICATION IN THE SUPPLY AND BE FAMILIAR WITH ALL REQUIREMENTS OF THE SUPPLY AND REQUIREMENTS OF THE SWP.P.P.P. PLAN FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY - PERMIT NA-CP-0-15-002.
- THE CONTRACTOR MUST BE RESPONSIBLE TO COMPLY WITH THE TERMS OF THE NEW YORK STATE GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY - PERMIT NA-CP-0-15-002. COPIES OF THE GENERAL PERMIT ARE AVAILABLE BY CALLING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AT (518) 457-3000 AND ON LINE. ADDITIONALLY, THE CONTRACTOR SHALL COMPLY WITH ALL TERMS OF LOCAL ORDINANCES.
- A NOTICE OF EVENT (NOE) MUST BE SUBMITTED TO DEC PRIOR TO INITIATING WORK.
- THE NOE MUST INCLUDE INFORMATION ON ALL GRADINGS AND THE STORMWATER POLLUTION PREVENTION PLAN.

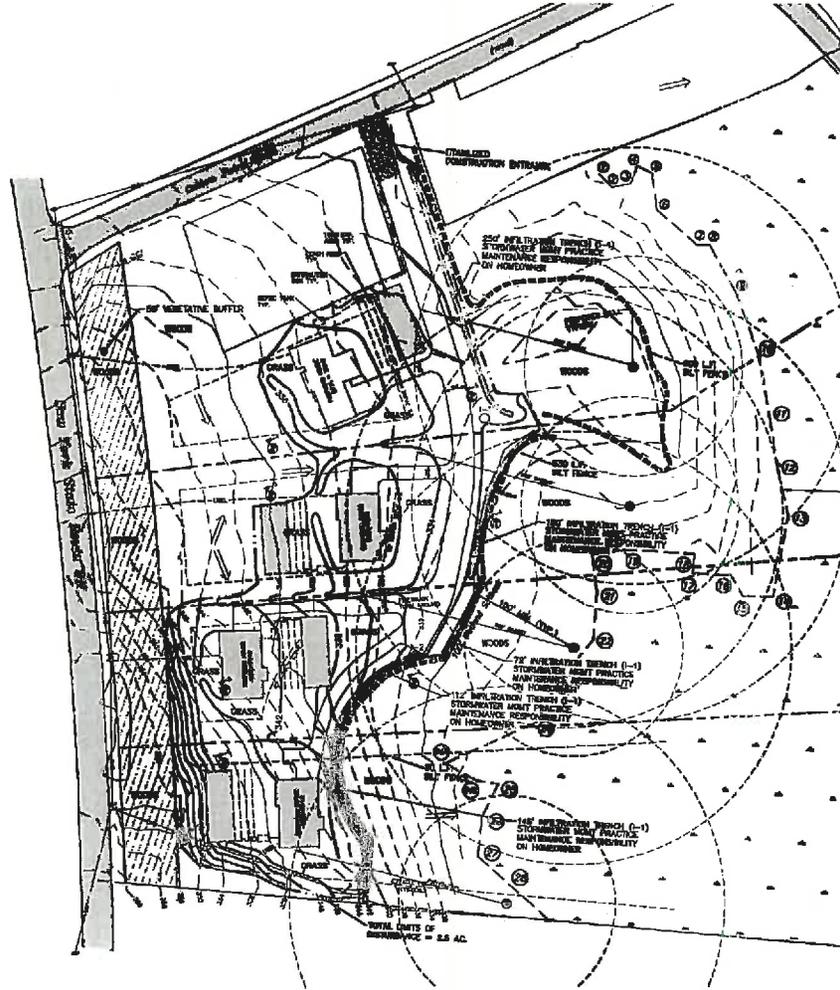
CONSTRUCTION SPECIFICATIONS

- WOODEN FENCE SHALL BE FURNISHED SEPARATELY TO FIVE FEET WITH MAX. 1/4" OF STAPLES. POSTS SHALL BE STEEL EITHER 1" OR 1 1/2" TYPE OR HARDWOOD.
- FILTER CLOTH TO BE TO BE FURNISHED SEPARATELY TO VIEWER VINE FENCE WITH 1/2" SPACING. SHALL BE AT 30" AND 60" SECTION.
- VIEWER VINE FENCE TO BE FURNISHED SEPARATELY TO VIEWER VINE FENCE. SHALL BE AT 30" AND 60" SECTION. FILTER CLOTH SHALL BE EITHER FILTER A OR FILTER B. FURNISH THE TYPE OF FILTER CLOTH.
- PROFANE SHALL BE 1/2" SPACING, 6" HIGH, OR APPROVED EQUIVALENT.
- MAINTENANCE SHALL BE PROVIDED BY THE CONTRACTOR. REMOVE WHEN "WALLED" BY THE SITE FENCE.

SILT FENCE DETAIL

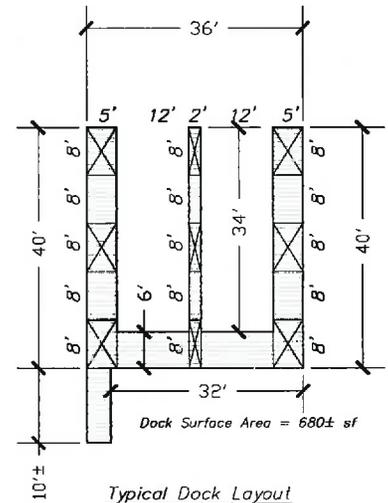
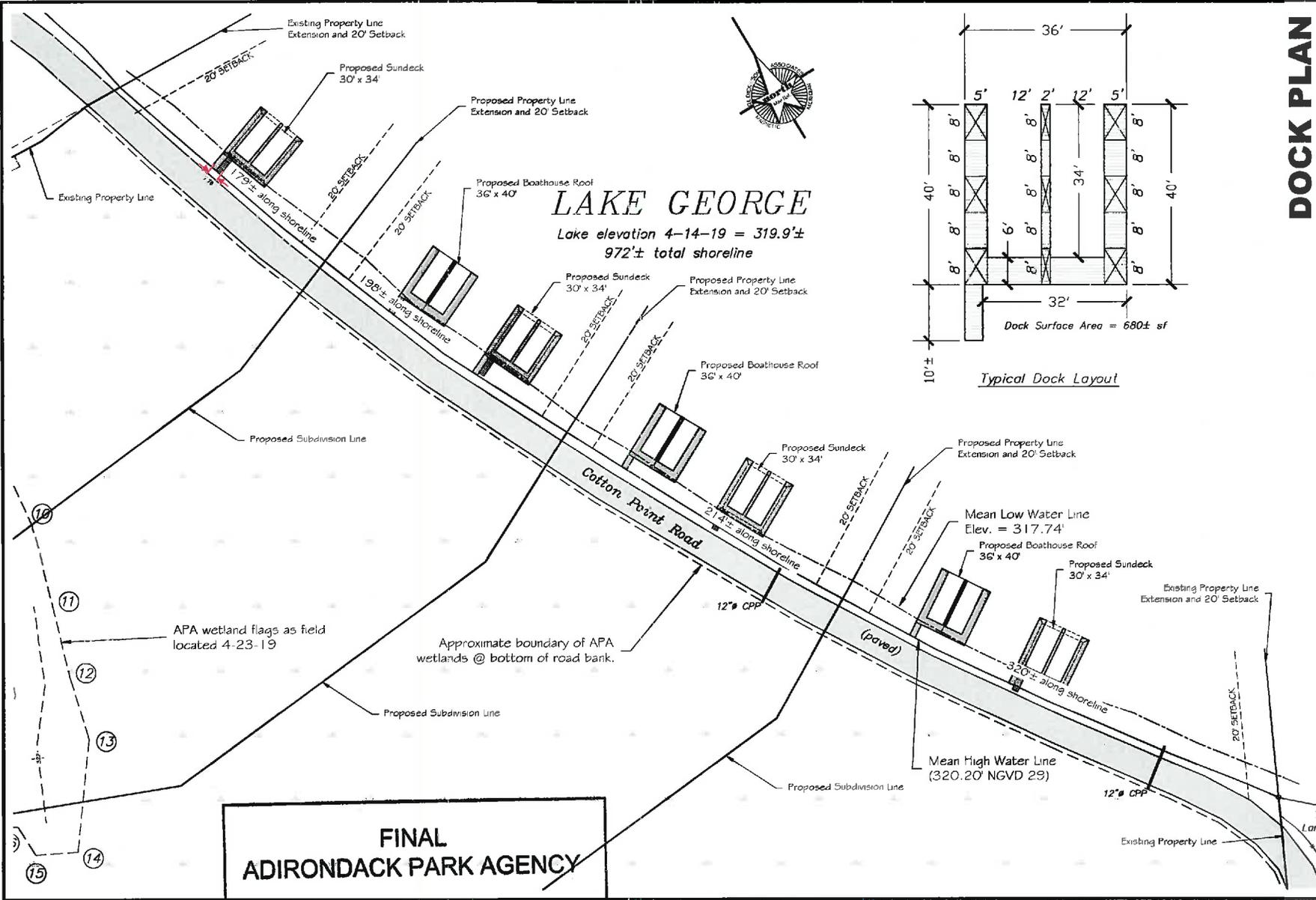
| NO. | DESCRIPTION | QUANTITY | UNIT |
|-----|--------------------------------|----------|-------|
| 1 | 1/2" STONE | 1500 | CU YD |
| 2 | 2" FILTER CLOTH | 1500 | CU YD |
| 3 | 2" COMPACTED SAND | 1500 | CU YD |
| 4 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 5 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 6 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 7 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 8 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 9 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 10 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 11 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 12 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 13 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 14 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 15 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 16 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 17 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 18 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 19 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |
| 20 | 12" X 12" X 12" CONCRETE BLOCK | 1500 | CU YD |

NOTES: 24 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL CONTACT THE ADIRONDACK PARK AGENCY AT (518) 457-3000 FOR A PERMIT TO CONSTRUCT. UNLICENSED CONTRACTORS ARE PROHIBITED.



BRETT L. STEENBURGH, P.E., P.L.C.
 1000 Avenue of the Americas
 15th Floor
 New York, NY 10020
 (212) 512-0015
 bsteenburg@bsteenburg.com

GRADING AND E&SC PLAN
 ADIRONDACK PARK AGENCY
 ROUTE 9N
 TOWN OF POLTON, LAMAR, NY
 SCALE: 1" = 50'
 SHEET 2 OF 2



FINAL
ADIRONDAK PARK AGENCY

FILE # 2019-0224

DOCK PLAN

Scale: 1" = 30'
Date: 21 August 2019
Rev.:

Proposed dock plan for
Michael Caruso
Town of Bolton
County of Warren
State of New York
Map No. 6.1.12 (old)
Map No. 2001-1-20 (new)

P.O. Box 388
Lake George, New York 12845
(518) 668-4470 - Phone
(518) 668-4674 - Fax

DICKINSON ASSOCIATES
SURVEYORS • ENGINEERS • LAND CONSULTANTS

Sheet 1 of 1



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

March 31, 2020

Sarah Staab
Environmental Program Specialist
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Re: APA
Caruso Residential Subdivision
Cotton Point Road, Bolton, NY
20PR00429
P2019-0224

Dear Sarah Staab:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (5NYCRR Part 617).

We have reviewed the Phase I archaeological survey report (20SR00162), and no archaeological resources were identified. We have no concerns regarding the project's potential impacts to historic architectural resources. Therefore, it is OPRHP's opinion that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please refer to the OPRHP Project Review (PR) number noted above. If you have any questions, I can be reached at 518-268-2186.

Sincerely,

Tim Lloyd, Ph.D., RPA
Scientist - Archaeology
timothy.lloyd@parks.ny.gov

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

Joe Thouin

From: Mike Muller <mjmuller@mullermannixlaw.com>
Sent: Wednesday, January 13, 2021 4:33 PM
To: Joe Thouin
Cc: Dave Wick; Susan Wilson; Planning@town.bolton.ny.us; Cheryl Bolton
Subject: RE: FINLEY DOCK PROJECT ON COTTON POINT ROAD

Follow Up Flag: FollowUp
Flag Status: Flagged

Joe,

First and foremost I thank you for reading my letter which at times seemed (to me) to be a “long and winding road” !

I suspect that you and I are in agreement .

You state:

“ These statement seems to imply or relate to potential commercial/marina use of the proposed docks, which we do not believe to be the case based on the application before the Commission and Town approvals.”

YES I do AGREE if the LGPC factually determines that there is no indication in the application of “ potential commercial/marina use of the proposed docks” then your conclusion is 100% correct.

Should the LGPC make such a determination then the Town of Bolton would concur that those “non-commercial” boathouses conform with the requirements of SD 19-03. Such non-commercial boathouses would be considered accessory and subordinate to the principal residence.

On the other hand, if in any way the LGPC determines that the application proposes that the docks or boathouses will also be available as rentals to those types of “renters” that “trigger” Class B marina compliance requirements with LGPC regulations , then of course the developer’s plan has departed from the SD 19-03 approval . Such use would not be considered by the Town of Bolton as accessory and subordinate to the residence. Such a plan should be returned to the Town of Bolton to reconsider the project as having commercial/marina aspects .

Hopefully my reply here clarifies rather than confuses.

If you need more information please feel free to ask.

Mike

Michael J. Muller, Esq.
Muller & Mannix, PLLC
mjmuller@mullermannixlaw.com

(518) 793-2535

From: Joe Thouin <Joe@lgpc.state.ny.us>
Sent: Wednesday, January 13, 2021 1:06 PM
To: Mike Muller <mjmuller@mullermannixlaw.com>
Cc: Dave Wick <Dave@lgpc.state.ny.us>
Subject: RE: FINLEY DOCK PROJECT ON COTTON POINT ROAD

Dear Mike,

Thank you for the letter. I want to ensure the Commission understands and respects the Town's position on this application, and I'm seeking a little clarification in follow-up to your letter.

For your reference, consistent with the residential subdivision approval by the Town, the applicant states the docks are proposed for single family residential use.

You note in your letter that the application before the Commission has not been reviewed by the Town, and I understand that statement to explicitly reference the docks, which are noted as being excluded from Town review in light of the Hart decision.

However, you note that access to the lakefront has been addressed by the Town in its subdivision, which is good. Per your letter, the Town approval is noted as prohibiting parking on Cotton Point Road, and the approval is conditioned on the lakefront being accessed by foot. This issue of access addresses many comments the Commission has received as well as our own thoughts concerning potential traffic congestion on Cotton Point Rd.

Where we could use some clarity is in the closing statements of the letter. The letter concludes by stating that, "the present application before the LGPC potentially creates substantial impacts upon the "upland" portions of the residential shoreline properties in the RM 1.3 Zoning district as well as potential impacts upon Cotton Point Road..." The letter also states, "the application under review by the LGPC presents land use issues "on the residential lots" that the Town of Bolton has not been afforded an opportunity to review... Bolton has neither "signed off" nor approved what the applicant presently seeks from the LGPC." These statement seems to imply or relate to potential commercial/marina use of the proposed docks, which we do not believe to be the case based on the application before the Commission and Town approvals. Recognizing Town jurisdiction, assuming the statements by the applicant are true, and that Town approvals are enforceable, this application is understood to represent (1) a residential (non-marina) use, (2) where no parking may occur on Cotton Point Rd associated with this use, and (3) that the Town maintains final site plan review of individual residential lot development. If these assumptions are held true, would it negate the cited potential impacts to the upland and Cotton Point Road, or is the Town seeking additional review of the project in advance of the Commission's review/consideration of the dock application?

Thank you as always for your time and consideration.

Respectfully yours,
Joe

Joe Thouin
Environmental Analyst
Lake George Park Commission
PO Box 749, 75 Fort George Rd, Lake George, NY 12845
(518) 668-9347 | fax (518) 668-5001 | joe@lgpc.state.ny.us
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January 12, 2021

Mr. Joseph Thouin
Environmental Analyst
Lake George Park Commission
P.O. Box 749
75 Fort George Road
Lake George, New York 12845

Re: Finley Trust Dock/ LGPC Project Application

Dear Joe,

In my capacity as the Town Attorney for the Town of Bolton I have been asked to provide you with this letter which I offer in reply to your inquiry directed to the Town Planning Office (your email inquiry dated January 6, 2021). I will also elaborate on the topics that we discussed in our recent telephone conversation. I attempt here to provide a relevant summary of the Town of Bolton's position on the LGPC application under consideration. Also, based upon what appears to involve a great deal of expressed public concern on this matter, I have directed the town's Planning Office to freely disseminate this letter to all interested parties. I have organized this response by topics:

1. To what extent does Ordinance #15 entitled Cotton Point Zoning Ordinance apply to this project?

Ordinance #15 was repealed by Resolution #95 of the Town of Bolton in 2012. Ordinance #15 has no application to this project and it no longer has the effect of law. Unfortunately, Ordinance #15 is still referenced in the "printed" Town of Bolton Zoning Code at Section 200-24. This is an oversight and in the next reprint of the Town of Bolton Zoning Code that section of Code will be deleted.

2. To what extent does the Scenic Travel Corridor Overlay District provision in the Town of Bolton Zoning Code Section 200-20 apply to this project?

The Scenic Travel Corridor Overlay District mentioned in the Town of Bolton Zoning Code Section 200-20 B includes Cotton Point Road as a scenic corridor. The regulations specified in 200-20 C of the Bolton Zoning Code have no application to this project due to the fact that all of the proposed improvements for docks, wharves, and boathouses are outside the geographical boundaries of the “land use jurisdiction” of the Town of Bolton. Development upon the surface areas of Lake George or shoreline improvements affixed to the bottom of Lake George remain matters exclusive to LGPC review and determinations.

3. To what extent has the Town of Bolton reviewed and approved the project?

Procedural History before the Town of Bolton Planning Board:

A residential subdivision application was presented to the Town of Bolton Planning Board as SD 19-03 (seeking approval of a four-lot *residential* subdivision concerning Tax Map Parcel 200.14-1-20). Over the course of three Town Planning Board meetings (July, August and December 2019) consideration was given to the applicant’s request to create four individual residential parcels in compliance with the Town of Bolton’s Local Zoning Ordinance and Subdivision Regulations. These town proceedings included a SEQOR analysis and a review in furtherance of the requirements of Bolton’s Local Waterfront Revitalization Program (LWRP). At the December 2019 Planning Board meeting a four-lot *residential* subdivision was approved. The minutes of the Planning Board meetings of June, August and December 2019 are available on the Town of Bolton’s website. I direct your attention to those published minutes as SD 19-03 was approved as a residential subdivision with conditions.

Throughout the applicant’s presentation, and over a series of three Town of Bolton Planning Board meetings, the essential information provided by the applicant to support SD 19-03 pertained exclusively to matters of a *residential* subdivision. The Town Planning Board did not specifically address the location, size or number of docks, wharves or boat houses depicted on the applicant’s residential subdivision map leaving that topic to the exclusive jurisdiction of the Lake George Park Commission.

During the application process before the Town Planning Board there were expressed concerns regarding vehicle parking along or within the boundaries of the public right of way known as Cotton Point Road. Upon questioning the applicant’s intentions concerning the parking issues on Cotton Point Road, the recorded minutes reflect that at the December Planning Board meeting Chairman Herbert Koster inquired “...how they [the applicant] planned to access the lake from these lots. (The applicant’s representative) Mr. Steenburgh replied that they would walk down Cotton Point Road and *there would not be any parking down by the lake*” (Emphasis added).

The nature and extent of the Town of Bolton's Residential Subdivision Review:

The Town Planning Board accepted the applicant's express representation that no vehicular parking would be allowed "down by the lake" (i.e., meaning that no vehicles would be parked in association with docks/wharves/boathouses shown on the four lot residential subdivision map under consideration as SD 19-03). In reliance upon that essential representation the application SD 19-03 was approved as a four-lot residential subdivision. It was understood by the Town of Bolton Planning Board that the docks, wharves or boathouses shown on the applicant's residential subdivision map, were proposed as accessory uses and appurtenant to each residential lot upon which a Detached Family Residence would be constructed. Any permits required for the shoreline development would require Lake George Park Commission review as the Town defers shoreline development of docks, wharves and boathouses to the exclusive jurisdiction of the LGPC.

Upon my review and inspection of the applicant's current LGPC application for shoreline development (i.e., docks, wharves and seven boathouses) it is evident that the applicant currently presents a shoreline development plan capable of berthing at least twenty eight (28) vessels distributed over the shoreline areas of the four residential parcels. The Town of Bolton Planning Board's approval of SD 19-03 did not grant permission to allow the approved residential subdivision to include dock, wharf or boathouse rentals, however, based upon the fact that the current LGPC application proposes at least twenty eight (28) slips or berths it is now apparent that this is a distinct possibility. The applicant's express representation was that there would be no parking at the shoreline docks, or boathouses and that remains a requirement of SD 19-03.

Acknowledging the fact that the LGPC has exclusive jurisdiction concerning the installation and permitting of docks, wharves and boathouses, it should be emphasized that the Town of Bolton's local land use ordinance remains in full force and effect concerning all upland development near the shoreline and shoreline uses that impact upon the upland areas of shoreline parcels and neighboring lands. It is reasonable to presume that twenty-eight vessels will attract pedestrian and vehicular traffic, require vehicle parking, bathroom facilities, refuse and re-cycling containers. These are all upland uses which remain within the jurisdiction of the Town of Bolton Zoning Code and they should have been presented with the applicant's SD 19-03 presentation if intended to be part of the subdivision plan. Absent a town review of such matters, the applicant should not be allowed to proceed further with its LGPC application as it substantially departs from the limitations and conditions specified in SD 19-03.

Application of Town Zoning Code requirements in two different town zoning districts:

The Town of Bolton Planning Board was presented with SD 19-03 proposing a four-lot residential subdivision on a parcel of land situated in two different zoning districts. The shoreline portions of the property (defined by following the mean low water mark and over the waters of Lake George) are located in the LC/45 Zone (Land Conservation). The Permitted Uses in the LC/45 Zone are small hunting camps (under 500 sq. ft. in area) Forestry Uses and Agricultural Uses. The Permitted Accessory Uses in the LC/45 Zone allow “Docks” (accessory to the principal use) and Type II Uses (which require a Site Plan Review) provide for “Boathouses”.

The proposed residential lots in SD 19-03 are wholly situated in a Town of Bolton RM 1.3 zoning district. The RM 1.3 Zone is a Residential Medium Density zoning district. The only Permitted Use in the RM 1.3 zoning district is a “Detached Family Residence”. Associated with a Detached Family Residence in the RM 1.3 Zone are “Permitted *Accessory Uses*”..... which include both a Boathouse and a Dock. Accessory uses are required to be customarily incidental and subordinate to the Permitted Use (*ie.*, the Detached Family Residence).

Where a project site on one Tax Map Parcel is divided by a zoning line and where the proposed development is “split” into two different zones, the Town Zoning Code specifications will be construed “most favorable” to the applicant. LC/45 Zone requirements are generally stricter than RM 1.3 requirements. For the purposes of this letter of explanation, there is no Town legal issue; this applicant is afforded the benefit of developing the residential lots within the requirements of the “more favorable” (least restrictive) zoning district. That would mean that the proposed docks, wharves or boathouses shall be determined by the Town of Bolton in accordance with the requirements for the RM 1.3 Zone. Simply stated, docks and boathouses are permitted *as accessory uses to the residences* by virtue of the more lenient and logical provisions specified in the RM 1.3 zone.

Docks and Boathouses as Accessory Uses incidental and customary with a Residence:

The Town of Bolton Zoning Code section 200-8 defines an **accessory use** as “Any use of a structure, lot or portion thereof that is *customarily incidental and subordinate to, and does not change the character of a principal land use or development.*” (Emphasis added).

Town of Bolton Zoning Code Section 200-8 also defines an **accessory use structure** as “*Any structurecustomarily incidental and subordinate to a principal land use or development.....not for rent or hire, that is incidental and subordinate to and associated with a single family dwelling.*” (Emphasis added). It should be evident that shoreline development

proposed by the applicant to the LGPC must be in conformity with these Town of Bolton Zoning Code definitions. Moreover, any LGPC approval of the applicant's plan should respect the requirements of SD 19-03 which prohibits parking at the shoreline. To whatever extent the applicant's plan for shoreline development may require "upland" improvements such as remote parking, bathroom facilities, refuse and re-cycling containers and related amenities it is most important to emphasize that this applicant has yet to secure any permission from the Town of Bolton to provide those amenities and it remains a requirement that they do so before proceeding further with the LGPC application.

Private Docks versus Leased Docks:

Although it is not entirely clear from the applicant's current submission to the LGPC as to what classification of LGPC marina permit might eventually be sought for each of the proposed boathouses that are each designed to provide berthing for at least four or more vessels, it remains most import to point out that in the RM 1.3 zone, the Town of Bolton does not permit a marina use "*as of right*". Accordingly, the Town of Bolton's position on this issue is that if the applicant's current plan before the LGPC is to construct docks, wharves or boathouses that are to be made available as rental slips to persons "outside" of residential land ownership or "outside" tenant occupancy requirements associated with the Detached Family Residence (or to provide dock facilities intended to be leased to persons who are not immediate family members) then such use of the docks, wharves or boathouses is prohibited *i.e.*, a marina facility in not an allowed use.

The Town of Bolton Zoning Code Section 200-8 definition of a **Marina** acknowledges that all boats registered to the land owner and two additional boats for slip renters with a "nexus" of tenancy or ownership to the shoreline property (or members of their immediate families) are not to be considered as creating a marina operation. However, beyond that Code limitation, all additional boat slip rentals at a shoreline property "*by Code definition*" constitute the operation of a marina. The subject property's residential shoreline which is situate in both the LC/45 Zone and the RM 1.3 Zone, in any case, would require a use variance from the Town of Bolton Zoning Board of Appeals (ZBA) if a marina were to be allowed. This of course assumes that the rentals of any variety of dock slips in each of the seven proposed boathouses involves rentals outside immediate relatives, residence owners or renters (or immediate family members) or rental to adjacent upland property owners. This applicant has yet to apply for a use variance from the Town of Bolton for a marina and it is suggested that if this is indeed the applicant's plan, that the LGPC application should be tabled until local approval on the issue is considered.

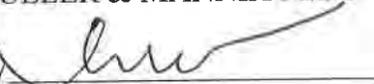
To the fullest extent, the Town of Bolton's position is that the present application before the LGPC potentially creates substantial impacts upon the "upland" portions of the residential shoreline properties in the RM 1.3 Zoning district as well as potential impacts upon Cotton Point Road in areas where the Town of Bolton maintains and enforces its duly enacted local land use jurisdiction. The application under review by the LGPC presents land use issues "on the residential lots" that the Town of Bolton has not been afforded an opportunity to review within the original presentation of SD 19-03. The Town of Bolton has neither "signed off" nor approved what the applicant presently seeks from the LGPC.

Thank you for the opportunity to explain and clarify the town's position. If you need anything further, please do not hesitate to ask. Be well.

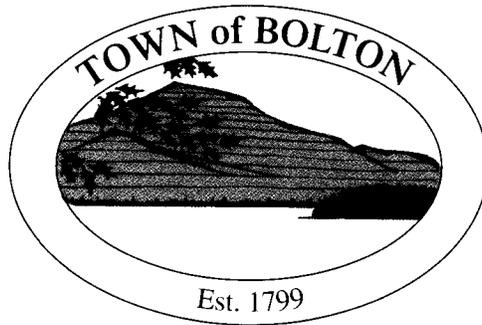
Very truly yours,

MULLER & MANNIX PLLC

By


Michael J. Muller

Assessor
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Supervisor
644-2461
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Dear Mr. Caruso:

December 18, 2019

This letter will serve to notify you of the decision made by the Planning Board on December 12, 2019, with regard to the application referenced below and to inform you of the next phase of review and/or the necessary permits that must be obtained.

APPLICATION

1. **SD19-03 CARUSO, MICHAEL.** Represented by the Brett Steenburgh, PE. Seeks to divide into 4 lots that parcel designated as Section 200.14, Block 1, Lot 20, Zones RM1.3 & LC45. Property Location: Intersection of Cotton Point Road and Route 9N. Minor Subdivision. Last heard June 20, 2019 and August 22, 2019. All conditions have been met per the Resolutions from the June 20, 2019 and August 22, 2019 Planning Board Meeting. The driveway arrangement has been modified to not require NYSDOT access for the one driveway. Subject to SEQR and LWRP review.

RESOLUTIONS:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD19-03. Seconded by, John Cushing. All in Favor. Motion Carried.

Motion by John Gaddy to accept SD19-03 as complete, waive a public hearing, and having met the criteria set forth in the code, convert to final plat and grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions:

1. The road agreement and HOA will be completed and filed with the NYS Attorney General.
2. Driveway and the road off of Cotton Point Road are to have 25' radius to facilitate entrance and egress from the lots.
3. Each of the lots will undergo site plan review for any additional development on them. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by Sandi Aldrich. All in Favor. Motion Carried.**

Additional requirements, applications or review for this project shall include the items checked below.

_____ ZONING COMPLIANCE CERTIFICATE from this office.

_____ BUILDING PERMIT from the Warren County Building Codes Department.
Note: *A Certificate of Compliance must be issued prior to applying for the Building Permit, as a copy of the Certificate must accompany the Building Permit application.*

_____ STORMWATER PERMIT.

_____ WASTE WATER DISPOSAL PERMIT.

_____ SHORELINE VARIANCE. Because this is a shoreline variance outside of the Town of Bolton hamlet area, this application is subject to review by the Adirondack Park Agency. They have 30 days upon the receipt of a completed application to address their concerns, if any. Assuming that they have none, you will need only to apply for the required Certificate of Compliance from this office and a Building Permit from the Warren County Building Codes Dept.

SUBDIVISION MYLAR. Please have your licensed land surveyor place a date and signature line on the mylar and bring it to this office where it will be signed constituting final approval. ***All conditions of approvals must be placed on the mylar.*** You will then need to file said mylar in the office of the Warren County Clerk. **NOTE: This process must be completed within 60 days of the approval granted by the Planning Board.** Once filed, please provide this office with two (2) copies of the mylar showing the County's stamp. **MYLARS CAN BE NO LARGER THAN: 22 inches x 34 inches.**

_____ REVIEW BY TOWN ENGINEER. Your application has been forwarded to the Town Engineer for his review at the Board's request, and at the applicant's expense.

_____ Other:

This office will be performing necessary inspections related to Site issues, *not* Building Code issues, throughout the duration of the project in order for your project to receive final approval for the necessary certificates indicated above. Continued compliance with all details and conditions of approval is necessary to maintain such approval. Please contact our office if we may be of further assistance.

Sincerely,



Richard C. Miller, P.E.
Zoning Administrator

cc: Jodi Connally - Town Clerk / 200.14-1-20

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday December 12, 2019
6:00 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPS = Warren County Planning Board
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Department of Environmental Conservation

Present: Herb Koster, John Cushing, Gena Lindyberg, Kirk VanAuken, Jessica Rubin Sandi Aldrich, John Gaddy Director of Zoning & Planning, Richard Miller and Atty. Michael Muller.

Absent: Ann Marie Scheidegger

The meeting was called to order at 6:00pm.

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the September 19, 2019 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the September 19, 2019 minutes. **Seconded by,** John Cushing. Sandi Aldrich and John Gaddy abstained. **All in Favor. Motion Carried.**

- 1. SPR19-13 FINLEY, MADISON.** Represented by the Brett Steenburgh, PE. Seeks to divide into 4 lots that parcel designated as Section 200.14, Block 1, Lot 20, Zones RM1.3 & LC45. Property Location: Intersection of Cotton Point Road and Route 9N. Minor Subdivision. Seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 square feet of vegetation. 2.4 acres is proposed. Subject to SEQR, LWRP, WCPA and APA review. See SD19-03 associated with this project.

Brett Steenburgh, PE presented the following:

- They have made the requested changes from the last meeting they attended.
- The town engineer has reviewed the plans and they have addressed all of his comments and received a sign off on the plans and stormwater.
- They meet the NYS DEC stormwater design manuals and Town of Bolton stormwater management requirements.
- They are here seeking approval for the 4-lot subdivision as shown on the submitted plans.

John Cushing asked if there would be any bike paths or trails through the wetlands. Mr. Steenburgh replied that there would not, and they would be using Cotton Point Road to access the lake.

John Cushing asked if he would be black topping the driveway, they are putting in. Mr. Steenburgh replied that it is presently stone and 22' wide to handle emergency vehicles. They do not have any plans of black topping the driveway at this time.

Herb Koster inquired about the driveway entrances on lots 2, 3 & 4 and incorporating a 25' radius going in so that the fire trucks could maneuver. Mr. Steenburgh said that would not be a problem.

John Cushing asked if the road would be at least 20' wide. Mr. Steenburgh replied yes, and they exceeded NYS Fire Code for fire truck access.

Herb Koster asked how they planned to access the lake from these lots. Mr. Steenburgh replied that they would be walking down Cotton Point Road and there would not be any parking down by the lake.

John Cushing asked if they had a road agreement drawn up. Mr. Steenburgh said it was at the attorneys now. Herb Koster asked if they would have a HOA. Mr. Steenburgh replied yes. Herb Koster asked if they realized that they needed to go through the Attorney General's Office and the project was contingent on their approvals. Mr. Steenburgh replied that they did.

No County Impact.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR19-13. Seconded by, John Gaddy. All in Favor. Motion Carried.

Kirk VanAuken stated that based upon the materials submitted by Nace Engineering on the stormwater project and accepted as part of the record he would like to add the following:

1. The project meets the design requirements and performance standards set forth in the Code.
2. The project will not have an undue adverse impact regarding the criteria set forth in the Code.
3. That the stormwater control measures proposed will function as designed and constitute the best possible methods feasible and practicable for the project site.
4. Adequate and sufficient provisions are presented, as part of the plan to assure future function or responsibility in the event of failure.
5. The project will not contribute to flooding, siltation or streambank erosion and will not pollute Lake George, its tributaries or streams with stormwater runoff.

Motion by Kirk VanAuken to accept SPR19-13 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. Seconded by John Cushing. All Others in Favor. Motion Carried.

- 2. SD19-03 CARUSO, MICHAEL.** Represented by the Brett Steenburgh, PE. Seeks to divide into 4 lots that parcel designated as Section 200.14, Block 1, Lot 20, Zones RM1.3 & LC45. Property Location: Intersection of Cotton Point Road and Route 9N. Minor Subdivision. Last heard June 20, 2019 and August 22, 2019. All conditions have been met per the Resolutions from the June 20, 2019 and August 22, 2019 Planning Board Meeting. The driveway arrangement has been modified to not require NYSDOT access for the one driveway. Subject to SEQR and LWRP review.

Herb Koster stated they had already gone over the subdivision and asked if anyone had any other requests.

John Gaddy stated he wanted to see site plan review for each of the lots. Herb Koster stated he would also like the 25' radius off Cotton Point Road to be a condition of approval.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD19-03. **Seconded by**, John Cushing. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SD19-03 as complete, waive a public hearing, and having met the criteria set forth in the code, convert to final plat and grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions:

1. The road agreement and HOA will be completed and filed with the NYS Attorney General.
 2. Driveway and the road off of Cotton Point Road are to have 25' radius to facilitate entrance and egress from the lots.
 3. Each of the lots will undergo site plan review for any additional development on them.
- It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by** Sandi Aldrich. **All in Favor. Motion Carried.**

- 3. SPR19-14 UPPER NY ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH.** Represented by the Daniel W. Ryan, PE. 1) Seeks to expand group camp by the construction of two year-round cabins to replace three previously demolished seasonal cabins and the conversion of an existing workshop building to a new welcome center/office. Designated as Section 123.00, Block 2, Lot 3, Zone RR10. Property location: 9 Sherman Lane/Sherman Lake Road; 2) Seeks Type II Site Plan Review for a major stormwater project to remove more than 15,000 square feet of vegetation. 23,958 square feet is proposed. Subject to SEQR, LWRP, DEC, WCPA, Town of Horicon and DOH approvals. Resolution should be contingent on DEC and DOH approvals.

Daniel W. Ryan, PE presented the following:

- The overall master plan for this facility is to consolidate campers in a more secure environment and remove small individual cabins throughout the site.

- This application is for the first 3 projects planned for the upcoming year.
- There are 3 basic construction areas.
- 2 existing cabins have already been removed and each of them housed 4 or 5 campers and a counselor.
- The goal was to remove the cabins to construct the larger cabin to house all the campers along with the counselors.
- Cabin number 2 on the southern part of the site plan will be another project and is dependent on funding. This is also where an existing cabin was demolished.
- Project area number 3 is the conversion of an existing small garage/workshop into a welcome center with offices and a small common area.
- Ultimately, they will be utilizing the existing wastewater systems for most of the project with the exception of cabin 2 which requires its own onsite wastewater system.
- Each project is between 5,000 to 10,000 square feet of disturbance.
- Collectively it is about a half-acre in totality.
- These are somewhat minor projects because they are utilizing spaces where buildings were pre-existing.
- They have stormwater signoff letter from the town engineer.
- They will be updating their permits with DEC for the septic systems and NYS DOH for the water supply system.

Herb Koster asked if they had located the existing wastewater systems. Mr. Ryan replied that they had put in a new system was put in, in 2000 and he detailed them on the plans.

John Gaddy asked if they planned on using the new units year-round. Mr. Ryan said they would. He said there would be four, year-round buildings for winter use.

Sandi Aldrich asked if in replacing the cabins they would be increasing the number of campers. Mr. Ryan stated they would. It would be an increase of 20 additional campers overall. He stated the goal was to get rid of the 2 person and 4 person cabins throughout the property for safety and security purposes.

John Cushing asked if there was a master plan. Mr. Ryan stated not as of yet. They hope to develop one in the upcoming year. John Cushing asked if they had big plans for the future. Mr. Ryan stated that they use 5 acres out of the 175 acres right now, but he is not sure of future plans.

John Cushing asked how many structures were on the property now. Mr. Ryan said that about 80% of them were depicted on the plans and to the south, on the opposite side of Sherman Road, there was probably about another half dozen smaller cabins.

John Gaddy inquired about lighting and stated that he would be asking for a condition that the lighting would be all downward facing and shielded.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR19-14.
Seconded by, John Cushing. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR19-14 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following condition:

1. All exterior lighting is to be downward facing and shielded.
2. A master plan for the property is to be submitted when presenting any future projects.

It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by** Sandi Aldrich. **All Others in Favor. Motion Carried.**

- 4. SD19-04 JTR LAKE GEORGE, LLC.** Represented by Studio A. Seeks to divide into 4 lots that parcel designated as Section 200.10, Block 1, Lot 1, Zone RM1.3. Property Location: 4376 Lake Shore Drive. Sketch Plan Review. Minor Subdivision. In accordance with Section 125-9 B (1)(b) and (2) of the stormwater regulation subject to a major stormwater project. Subject to SEQR, APA, WCPA and LWRP review. The Board must determine if the proposed roadway servicing 3 parcels can be treated as a shared driveway. See V19-22 associated with this project.

Atty. Greg Teresi of Bartlett, Pontiff, Stewart & Rhodes, P.C. and Jeff Anthony of Studio A presented the following:

- They have already received sketch plan approval from this board in the spring.
- They are asking for the modification of a 14' wide road as opposed to the condition imposed for a 16' driveway to access lots 1, 2 & 4.
- They would need to remove 12 mature trees to achieve the 16' driveway.
- They believe that the 14' driveway would also work for lot 3.
- He read a letter of support from the Joe DiNapoli, neighbor to the south.

John Gaddy stated that with concern of the existing mature trees that would cause them not to have a 16' driveway, he noticed that many of them were mature maples and they look as though they would be coming down before to long. He is wondering if they would consider doing some replanting if they are keeping the smaller roadway. Jeff Anthony said they would plant some younger trees between the older trees if this would be a condition the Board would like to impose.

John Cushing said the driveway sits very low between the area of the maple trees and he would like to know if they would be implementing stormwater to address the water funneling off from there. John Roth stated that they had already implemented some of the stormwater controls for that area which addressed this issue and invited the Board to go back and check the updates.

Sandi Aldrich said she had concerns with the width of the driveway for the lots. She believes that if the subdivision down the road is required to have a 20' wide driveway this one should too. Herb Koster stated that the dilemma is that they are trying to balance the need for the fire truck access along with the towns desire to keep mature trees from being cut down. John Cushing stated that there is a difference in the trees on the two lots. Sandi Aldrich stated that the trees

looked like they would not last much longer so she does not see the problem with widening the driveway. Gena Lindyberg stated they could widen the driveway and replant the trees.

John Cushing asked if it would take away from the longevity of the absorption fields, they were installing near 9N because they were putting the 4 of them close together. Mr. Huntington explained that it would have no impact. The reason they chose this area was to keep it away from the lake and the good soil conditions.

Gena Lindyberg said the close proximity of the trees to the driveway could damage them. Mr. Anthony stated they would be trimming the branches and 14' is pretty wide. John Roth stated the trees were majestic trees and their life span was not up yet. He would be having a tree service out to trim them, but he did not want to remove them for 2' more of road. He stated they had a fire down there last summer and the fire trucks came down the old 12' road without any issues. Herb Koster stated he was in favor of keeping the old trees since it would not make any difference for the fire trucks.

John Gaddy asked what the 14' road would access. Atty. Teresi replied lots 1, 3 & 4. The 12' driveway would access the house located next to Route 9N. Mr. Roth stated he had no problem making the 12' driveway on 9N into a 14' driveway too. Herb Koster said it would be more important to add a radius on 9N. John Cushing asked if the extra 2' would impact the absorption fields. Mr. Huntington replied no.

Mr. Anthony stated that this main driveway would really only be servicing lots 1 & 4 because lot 2 was right off of 9N. Herb Koster stated that lot 2 was still being accessed from this road. Sandi Aldrich asked if all the lots would be using this road to access the lake. Mr. Anthony replied that access to the lake was only to be by foot or golf cart for lots 2 & 3. There was no proposed parking area down there for the docks.

John Cushing asked if the stormwater would be in place before they start construction on the other 2 lots. Mr. Huntington replied no, they should go in simultaneously with the development of the house because that is what they were sized for. Lots 1 & 2 have already been approved previously as part of the project, so the stormwater is sized for the driveway and existing houses. The additional stormwater is for the 2 proposed lots. John Cushing asked if the stormwater would be temporary or permanent before they developed the additional lots. Mr. Huntington stated that erosion and sediment controls will be part of the development plans for lots 3 & 4 when they move to develop them. As of now this stormwater maintenance system is developed for the post construction condition to verify that the site can in fact handle the stormwater from the proposed development. Herb Koster stated that they would like to see a stormwater system installed before they start any major construction on the new lots. Mr. Huntington stated that they will have stormwater systems designed for them. Mr. Roth stated that all of the stormwater mitigation that was required for the driveway in the original approvals from top to bottom has been 100% completed. The other 2 sites have small stormwater plans that have to be put in place, and they are fine with the condition that they would need to be put into place prior to construction.

Kirk VanAuken inquired if the road maintenance agreement had been drafted. Mr. Anthony replied there had and it was in draft form right now.

RESOLUTION:

Motion by John Gaddy to accept SD19-04 as complete, waive a public hearing, and having met the criteria set forth in the code, convert to final plat and grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions;

1. Common Driveway must be 14' wide with 25' radius.
2. New road for lot 3 off of 9N must be 14' wide with a 25' radius as well.
3. Lots 3 & 4 must have site plan review before any development.
4. Stormwater must be contemporaneously installed for lots 3 & 4 while being developed.
5. A copy of the shared roadway agreements and easements be submitted to the Planning Office.
6. The applicant must add new trees along the roadway to plan for the eventual replacement of the existing maples.

It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by**, Kirk VanAuken. **All in Favor.** Motion Carried.

- 3. SPR19-15 DEPACE, ANTHONY.** Represented by Gary Hughes. Seeks to demolish and rebuild a single-family dwelling. Seeks Type II Site Plan Review for multiple-family dwellings. Section 186.06, Block 1, Lot 18, Zone RCH5000. Property location 4768 Lake Shore Drive. Subject to SEQR, WCPA and LWRP review. Contingent upon V19-47 for a Density Variance.

Gary Hughes & Devin Dickinson presented the following:

- They are proposing the demolition of the existing cottage.
- They are also proposing a new septic system for 6 bedrooms which is a positive as the existing one is within 50' of the lake.
- There will now be a stormwater plan for the site, which never had one previously.
- They met with the Lake George Waterkeeper and have agreed on a stormwater plan.

John Gaddy asked who the property owners to the east and west side were. Tony DePace stated he owned the property on the other side of the road, so it was two different pieces of property.

John Gaddy inquired asked what kind of marina approvals they had for the dock rentals. Mr. DePace replied they had a marina permit for the 18 dock spaces.

John Gaddy asked if there were any deed restrictions on the property. Mr. DePace replied that there were not. He said the easement for the house across the street, but it had been extinguished.

Sandi Aldrich inquired about the parking area south of the garage. Mr. Dickinson stated that the new parking area just south of the garage was actually a porous parking area and intended for the house. Currently the marina people park up by 9N and they will continue this practice.

Sandi Aldrich asked about the gravel path in the notes for the marina people. Mr. Dickinson replied that they would be walking along the north property line which was lawn.

John Gaddy stated that the reason it was a multi-family application was due to the existing apartment above the existing garage.

John Cushing asked how many trees they would need to remove. Mr. Dickinson stated they would need to remove a couple of trees for the septic installation. The rest of the site is pretty much wide open. The intention is to save the mature trees along the shoreline which is a condition of approval for the variance they received. Mr. DePace said that there is one tree on the waterfront between the boathouse and the Algonquin building that will need to be removed.

John Gaddy asked how the lots on the west side of the property would be accessing the lake. Mr. DePace stated there was no deeded right of way to the lots on the other side of the road at this time.

Herb Koster inquired where all the cars for the docks would be parking. Mr. DePace replied that they would continue parking where they have been for the past 30 years, alongside 9N. He said there was also extra parking across the street in the parking lot which could hold an additional 4 cars. All the dock customers are informed that they are only allowed to park 1 car per boat on site.

Gena Lindyberg inquired how many docks slips he had that would have vehicles needing parking. Mr. DePace replied 18. Gena Lindyberg asked what the maximum parking along the road was. Mr. DePace replied 10 vehicles.

John Gaddy stated that it was nice to see the Elgin septic system which was a big improvement.

RESOLUTION:

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SPR19-15. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Kirk VanAuken to accept SPR19-15 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following condition: 1. All lighting is to be downward facing and shielded. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by** John Cushing. **All in Favor. Motion Carried.**

- 4. SPR19-08 PARROTTA FAMILY LLC.** Represented by Atty. Greg Canale. **1)** Seeks to amend conditions of approval set forth by the Planning Board on November 20, 2008 when approving SPR08-25 for a marina/tourist accommodation on that parcel designated

as Section 171.11, Block 2, Lot 12. The conditions read as follows: There shall be no pumping of gas on site. There shall be no more than 12 rental boats. The hours of operation, including maintenance, are to be between the hours of 8:00 am and 5:00 pm. 2) Seeks Type II Site Plan Review to create a marina on that parcel designated Section 171.11, Block 2, Lot 11. **NOTE – Lot 11 & 12 have now been merged.** 21 boats are proposed plus 2 additional moorings. Off season storage of 23 boats is proposed. The proposed hours of operation are between the hours of 8 am to 6 pm. The pumping of gas is proposed. Zone RCM1.3. Property Location: 5102 & 5104 Lake Shore Drive. Subject to WCPA, SEQR and LWRP review.

Atty. Greg Canale presented the following:

- 11 years ago, Mr. Parrotta came to this Board to rent some pontoon boats from his property. The Board approved this on November 20, 2008 but set up many conditions of approval.
- One of the conditions was limit the rental boats to 12 which at the time seemed fine and was all he was asking for.
- The reason they came to the number of 12 was because that is all he asked for at the time.
- He was not sure how the business would go, and he was renting out several other dock spaces to private people.
- Another condition was limiting the hours of operation from 8:00am to 5:00pm and again this was all he asked for because it seemed reasonable.
- The last condition was the prohibition of the pumping of gas.
- When he first came to the board for the approvals of this project, he had a minimal amount of boats and did not feel he needed to it as there were several marinas across the bay.
- He never thought he would not be able to come back to this board for modifications.
- He is here tonight because the business was much more successful than he anticipated, and he has increased his boat fleet and noticed a few things through the operation of this business over the past 11 years.
- One of those things is that it is not safe or sound to use gas cans to refill the boats at the end of every day.
- Also, the marinas were complaining about the influx of boats from his business at the end of the day trying to fill up before returning them.
- Mr. Parrotta went to the LGPC in May 2016 to apply for additional docking spaces for additional rental boats.
- He was granted a total of 21 berthing spaces, 18 on docks and 3 on moorings.
- Tonight, he is asking to be allowed to use these spaces for pontoon rentals, so that the Town of Bolton conditions of approval will comport with the LGPC.
- They were here last June, and they understand that the board is looking for the safest state of the art gas pumping facility available, so they hired Environmental & Fueling Systems, LLC and they gave a very thorough presentation of the gas pumping proposal.
- Mr. Miller of Environmental & Fueling Systems, LLC is here tonight to recap that presentation if the 2 members of the board who were not present at that meeting so wish.
- The Board also requested more detailed and specific survey maps for summer storage and the other for winter storage and the hired Darrah Land Surveying PLLC to produce these maps.

Kristen Darrah of Darrah Land Surveying, PLLC detailed the two sets of plans to the board.

Gena Lindyberg asked how many parking spaces were available for summer boat rentals. Ms. Darrah detailed the map and pointed out the spaces saying that it was about 40 spaces. Sandi Aldrich said that she believed that they had requested was to see a total parking plan that included the rental units, employees, boats and owner. Ms. Darrah replied correct, and at each of the buildings there were designated parking spaces with numbers and that the grass areas were available, but not lined parking spaces per say. They would be for the overflow. Sandi Aldrich stated that the lower parking area for 5 spaces did not meet the Town of Bolton code. Ms. Darrah stated that area was gravel and depending how things were parked they may be a little on the grass.

Sandi Aldrich asked if they were in compliance with the 2008 conditions. Director of Planning and Zoning, Richard Miller replied that he believes that they are. Gena Lindyberg asked how many boats were on the property. Atty. Canale said he believed 21. Sandi Aldrich said the Board's specific approval was for a total of 12 boats. Atty. Canale replied that was for the rental of pontoon boats. Herb Koster stated that number was for the rental boats only. Sandi Aldrich said she wanted to know how many rental boats were on the property right now. Atty. Canale stated he did not know, but that in the summertime, Mr. Parrotta is in compliance with the conditions when renting the boats. Sandi Aldrich said if there are more than 12 rental boats on the property right now, he is not in compliance. Atty. Muller stated that he was not sure that was true. Mr. Parrotta had a limitation to the rental of 12 pontoon boats but the history that follows though, is that in 2016 LGPC allowed him and his Class A marina to have 21 rental boats. Between 2008 and 2016 there was a court case in Lake George and the courts decided that the shoreline communities do not have jurisdiction over the activities that are on the water. Under ideal circumstances the towns are not ignored. Unfortunately, this is not the way it went. LGPC indicated they would just ask the applicant if everything was ok with the municipality and they would accept a verbal yes or no. This has since changed. This situation was not only of Mr. Parrotta's making. The town has only approved 12 boats, but he has approvals for 21 boats from another agency. This is not a perfect fit, which is why enforcement proceedings started and Mr. Parrotta came to this board. Litigation followed, and they went to court where a resolution was stipulated to have Mr. Parrotta come back to the Planning Board and solve the problem, not identify the problem. He now needs to receive from the board, the amount of boats, hours of operation and permission for the dispensing of gas on his property. Atty. Muller stated he promised the applicant and the judge that the board would give the applicant a blank slate and let him start all over. It is up to this board to solve this.

Herb Koster stated they had asked for specific parking spaces to be designated on the plans and they need to see them drawn out with both summer and winter storage for all of them. This Board wants all the parking to be sized correctly and shown on the plans for the entire enterprise, including all the boats and the trailers along with every car for the entire site. They need to be legitimately sized for the vehicles and sized on the plans. They want them for the rental units, employees, rental customers, owners and boats and trailers for both winter and summer.

Gena Lindyberg inquired what the total boats on the property would be. Atty. Canale replied 21 boats in total. Gena Lindyberg stated they would want two parking spaces per boat for rentals in the summer which would be 42 spaces for the boat rentals. Herb Koster asked where the trailers

were stored in the summer and how many trailers there were. Atty. Canale stated he would get that information. Herb Koster stated he wanted to see the storage of boats and trailers away from 9N. Atty. Canale stated they would be looking at John Gaddy's suggestion to move them in another space more secluded area on the property.

John Gaddy said that Mr. Parrotta had stated that he had a couple of extra boats for parts. Herb Koster stated that they needed to cut it off somewhere and he wants 21 as a maximum total of boats on the property.

John Gaddy asked of the possibility of the winter storage of boats up into a more secluded area where there is equipment stored. Atty. Canale stated this was definitely a possibility.

John Gaddy said that along with the specific delineation on the plans for all of the requested parking spaces, he would like them to understand that there was to be no more clearing or removal of vegetation for these spaces. Herb Koster agreed and said that there was supposed to be a replanting plan that was designated by this Board many years ago by the applicant that never took place.

Herb Koster stated that this Board is willing to work with Mr. Parrotta, but they need to see that this is legit and fits the property. Atty. Canale said they are very grateful for this opportunity to come back and do it right.

John Gaddy asked if all the docks would have access to gas pumps. Atty. Canale replied no. They would not have a gas dispenser over the water. Every other marina has pumps out over the water, except for DEC. This is a state-of-the-art system.

Gena Lindyberg questioned the sale of fuel. Atty. Canale replied that it was not a retail fuel system, this was for the refilling of rental boats only. There would be no sale of gas.

Gena Lindyberg inquired about a 100' buffer around the tank. Mr. Miller of Environmental & Fueling Systems, LLC stated that they had this question last time and it was resolved. Gena Lindyberg said the drawing does not show the 100' buffer. Mr. Miller of Environmental & Fueling Systems, LLC stated that this tank was 100' from the neighboring properties and about 70' from the water.

Atty. Canale requested that the Board table this application so they could get the requested information together for the Planning Board.

RESOLUTION:

Motion by Sandi Aldrich to table SPR19-08 for additional information from the applicant as follows:

1. A survey map to scale depicting parking to code specifying sizes and what they are for as follows:
 - a. 2 parking spaces each for 21 boat rentals.
 - b. 1 space for each guest room.
 - c. 1 space for each employee.

- d. Parking for owners.
- e. 1 adequate space for each of the 21 trailers.
- 2. All the tourist accommodations with occupancy depicted on the map.
- 3. All buildings are depicted on map.
- 4. The exact and total amount of docks and moorings.
- 5. Where the boats will be stored in the winter.

Seconded by, John Gaddy. All Others in Favor. Motion Carried.

The meeting was adjourned at 8:27pm

Minutes respectfully submitted by Kate Persons.

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday August 22, 2019
6:00 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPS = Warren County Planning Board
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Department of Environmental Conservation

Present: Herb Koster, John Cushing, Gena Lindyberg, Sandi Aldrich, John Gaddy & Ann Marie Scheidegger, Zoning Administrator Pamela Kenyon

Absent: Kirk VanAuken, Jessica Rubin and Atty. Michael Muller.

The meeting was called to order at 6:00pm.

Herb Koster thanked Pamela Kenyon for her 30 years of working for the Town of Bolton and all the help she has given the Board throughout those years as the Zoning Administrator.

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the July 18, 2019 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the July 18, 2019 minutes. **Seconded by**, John Gaddy. **All in Favor. Motion Carried.**

1. **SPR19-10 UPPER HUDSON WOODLANDS.** Represented by F & W Forestry Services. For a proposed timber harvest, seeks Type II Site Plan Review for a stream crossing. Section 124.00, Block 1, Lot 38, Zone LC45. Property Location: Off Padanarum Road. Subject to LWRP and SEQR review.

Tom Sargeant of F & W Forestry Services stated they were going to timber harvest a section behind Indian Brook.

John Cushing asked for the time frame of the project. Mr. Sargeant stated it was probably going to be a winter job and take at least 4 months depending on the size of the crew.

Herb Koster asked if the stream crossing would be put in and taken out in the winter. Mr. Sargeant stated it was a temporary crossing

John Gaddy inquired about the oak/hickory forest mentioned in the SEQRA. Mr. Sargeant stated it was a pretty common forest on the east coast, but DEC considers this forest as a special community in this part of New York. The only thing of importance there is that it requires them to do ¼ acre clear cuts if they work in that area. They have no intention of working in that area as the wood is not ready.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SPR19-10. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SPR19-10 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following condition: 1. The applicant follow and monitor the best management practices as outlined in the letter from the Warren County Soil and Water. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by**, Gena Lindyberg. **All in Favor. Motion Carried.**

2. **SD19-03 CARUSO, MICHAEL.** Represented by the Brett Steenburgh, PE. Seeks to divide into 4 lots that parcel designated as Section 200.14, Block 1, Lot 20, Zones RM1.3 & LC45. Property Location: Intersection of Cotton Point Road and Route 9N. Sketch Plan Review. Minor Subdivision. Subject to SEQR and LWRP review. Last heard June 20, 2019. The sole purpose of the meeting is to determine if the proposed roadway now servicing 4 parcels can be treated as a shared driveway.

Brett Steenburgh, PE. presented the following:

- The sole purpose of this meeting is to determine if the existing roadway can be considered a shared driveway.
- They really want to utilize a common driveway to service these lots instead of adding more driveways onto Route 9N.
- It is their intent to have this as a common driveway and not a road.
- They are trying to keep as much of a vegetated buffer between the homes and Route 9N for obvious reasons.
- This would avoid clearing and cutting some of the existing trees.
- They have looked at it from a stormwater management aspect and it would be much less obtrusive as a driveway with significantly less clearing.
- They want 4 houses on a common driveway.
- They understand they need stormwater management, but they need know first what this roadway will be considered.

Herb Koster stated he did not mind it being a driveway, but he wanted to know how wide it would be. Mr. Steenburgh replied that it was 16' wide. Herb Koster stated it would not be wide enough for emergency vehicles. Mr. Steenburgh stated they could increase it to 20' if that would work better for the Board. Sandi Aldrich asked if there was an area where they could add a turn around for a fire truck. Herb Koster said a hammerhead on the last lot. Mr. Steenburgh replied that they could certainly design that without much problem. Sandi Aldrich stated that if they designed that, she would have no problem with it being a shared driveway.

John Cushing stated that they would still need a maintenance agreement for the driveway. Mr. Steenburgh stated they understood this.

John Cushing inquired if there would be any trails going through the wetland. Mr. Steenburgh replied there would not.

RESOLUTION:

Motion by John Gaddy to declare the Bolton Planning Board as lead agency for SD19-03. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by John Gaddy to accept SD19-03 as a sketch plan for a 20' wide shared driveway with a hammerhead, waive a public hearing on the driveway as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following conditions; 1. Metes and bounds must be on the plans for the driveway. 2. They must have deeded rights-of-way for all of the lots. 3. Driveway is to be 20' wide, with an extended hammerhead at the end. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by** Gena Lindyberg. **All in Favor. Motion Carried.**

3. **SD19-04 JTR LAKE GEORGE, LLC.** Represented by Studio A. Seeks to divide into 4 lots that parcel designated as Section 200.10, Block 1, Lot 1, Zone RM1.3. Property Location: 4376 Lake Shore Drive. Sketch Plan Review. Minor Subdivision. Subject to SEQR and LWRP review. The Board must determine if the proposed roadway servicing 3 parcels can be treated as a shared driveway. See V19-22 associated with this project.

Atty. Stephanie Bitter presented the following:

- They are seeking a 4 lot subdivision.
- The lot as it exists today is 9.7 acres
- They are seeking to create 4 separate lots.
- Lot 1 is 5.22 acres and currently has a house under construction.
- This lot will include the existing driveway to Route 9N.
- Lot 2 is 1.63 acres and includes the existing gatehouse that was recently renovated.
- Lot 3 is 1.366 acre lot which will have the two existing leach fields on it.
- Lot 4 is 1.42 acres in size and include a waterfront property and a dock that the LGPC has already approved.
- Lots 2 & 3 will have waterfront easements over lot 1 to utilize the dock that has already been approved by the LGPC.
- With this subdivision they are seeking to allow this existing driveway to be maintained and utilized by all of the lots for multiple purposes. One being less disturbance because it is already there so there would be no need for further clearing or disturbance.
- Lot 1 has retained this driveway for purposes of control and easements will be provided to the lot owners.
- Each lot is in the 1.3 acre zone and they are all compliant and meet the standards.

- The only item that was necessary was a front setback variance for them to maintain the setback.
- They were granted this variance from the Zoning Board.
- This subdivision will require A.P.A jurisdiction due to wetlands.

Gena Lindyberg inquired about the roadway on the map from lot 3. Mr. Anthony replied there was a new driveway for that lot only. They had a traffic study done and this driveway meets all standards for site distance and access. Gena Lindyberg inquired if this driveway would accommodate emergency vehicles. Mr. Anthony replied that it would.

Sandi Aldrich asked if lot 3 would be using the other driveway for lake access. Mr. Anthony replied yes, and he detailed it on the plans. He said he thinks they would walk down a path or something as opposed to driving up to Route 9N and then back down the other driveway.

Sandi Aldrich asked if the turnaround at the bottom would be adequate for emergency vehicles. Mr. Anthony said it was more than adequate for this.

John Cushing asked if stormwater approvals were done for the house on lot 1 yet. Mr. Anthony replied that both lot 1 and lot 2 have already been completely approved by the town. They have major stormwater approval for the main house, gate house and the driveway along with the 2 absorption fields. Lots 3 & 4 would need to come back for any new construction and will need their own independent stormwater controls. Lots 3 & 4 will not affect the wetland due to the topography. John Cushing asked if he was saying the stormwater was complete for lots 1 & 2. Mr. Anthony replied that it is complete in the sense that it had been approved. They are still in the process of installing it now as they are still under construction. John Cushing asked if there would be more grading. Mr. Anthony replied yes, it was a project that was still under construction. They are building it in accordance to the approved plans.

Zoning Administrator, Pamela Kenyon stated this project had been kicked up to a major stormwater project. Herb Koster asked if the road would need to be under major stormwater requirements. Zoning Administrator, Pamela Kenyon replied that everything did.

John Cushing asked if the road would be paved. Mr. Anthony replied that it would after lots 3 & 4 were completed. John Cushing asked if the other lots would be under construction the same time as lot 1. Mr. Anthony replied no, lot 1 should be finished in the spring. John Cushing asked if they could have the stormwater on the road completed when the house was done when the house was completed on lot 1. Herb Koster stated the road had to be redesigned to major stormwater regulations.

Gena Lindyberg asked if the septic systems for lot 3 & 4 were on lot 3. Mr. Anthony replied no and detailed the plans and showed them where the systems were.

Herb Koster inquired if the septic systems for lots 1 & 2 were hooked together on the same parcel. Mr. Anthony replied that they were individual and there is an easement to allow lot 2 to put their septic on lot 1. They have already been installed by state standards.

John Cushing asked if they were basically here tonight for the roadway to service the 3 parcels. Mr. Anthony replied that this was correct, they have a long way to go on this project. They are here to get a determination that the driveway in its existing position can service lots 1, 2 and 4.

Herb Koster stated that the driveway would need work done to it. Eric Sandler from Schoeder River Associates stated that the house is still under construction and that there is still work that is needed to be done to the driveway. It still needs to be built up and it is in process of construction to the standard that it was designed. Herb Koster stated he does not want the language to go through that they approved the driveway as it is. They are just looking for approvals that this will be utilized.

Herb Koster asked what the proposed width was. Mr. Sandler replied 12' wide. Gena Lindyberg stated that 12' was not wide enough for the emergency vehicles. Herb Koster stated it was not. The fire department was not satisfied with 12'. Mr. Sandler stated they would make it 16' wide if this would if that is what they need. They could expand 2' on both sides. Zoning Administrator, Pamela Kenyon stated that they would need an additional variance for lot 2 if they move it any closer to the structure. Mr. Anthony stated they could go the other way.

Sandi Aldrich asked about question 6 and the subdivision application. Atty. Bitter stated that it is in reference to lot 4, but relative to that restriction, the way in which lot 4 has been described and demonstrated, it complies with it. If necessary, they can submit the documentation.

Gena Lindyberg asked about the shared dock. Mr. Anthony explained that the LCPC had approved 3 docks for this property. They had 680' of shoreline. He detailed them on the plans. Gena Lindyberg asked if the access would be in the deeds. Mr. Anthony replied yes.

Herb Koster asked if the intent was to have an Association for this road and shared docks. Atty. Bitter stated that at this time she would contemplate more of a maintenance agreement so they could all identify with those obligations together with the easements. It would be a recorded document. Herb Koster stated that he was not sure they could avoid going through the Attorney General's Office. Atty. Bitter stated she would provide the documents to Atty. Muller to make sure they are not required to.

Ann Marie Scheidegger asked why they marked yes on item 12b. Mr. Anthony explained that they had an archeological study, and they found a small area on lot 1 where they found some chert and encampment things and they were asked to contain it. Rope it off with construction fencing and not disturb it. They were not asked to exhume anything just to leave it alone which they are.

RESOLUTION:

Motion by John Cushing to declare the Bolton Planning Board as lead agency for SD19-04.
Seconded by, John Gaddy. **All in Favor. Motion Carried.**

Motion by John Cushing to accept SD19-04 as sketch plan, waive a public hearing on the driveway plan as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the

following conditions; 1. A road maintenance agreement is needed for all lots. 2. Road must be 16' wide with sufficient turn around for emergency vehicles at the end. 3. New road off 9N must be 16' wide as well. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by, Gena Lindyberg. All in Favor. Motion Carried.**

4. **SPR19-11 DYER, CHARLES.** In accordance with Section 200-47G3 (Regulations of mobile homes outside of transient mobile home courts or campgrounds), seek Type II Site Plan Review to place a construction trailer on that parcel designated as Section 200.14, Block 1, Lot 22. Zone RM1.3. Property Location: 4274 Lake Shore Drive. Subject to WCPS, LWRP and SEQR review.

Charles Dyer presented the following:

- They are proposing to construct an A frame chalet on this property.
- BBB construction will be doing the work.
- They would like temporary permission to place a recreational camper running parallel to 9N on the property well within the property setbacks to oversee construction.
- Once construction is completed, they will remove the camper.
- They are proposing to use a septic company to come and pump them out and emptying grey and black water.
- This is specifically for the construction phase only.

Gena Lindyberg asked why it was depicted as a construction trailer. Mr. Dyer replied that they would not be recreating there, it would be used for occupancy and overseeing the construction of the new structure. Herb Koster asked if they would be living in it. Mr. Dyer replied no. He would be staying in it on and off on weekends and some weekdays.

Gena Lindyberg asked what the potential dates were for the trailer being there. Mr. Dyer stated that he is just awaiting his architectural approvals which he should be receiving in the next couple of weeks. He was advised by his builder that construction should begin within the next few weeks and be about a 2 month job. He believes that the camper will be removed by the end of November to the beginning of December.

Herb Koster asked what his intent was for emptying the septic tanks. Mr. Dyer replied that he would be having the tanks emptied by a septic company. He stated that there is already a well on the property that he will try to hook up to for water.

John Cushing said that if he still needed to submit plans, he would be well into the winter. Mr. Dyer replied that he was initially informed that because of the size of the structure he would not need stamped plans by an engineer. When he submitted them, he was told by Warren County that he did need stamped, engineered plans. He has an architect that is reviewing his plans and he will submit them to Warren County next week. He was told that would be about a 2 week process, so he is hoping to break ground in mid September. Zoning Administrator, Pamela Kenyon informed the Board that Mr. Dyer already had his required permits from the Town of Bolton. She told Mr. Dyer that he would need to resubmit his plans if there were any changes made to them.

Herb Koster asked how long this permit was for. Zoning Administrator, Pamela Kenyon replied 180 days and then they could come back to the Board for an additional 180 days.

Sandi Aldrich stated she had concerns with this because they got stuck with someone who was snowed in and frozen in. She would like to see the trailer removed before winter set in. Mr. Dyer said that was fair. His contractor told him it was a 2 month job. He does not intend to keep the camper on the property any longer than need be. Gena Lindyberg asked how many days he was looking for. Mr. Dyer said it was hard to say due to it being contingent on the approval of the architectural plans. Mr. Burke has stated that he will start as soon as they have the approvals. Sandi Aldrich asked if the end of November would be fair. Mr. Dyer stated that would work.

RESOLUTION:

Motion by Sandi Aldrich to declare the Bolton Planning Board as lead agency for SPR19-11.
Seconded by, John Gaddy. **All in Favor. Motion Carried.**

Motion by Sandi Aldrich to accept SPR19-11 as complete; waive the Public Hearing, having met the criteria set forth in the code, grant final approval of the project as presented. This motion includes a SEQR analysis and findings of no negative environmental impacts with all aspects favorable to the application as presented with the following condition: 1. The trailer is to be removed by the end of November. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

5. **SPR19-12 CAMP WALDEN.** Represented by CLA Site. Seeks Type II Site Plan Review for a group camp, specifically to build a tree house. Section 185.00, Block 1, Lot 32, Zones RCL3, LC25 and LC45. Property Location: 429 Trout Lake Road. Subject to WCPS, LWRP and SEQR.

Herb Koster stated he was not comfortable with receiving a revised set of plans the day of the meeting where they have no time to look them over. He would like to put this off until they have a chance to look them over.

John Gaddy said it looks like a good spot for this, but his concern is for a master plan for this camp. He has not seen one as of yet. Mr. Loyola stated they had submitted a master plan in November of 2015. He presented the Board a copy of this plan.

RESOLUTION:

Motion by John Gaddy to table SPR19-12 for time to review the recently submitted plans.
Seconded by, Gena Lindyberg. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:07

Minutes respectfully submitted by Kate Persons.

**Town of Bolton
PLANNING BOARD
MINUTES
Thursday June 20, 2019
6:00 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPS = Warren County Planning Board
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Department of Environmental Conservation

Present: Herb Koster, John Cushing, Alternate, Jessica Rubin, Gena Lindyberg, Sandi Aldrich, Kirk VanAuken, Zoning Administrator Pamela Kenyon and Atty. Michael Muller.

Absent: John Gaddy & Ann Marie Scheidegger

The meeting was called to order at 6:00pm.

REGULAR MEETING

Herb Koster asked if there were any changes or corrections to the May 16, 2019 minutes.

RESOLUTION:

Motion by Gena Lindyberg to approve the May 16, 2019 minutes. **Seconded by,** Sandi Aldrich. Kirk VanAuken abstained. **All others in Favor. Motion Carried.**

- 1. SD19-03 CARUSO, MICHAEL.** Represented by the Brett Steenburgh, PE. Seeks to divide into 4 lots that parcel designated as Section 200.14, Block 1, Lot 20, Zones RM1.3 & LC45. Property Location: Intersection of Cotton Point Road and Route 9N. Sketch Plan Review. Minor Subdivision. Subject to SEQR and LWRP.

Brett Steenburgh, PE. presented the following:

- The parcel is 21 acres in size encompassed by Cotton Point Road on the north and three sides of the parcel.
- He detailed the plans to the Board.
- It is currently owned by Finley.
- Mr. Caruso is looking to subdivide it into 4 conforming residential building lots.
- They have had a field survey and boundary information done on the parcel.
- The parcel is in two zones.
- All of the lots would be constructed in the RM1.3 Zone.
- They all exceed the area requirements of this zone.
- Each pair of lots will share 1 driveway. One located off of Route 9N and the other located off of Cotton Point Road.
- The areas for these driveways have been already cut in prior to them coming into this proposal for development.

- He detailed the APA wetland boundary and stated that they are maintaining all of the setbacks from this.
- They have been in contact with the APA and LGPC regarding future docks on the lake for these lots.
- They are here to review the application tonight for minor subdivision.

Gena Lindyberg inquired about the septic easements. Mr. Steenburgh stated there were existing septic easements for properties on the opposite side of Cotton Point Road. They will have to preserve these easements.

Herb Koster asked what the distance of the contour lines were. Mr. Steenburgh said he believed they were 2' contours. John Cushing said he had walked it out and it was pretty flat there. He said they like to see the slopes on the plans. Mr. Steenburgh stated that they could put the contour lines on the plans.

Herb Koster asked if there was still a need for 200' separation from well to septic when it is going up hill and the septic is above the well. Zoning Administrator, Pamela Kenyon replied yes. Herb Koster stated they did not have that. Mr. Steenburgh said they probably did not have it on Lot 1, but they did on Lots 2-4. He said they certainly could adjust the future well location on Lot 1, they would just need to work with the APA.

Sandi Aldrich asked if there would be a problem with the wells being close to the wetlands. Mr. Steenburgh replied no. Mike Caruso asked if they were opposed to having 1 shared well for two properties. Herb Koster replied that he believes they would have to go through the NYS Board of Health and have a licensed plant manager to supply water to anyone else.

John Cushing asked if the APA had marked the wetlands yet. Mr. Steenburgh said he had a call into the APA, but they had been marked by a previous applicant. Matt Finley said that they had. John Cushing asked what color the ribbons were. Mr. Finley replied blue. He said that the APA had been there 3 times and staked out the wetlands all three times.

John Cushing asked if they knew how many acres were involved with the septic easement on Lot 4. Mr. Steenburgh stated he believed the septic easements were 50' x 100' so they were looking at 15,000 sq. ft.

John Cushing asked if they would have agreements drawn up for the shared driveways. Mr. Steenburgh replied yes.

Gena Lindyberg asked if they had two wells on one lot. Mr. Steenburgh replied they did, the property line had been shifted slightly and on the new plan the well would be shifted over to represent it on the other lot.

Herb Koster asked what they were here for tonight because they were missing much of the required information. Mr. Steenburgh stated they were looking for the Board's feedback on the map and their feeling on the project. Atty. Muller stated they were here tonight with a sketch plan review. The Board needs to tell them what else they would like to see. Herb Koster said they needed metes and bounds on all of the property lines and their intention on the docking.

Sandi Aldrich asked if the property went all the way to the lake shore. Mr. Steenburgh replied that it did. Gena Lindyberg asked if there would be a path to the lake or if they would be driving to the docks. Mr. Steenburgh replied that they would most likely be driving to the docks. He stated the wetlands were very wet.

Herb Koster stated that there was a note on the plans stating that Cotton Point Road was of unknown ownership. He thought it was a town road. Mr. Steenburgh replied that Mr. Finley owned the road. Gena Lindyberg asked if he owned the whole road. Mr. Steenburgh said he did, and it would be included in the purchase. Gena Lindyberg asked if there would be easements for the 4 lots. Mr. Steenburgh replied yes.

Herb Koster said he wanted contour lines listed as elevations, metes and bounds and intentions on docking.

Gena Lindyberg asked if the road went all the way to the Dunleavy property. Mr. Steenburgh said he was not sure who owned the property, and they detailed it on the plans. Mr. Finley said at the point where the road turns inland in Cotton Point, by the corner is where his deed says he owns to. He said the Warren County maps are incorrect. Sandi Aldrich asked if the ownership was in question from the corner out to the Smith property. Mr. Finley said no, not in his mind. Sandi Aldrich said if he doesn't know, did he know who does. Mr. Finley replied no. Herb Koster asked if he had given deeded rights-of-way to all of the property owners in Cotton Point. Mr. Finley replied no, the town in 1903 took the road over the objection of the owners. This was reestablished in a court case in 1987, where the Town of Bolton asked them to sue the town. They did to establish their rights and give the town the right to rip rap the shoreline. They have continued to do this all that time. There was never any easement needed because the town has the right to lay and maintain a road in the town, but he owns the land. The town has an easement to maintain the road. Gena Lindyberg asked if the other property owners had easements over the road. Mr. Finley said it technically was a town road and he detailed it on the plans to the Board.

Herb Koster said they would also need to see the stormwater management they were proposing on this project. Mr. Steenburgh stated that because the disturbance was so minimal and under the NYS DEC threshold requirement, they would only be doing erosion and sediment control during construction and maintaining it. They are creating less than an acre of disturbance, which most of it had been previously disturbed. They would be cleaning up for the common drives. Sandi Aldrich asked about clearing for the house sites. Mr. Caruso said most of it is cleared and the drives are already cut in. Zoning Administrator, Pamela Kenyon stated that due to the wetlands on this property she had the option to kick it to a major stormwater project and she did believe she would be doing that. She asked if they had moved the house out of the setback line on the plans. Mr. Steenburgh replied he had. Zoning Administrator, Pamela Kenyon stated that when he went to the next phase of this project there is a whole list of requirements in the ordinance that they will need to supply. Mr. Caruso stated that all 4 lots will not be developed with homes all at once.

John Cushing inquired if the buffer zone was 75' from 9N. Zoning Administrator, Pamela Kenyon said it was.

Gena Lindyberg asked if the shared driveways would have easements written into the subdivision plan. Mr. Steenburgh said they would.

Gena Lindyberg said she was looking at the new Zoning Regulations and she wanted to make sure they are followed. Zoning Administrator, Pamela Kenyon stated there were only two new changes to the code.

Mr. Caruso asked if the Board preferred two driveways as opposed to four. Herb Koster stated he preferred the two. He said they would need stormwater management included on the plans.

Gena Lindyberg said there should be easement for lake access if they are crossing

John Cushing inquired if they needed anything special to put in driveways off of 9N. Herb Koster stated they would need a permit from NYS DOT.

RESOLUTION:

Motion by Kirk VanAuken to accept SD19-03 as a satisfactory sketch plan, with the following conditions:

1. Metes and Bounds are included on everything and numbered out.
2. Elevations delineations.
3. Easements for driveways.
4. Deep test hole data included on the plans.
5. Proposed docking and access are included in the new plan.
6. NYS DOT access is granted for driveways.

Seconded by Sandi Aldrich. **All in Favor. Motion Carried.**

Motion by Kirk VanAuken to declare the Bolton Planning Board as lead agency for SD19-03. **Seconded by**, Sandi Aldrich. **All in Favor. Motion Carried.**

7. **SPR19-08 PARROTTA FAMILY LLC.** Represented by Atty. Greg Canale. **1)** Seeks to amend conditions of approval set forth by the Planning Board on November 20, 2008 when approving SPR08-25 for a marina/tourist accommodation on that parcel designated as Section 171.11, Block 2, Lot 12. The conditions read as follows: There shall be no pumping of gas on site. There shall be no more than 12 rental boats. The hours of operation, including maintenance, are to be between the hours of 8:00 am and 5:00 pm. **2)** Seeks Type II Site Plan Review to create a marina on that parcel designated Section 171.11, Block 2, Lot 11. **NOTE – Lot 11 & 12 have now been merged.** 21 boats are proposed plus 2 additional moorings. Off season storage of 23 boats is proposed. The proposed hours of operation are between the hours of 8 am to 6 pm. The pumping of gas is proposed. Zone RCM1.3. Property Location: 5102 & 5104 Lake Shore Drive. Subject to WCPS, SEQR and LWRP review. See V19-14 associated with this project.

Atty. Greg Canale, project attorney presented the following:

- They are seeking to amend conditions that were imposed by the Planning Board on November 24, 2008.

- These conditions were agreed upon by Mr. Parrotta when he only had 2 to 3 pontoon boats.
- It was an experimental operation at that time.
- He decided to close the restaurant and used part of the space for cottage rentals and the marina area to rent pontoon boats.
- At the time he thought at best it would only be up to 5 or 6 boats.
- Much to his surprise, the pontoon boat rental business took off.
- When he agreed to the stipulations in 2008, no one informed him that the stipulations would be into perpetuity. He thought he would be able to come back for modifications as needed.
- Originally when Mr. Parrotta came before the Board, he only had the one lot, now he has merged the two together.
- He made an application to the LGPC to increase his 12 boat rentals to 20, which they granted.
- He has 18 dock spaces and 3 moorings for a total of 21 spaces.
- The LGPC considered the impact of boat congestion and felt that it was ok.
- The neighbors came and objected, but the LGPC approved the 18 dock spaces and 3 moorings.
- He is here to ask that the Board amend the 2008 approval to conform with what the LGPC has approved.
- He is sure that Mr. Cossman will object to this saying it will be too congested.
- Whether these are rentals, or the docks are rented out to people it will still be the same amount of boats.
- There have been no study or expert on boat congestion that has stated that this will create too much boat congestion to this Board or the LGPC.
- At this time, it is just a neighbor's opinion.
- There has not been one boat accident or citation issued in this area dealing with the rentals.
- The commissioner of the LGPC submitted a letter to the town stating he did not believe there was any problem with congestion in this area.
- The applicant is not looking for any additional moorings, he would like to utilize the merger of the two properties for the marina activity to store boats and trailers in the wintertime.
- He is looking for permission to store the boats here off season. There is a fence blocking this from the neighbor.
- They are also looking to put the overflow parking for the marina business on this property.
- They have restrictions as to how many vehicles are allowed to park on the premises with the rental of a pontoon boat, nevertheless, there are occasions there are times when additional parking is necessary on this other lot.
- There have been no problems with this ever.
- He is also seeking to extend the hours of operation to 8:00am – 6:00pm, which would be far more compatible to the business.
- He would finally like to amend condition 6 to allow the use and placement of a 1000-gallon petroleum tank and the pumping of petroleum to the rental fleet.

- It will never be used for the sale of petroleum.
- The Board has made it clear that they wanted significant matter and they demanded a very specialized retention area.
- Mr. Parrotta heard them loud and clear and at great expense hired Environmental and Fueling Systems, LLC.
- They specialize in the design and safety of petroleum tanks.
- Mr. Parrotta is not in search of any variances; he is proposing complete conformity with the new regulation of the storing of volatile liquids.
- The plan he is putting forward will far exceed the Code of the Town of Bolton and DEC requirements.

Mark Miller of Environmental & Fueling Systems, LLC presented the following:

- NYS DEC does not require tanks under 1,100 gallons to be registered, therefore you can just take a tank, drop it on the ground and start pumping with no rules or regulations.
- Bolton has a 5' Dike requirement.
- There is only one dock space
- He gave a power point presentation and went through the submitted plans, which are on file at the Planning Office, in great detail to the Board.
- They have met all setbacks.
- They have concrete barriers.
- Concrete can't be contaminated.
- The following items are part of the fueling system design:
- 1,000-gallon Highland single walled tank.
- Highland containment dike with 5 ft walls painted white.
- 3 .5-gallon spill containment at fill.
- Mechanical overflow prevention valve with 90% shut-off.
- Mechanical "Clock Style" tank level gauge with battery operated, high level alarm.
- Primary atmospheric and emergency vents.
- Tank label package;
 - Emergency Stop
 - High level alarm
 - Other tank identification labels
- Fill-Rite pump - 1/3 HP motor with anti-siphon breaker, suction stub, and ball valve.
- Black iron 1-inch piping to transition assembly, 4-inch containment sleeve, and underground 1-inch double walled piping.
- Low point underground piping sump for inspection and transition to aboveground piping. Owner is responsible for trenching, backfill, and restoration.
- Black-iron aboveground piping over retaining wall, down wall, on piping stands on concrete sidewalk to dispenser sump.
- Emergency stop button.
- Stainless steel dispenser mounting sump with shear valve.
- Wayne mechanical dispenser, calibrated for with Weights and Measures
- Hannay spring rewind painted hose reel with 75 foot of ¾ inch gasoline hose and ball stop. Includes ¾ inch nozzle, swivel, and breakaway.

John Cushing inquired where the end of the hose would be stored. Mr. Miller pointed it out on the plan stating they were using a Hannay hose reel.

Mr. Miller stated that they would downsize the pipe so there was not too much power in the nozzle. They do not want gas spraying. Kirk VanAuken asked if it would be double walled. Mr. Miller stated it would.

Mr. Miller stated that DEC requires two forms of release and he has designed this project with three and a spillway, there is a valve, a gauge and an alarm. If there are any leaks, they will go right into the dike.

Kirk VanAuken inquired how they would manage rainwater. Mr. Miller stated they would either use a factory built metal roof or Mr. Parrotta would build a roof. He said it would also be fenced in.

Herb Koster asked what they were putting the pipe in. Mr. Miller stated it was a containment sleeve. The pipe is not sitting in the dirt.

Kirk VanAuken inquired about the outer edging. Mr. Miller stated it was typically sand or pea stone. He stated he preferred pea stone.

Jessica Rubin inquired how easy it would be to retro fit the pump for retail. Mr. Miller explained that they would need to replace the dispenser with a different type, they would also need permits from DEC and the Town. He is setting up as commercial, it is not set up for retail.

Mr. Miller stated Mr. Parrotta is better off having a tank up to alleviate a congestion issue.

Gena Lindyberg said that the code requires the tanks to be 100' back from a residential building and it did not appear to be 100' from the cabin. Atty. Canale stated it was not residential it was a rental. He does not believe there is any problem. Zoning Administrator, Pamela Kenyon stated she had the same question about that cabin. Mr. Miller stated that there are 9 tanks in town and none of them meet the setbacks. They are so far away from everything here compared to everyone else. Gena Lindyberg stated they were just talking about the rules and regulations for the town. Mr. Miller said he did not know, maybe they would need a variance. He asked the Zoning Administrator if there was a definition for residential building. Zoning Administrator, Pamela Kenyon replied that Mr. Parrotta stated it was for his employees. Gena Lindyberg stated that meant that someone is residing there. Mr. Miller asked Zoning Administrator, Pamela Kenyon what the definition was for residential in the setback department. Zoning Administrator, Pamela Kenyon replied that she did not have her book, so she did not know.

Mr. Miller asked if there was a definition in the regulations for residence. John Cushing read the code requirement as follows: Volatile liquid storage of 50 or more gallons shall require a one-hundred-foot setback from residential property. Mr. Miller stated residential property, not a residence. It is on the property. Gena Lindyberg said the property has residences on it, buildings where people live. Mr. Miller replied that the code said 100' from a residential property, not a residence. John Cushing stated that he would have assumed it was from the neighbor's property.

Zoning Administrator, Pamela Kenyon stated she believed the intent of new regulation was it needed to be 100' from a residential property as in somebody else's property not theirs. Sandi Aldrich asked if it met these requirements on both the north and south sides. Zoning Administrator, Pamela Kenyon said yes. Mr. Miller said it was depicted on the site plans. Mr. Cushing said it was 93' from the lake. Zoning Administrator, Pamela Kenyon said she was on the property with Mr. Parrotta and they had measured it out. She said it was only a 75' setback from the lake. Atty. Muller explained it was 75' from the shoreline and 100' from the neighboring properties. Mr. Miller depicted it on the plans and stated they met all the setbacks.

Mr. Miller stated that the risk was when you filled the tank and when you dispensed. They have minimized the risk and he detailed this on the plans. He believes they have done a good job with this. There is not a lot of storage for fuel on the lake in Bolton and this will help. This system will be one of the best fueling systems in the entire town. Some of the other tanks are right on the shore with dispensers on the dock. Atty. Canale said that last year, Norowal had stated that this will be a help to them because the renters were clogging up their marina waiting for a gas pump to free up. This would help with congestion for them. Mr. Miller stated this just makes sense as it keeps the other areas less congested. Atty. Canale said they were fine with the stipulations that under no circumstances whatsoever would Mr. Parrotta be allowed to fill any other boats than the rentals. He also said he thought the Board should have a stipulation stating that the system as has been presented be fully certified in writing as compliant. Mr. Miller stated he had no problem showing the Board every component of the system if approved, once it is installed. Atty. Canale said Mr. Miller is putting his company name on this project so it would, and he would be happy to show the Board that it was properly installed as depicted on the plans. Herb Koster asked who would be installing the system. Atty. Canale said Mr. Miller and his company would be.

Herb Koster inquired if there were any variances needed with this plan. Zoning Administrator, Pamela Kenyon replied she has not had a chance to review the packet yet as they just received it. Atty. Canale said there was no need for any variances. They did everything pursuant to the code so there was no need for a variance.

John Cushing asked if Mr. Miller had ever seen a gas tank explode or catch fire. Mr. Miller replied he had not and the only tank he knew of that had exploded recently was at the Lafayette DOT, and it was a diesel with a heater in it. It is very uncommon to have any problems with the tank itself. The problems on a fueling system usually occur at the billet and at the nozzle. They are using barriers to block it from being driven into. They have this off the lake and they have it contained.

Sandi Aldrich asked if they were looking to make modifications to the original approvals given in 2008. Zoning Administrator, Pamela Kenyon replied that was correct. Sandi Aldrich asked if they were going from 12 boats to 21. Atty. Canale replied yes. Sandi Aldrich said she would be more comfortable if she had everything that we would have required in the first place, such as adequate parking for the boats, a scale on the maps, more time to review the plans that were handed out tonight and a Public Hearing for the neighbors.

Gena Lindyberg said she would like to see the 10' x 20' parking spaces marked out on the plans. Herb Koster stated that they needed a more detailed survey map that specified the parking spots.

Gena Lindyberg stated she would like the winter storage for the parking of the 21 boats. Kirk VanAuken stated he would like to see the lines and delineations for the parking spots on the plot. Herb Koster said it would be better if they had a separate drawing for the winter storage of boats and for the summertime where all the parking will be for the boats on the docks. Sandi Aldrich said she also wanted to see the parking for the cabin rentals as well. Gena Lindyberg said for the employees too.

Herb Koster said that until they get all of this information, they could not call for a Public Hearing. Atty. Muller stated that was the Board's call, but he would advise them that this was correct. They would want to see it. Herb Koster said that they would want all of the required information so they could hold the Public Hearing once.

Jessica Rubin stated she appreciated the presentation to the Board tonight and it was very prepared. She said this feels like a marina version of segmentation, and that is why she wants to see a full on plan.

Gena Lindyberg asked how many boats were at the marina right now. Josh Silver attorney for the Crossman's stated that he was there today and there were 18 boats. 15 on shore and 3 on the moorings. He said that the applicant is not compliant with the code and he does not believe he should be able to move forward.

John Cushing said he thought that the docks were the jurisdiction of the LGPC. Herb Koster said that was true, but Atty. Muller said otherwise. Atty. Muller stated that his take is that Bolton only granted Mr. Parrotta the 4 corners of the 2008 approval and the 2008 approval limited it to 12 boats. Subsequent to 2008, and on its own the LGPC granted him additional privileges. The town did not correct that as far as Mr. Parrotta is concerned, but they did in a discussion with the LGPC agree from that point forward, before anyone would be allowed permission to go before the LGPC to ask for relief, the Town of Bolton would be consulted. The LGPC agreed with this. He believes that the Mr. Parrotta went back before the LGPC to ask for more, and the LGPC fulfilled their promise and said Mr. Parrotta would not move forward with them until he was in compliance with the Town of Bolton. Herb Koster asked if that meant in compliance with the number the Town of Bolton gave him in 2008 or the number the LGPC gave him in 2012. Atty. Muller said he only worries about Bolton, so he would say he's limited to the confines of 2008. Sandi Aldrich asked if he had to go back to the 12 boats to be in compliance. Atty. Muller said Mr. Parrotta has permission from the Town of Bolton to do whatever they specified in 2008 and he is prohibited from doing anything they had limited or prohibited in 2008. He is not to dispense fuel and he is not. In terms of the boats, in order to be in compliance with the Town of Bolton he should limit to 12 and limit it to the hours approved.

Herb Koster said that there are a lot of legal issues here, that they are discussing right now, because somewhere in that time period, the LGPC informed the town that they had no jurisdiction or rights whatsoever on the lake. Atty. Muller replied this was correct. Due to the outcome of the Hart Family Trust vs. Lake George, the court said that the towns and shoreline communities do not have any jurisdiction at the mean high water mark and out across the water. Subsequent to that decision the LGPC said that was not the way they read it and they thought they shared jurisdiction with the Town. He asked for that to be confirmed in a letter before the town started exercising it, and the LGPC withdrew that. Atty. Canale said that he believed that

for the record, the court seemed to be more authoritative than someone from the LGPC. Atty. Muller stated he agreed with this and that is why he has stuck to, Bolton did not have jurisdiction of the boats out on the lake, but he believes the town has clear jurisdiction and they exercise it fully with respect to all of the land impacts such as parking, noise, hours of operation, lighting etc. Herb Koster said he agreed, he is worried that they are stepping on someone's toes who got permission to do something at the same time the town was told that they did not have anything to say about what happened on the lake, and now they say we can coordinate with them. It would also be nice to know what all these dates are. Atty. Muller stated he supposed they could do a chronology on all of it. He said they were in litigation with Mr. Parrotta and went around in giant circles discussing the same things they are tonight. He said he and Atty. Canale decided to just come back with a clean slate before the Town of Bolton with a better plan and present it. He recommends that they see what the plan is on its merits. He said Atty. Silver raises a good question about what the town wants to do with the boats in excess of 12. He recommends that they do not have any expectation that Mr. Parrotta is pumping any gas at any time right now. He absolutely should not be. With respect to the additional use of boats beyond the 12, he does not have clear instructions and quite frankly the LGPC has really messed this up for the town. Atty. Canale said they have listened to the Board and they hear them loud and clear and they will address all of them.

Kirk VanAuken asked if the LGPC had a say in the winter storage of the boats. Atty. Muller stated they exercised jurisdiction of the upland storage of boats if they are impacting the lake. John Cushing asked if it was called a quick launch. Kirk VanAuken said that he was asking because he was looking at the LGPC permit had berthing spaces and customer winter storage. Atty. Muller said that the LGPC exercises this jurisdiction and he does not challenge it. Herb Koster stated they stepped in at the Smith Farm. Kirk VanAuken said that the permit has a line asking total customer winter storage which was 0, total quick launch was 0 and in parenthesis indoor and outdoor which were both 0. Atty. Muller stated that Bolton did not participate in those LGPC hearings, but he would like to point out that he believes in the chronology, and Kirk is reading somewhere in the midpoint, because if he understands Mr. Parrotta's present application, he is doing what is necessary in Bolton so he has permission to go back to the LGPC to get the permission that he does not have there. Atty. Canale replied that was correct. Atty. Muller said if this Board permits him, then he can move on to the LGPC.

Sandi Aldrich said she believes that Mr. Parrotta stated that should follow whatever was granted in 2008 until they made a decision on this plan. Atty. Muller stated he was certain that there would be no pumping of gas, but he was not sure about the boat rentals. John Cushing asked if Mr. Parrotta could rent the extra dock spaces and quick launch all the pontoon boats down at Norowal. He asked if they would rather he does that. The man owns 18 dock spaces, he's going to rent them to someone. All he has to do is pay the fee for each pontoon boat on land and quick launch every one of them at Norowal. Sandi Aldrich said she is not saying that is a better alternative. John Cushing said the man is just trying to make a living. Herb Koster said that the enforcement is not up to them. Atty. Muller stated that Herb was right, and if it was a matter of enforcement, the Town Board would tell him so and he and Pam would have that discussion and present it to the Town Board. Herb Koster said there is any number of things Mr. Parrotta can do with those docks and he is not telling him what he can or cannot do right now because it is not part of his application. Atty. Muller said he shared Herb Koster's opinion on that. He asked Atty. Canale if he was clear on what they needed to get for the Board. Atty. Canale said he was.

Atty. Muller suggested that the Board table the application for the applicant to present a more detailed and specified plan. Sandi Aldrich said that most of the specifications were spelled out in the code. Zoning Administrator, Pamela Kenyon asked her if she would like everything that was specified in that code. Sandi Aldrich said she would like at least the first 10 or 12. The Board discussed what they would like to see on the updated plans.

Kirk VanAuken and the Board said they really appreciated what they had done for the gas.

No County Impact.

Motion by Sandi Aldrich to declare the Bolton Planning Board as lead agency for SPR19-08.
Seconded by, Gena Lindyberg. **All in Favor. Motion Carried.**

Motion by Kirk VanAuken to table the application so the applicant may present a more detailed plan with everything that is specified in Section 200-28 of the code with 2 plot plans; 1 scaled with all the pertinent information for winter storage of the boats and the other showing parking for summer usage and the amount of parking for everything on the property including employees, cabin rentals and boat rentals. **Seconded by,** Gena Lindyberg. **All in Favor. Motion Carried.**

The meeting was adjourned at 8:30

Minutes respectfully submitted by Kate Persons.

December 24, 2020

Joe Thouin
75 Fort George Road
P.O. Box 749
Lake George, NY 12845



Dear Mr. Thouin,

I write to you to comment on the proposed construction of seven (7) covered E-shaped crib docks, application number #DWM20-000084, Parcel #200.14-1-20, submitted by Madison K. Finley. I am opposed to this construction project, for a variety of reasons, each outlined below.

I am the owner of the adjacent property and feel strongly that this proposed project would create dangerous road congestion, compromise the environmental integrity of the ecosystem and destroy the aesthetic integrity of a scenic byway.

Cotton Point Road, the proposed site of construction, is a narrow access road, classified by the Town of Bolton as a Scenic Byway. It is the only means of terrestrial access to the 72 homes and camps located within Cotton Point, Hemlock Point, and South Beach Association. The increased congestion as a direct result from the construction of these proposed structures, would present a significant safety risk to those that the road was originally intended to service. In the event of a life-threatening emergency involving the residents or guests of these 72 residences, any increased traffic resulting from the construction of these boathouses (either during the construction phase, when large equipment would no doubt be blocking part of the roadway, and afterward as increased pedestrian and vehicular traffic to and from the proposed constructions) could potentially delay rescue efforts. Because of the limited amount of vehicular traffic on the road, it is a popular route for pedestrians and small children on bikes. This proposed project would alter not only the view that is enjoyed by motorists, pedestrians, and cyclists, but also pose an increased safety risk to them.

The site of the proposed constructions, is one engaged in a constant battle with erosion, as the ice expands and pushes against the shoreline on an annual basis, resulting in increased narrowing of the roadway. Adjacent to the shore of the lake is a protected wetland, which drains into the lake, any modifications made to the shoreline environment could have a negative impact on this delicate shoreline ecosystem. During the course of the last decade, Basin Bay has witnessed an extreme uptick in boat traffic and overcrowding, this project would add to this negative trend and further exacerbate the safety and environmental threats posed by increased boat traffic.

Lake George and The Adirondack Mountain Region have long been admired for their beauty and remoteness, regarded as a respite from the hustle and bustle of daily life.

Andia-ta-roc-te, as the Native Peoples of the region called it, Lac du Saint Sacrement to the French, and Lake George to the English, all recognized and were drawn to the lake because of her beauty and unique geological features. Artists, such as Georgia O'Keeffe and Alfred Steiglitz have paid homage to the region as well. The viewshed is part of the experience of "going to the lake", the remaining undeveloped areas of the lake should remain as such, honoring the natural beauty rather than diminishing it with more and more structures. The natural integrity of the region deserves reverence and respect, this project would offer neither and would not be in the highest and best use of the shoreline, and would certainly not honor the scenic byway off of which they would be constructed.

I ask that you review these comments with adequate consideration to the arguments made herein. Application # DWM20-000084 poses an existential threat to the ecological integrity and safety of the proposed site, therefore, I am going on the record to voice my opposition to this project.

Sincerely,



Joan McKeag
P.O. Box 35
Bolton Landing, NY 12814

Lake George Park Commission (via e-mail)

RE: Opposition to Application DWM20-000084

Dear Members of the Lake George Park Commission,

As a neighbor on Lake George, I respectfully write in opposition to the application submitted by Madison Finley for new boathouses and docks on Basin Bay. We believe that this project runs counter to your mission, and furthermore that it will significantly impact the local environment and Federal and State designated protected wetlands.

As set forth on your website, your mission states:

The purpose of the wharf & mooring program is to reduce congestion, overcrowding, safety and hazards along the lakeshore, while preserving riparian rights of lakefront owners. To ensure equity among lakefront owners as well as accomplish the goals of the program, the Commission has developed specific design limitations on size, shape, and placement and number of docks allowed per amount of lakefront owned, as well as general standards which include assessment of project impacts on navigation, aesthetics, congestion and neighborhood character.

The Basin Bay dock project runs counter to your mission in two ways.

First, the proposed boathouses will add an enormous amount of congestion to an already crowded Basin Bay. During any day of the summer, the bay is full of boaters rafting together for the entire day. These proposed boathouses will add up to 14 boats to the area.

Second, the proposed boathouses will create a land traffic bottleneck for the only land access to homes on Cotton and Hemlock Points, as well as risk the safety of the families using the proposed facilities. There are approximately 67 homes along Cotton Point Road and its side streets. As the proposed docks and boathouses are located across Cotton Point Road from the proposed subdivision, pedestrians must cross Cotton Point Road to access the docks. The increase in pedestrians crossing Cotton Point Road to access up to 14 boats will significantly slow traffic on an already congested roadway. Moreover, requiring pedestrians to cross a high-traffic roadway jeopardizes their safety; it is unclear from the application what steps are proposed to address safety concerns.

Local impact aside, we are deeply concerned about the significant likelihood of harm to protected wetlands and the health of the water of Lake George. The proposed development is in a designated Federal Freshwater Forested / Shrub Wetland zone. (National Wetlands Inventory, located at <https://www.fws.gov/wetlands/data/mapper.html> (last visited January 12, 2021)). Furthermore, it lies within a larger New York designated significant natural community zone, which means that it has “rare or high-quality wetlands, forests, grasslands, ponds, streams, and other types of habitats, ecosystems, and ecological areas.” (New York State Dept Environmental Conservation, Environmental Resource Mapper, located at <https://gisservices.dec.ny.gov/gis/erm/> (search “Cotton Point Road” last visited January 13, 2021)) (see image of map below - subject property is in pink rectangle near Cotton Point Road and 9N). These wetlands are protected because they serve a variety of fundamental environmental functions, including “protecting and improving water quality, providing fish and wildlife habitats, storing floodwaters, and maintaining surface water flow during dry periods.” (Environmental Protection Agency, *Why Are Wetlands Important?*, located at <https://www.epa.gov/wetlands/why-are-wetlands-important> (last visited January 12, 2021)) (see pictures below of standing water present year round in proposed development area).

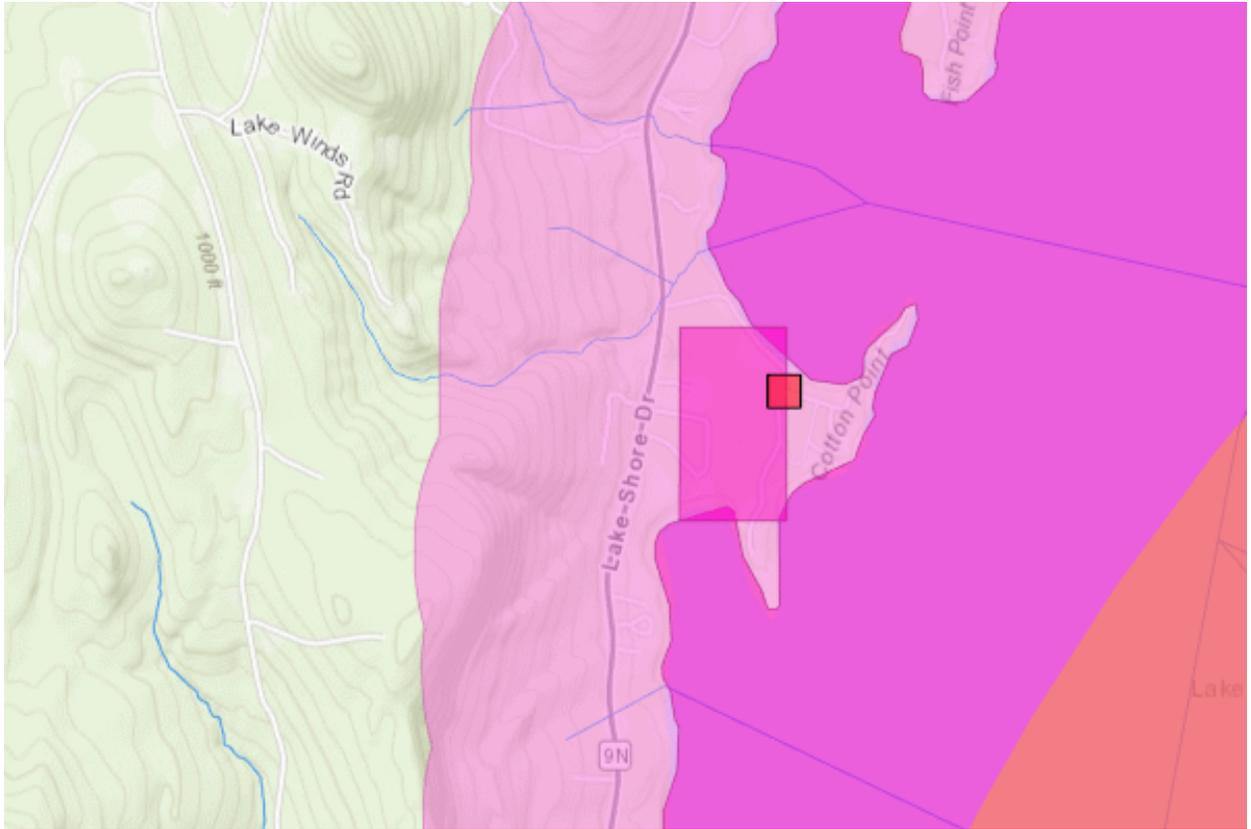
The beautiful purity of Lake George has already been critically endangered with invasive species and algal blooms aggravated by climate change and rising water temperatures. The immediate Basin Bay area under consideration suffers from food waste and litter from uncontrolled boat overuse. Development of the adjacent wetlands will both worsen the immediate human use pollution and diminish the cleansing function of the natural swamp.

My family and I love Lake George and want to see its pristine beauty preserved for future generations. To that end, we hope that you will reject this proposed project, which we believe runs counter to your mission and ours.

Sincerely,



Michael A. Hill,
Manager, Pleasant Waters, LLC



Photos of Wetlands





An official website of the United States government.



Why are Wetlands Important?

Wetlands are important features in the landscape that provide numerous beneficial services for people and for fish and wildlife. Some of these services, or functions, include protecting and improving water quality, providing fish and wildlife habitats, storing floodwaters and maintaining surface water flow during dry periods. These valuable functions are the result of the unique natural characteristics of wetlands.

See the [Wetland Factsheet Series](#) for more information about wetlands.

Wetlands and Nature

Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs. An immense variety of species of microbes, plants, insects, amphibians, reptiles, birds, fish and mammals can be part of a wetland ecosystem. Climate, landscape shape (topology), geology and the movement and abundance of water help to determine the plants and animals that inhabit each wetland. The complex, dynamic relationships among the organisms inhabiting the wetland environment are called food webs. This is why wetlands in Texas, North Carolina and Alaska differ from one another.

Wetlands can be thought of as "biological supermarkets." They provide great volumes of food that attract many animal species. These animals use wetlands for part of or all of their life-cycle. Dead plant leaves and stems break down in the water to form small particles of organic material called "detritus." This enriched material feeds many small aquatic insects, shellfish and small fish that are food for larger predatory fish, reptiles, amphibians, birds and mammals.

The functions of a wetland and the values of these functions to humans depend on a complex set of relationships between the wetland and the other ecosystems in the watershed. A watershed is a geographic area in which water, sediments and dissolved materials drain from higher elevations to a common low-lying outlet or basin a point on a larger stream, lake, underlying aquifer or estuary.

Wetlands play an integral role in the ecology of the watershed. The combination of shallow water, high levels of nutrients and primary productivity is ideal for the development of organisms that form the base of the food web and feed many species of fish, amphibians, shellfish and insects. Many species of birds and mammals rely on wetlands for food, water and shelter, especially during migration and breeding.

Wetlands' microbes, plants and wildlife are part of global cycles for water, nitrogen and sulfur. **Scientists now know that atmospheric maintenance may be an additional wetlands function.** Wetlands store carbon within their plant communities and soil instead of releasing it to the atmosphere as carbon dioxide. Thus wetlands help to moderate global climate conditions.

Wetlands and People

Far from being useless, disease-ridden places, wetlands provide values that no other ecosystem can. These include natural water quality improvement, flood protection, shoreline erosion control, opportunities for recreation and aesthetic appreciation and natural products for our use at no cost. **Protecting wetlands can protect our safety and welfare.**

Natural Products for Our Economy

We use a wealth of natural products from wetlands, including fish and shellfish, blueberries, cranberries, timber and wild rice. Some medicines are derived from wetland soils and plants. Many of the nation's fishing and shellfishing industries harvest wetland-dependent species. In the Southeast, for example, nearly all the commercial catch and over half of the recreational harvest are fish and shellfish that depend on the estuary-coastal wetland system. Louisiana's coastal marshes are tremendously valuable for their commercial fish and shellfish harvest. Wetlands are habitats for fur-bearers like muskrat, beaver and mink as well as reptiles such as alligators.

Fish and Wildlife Habitat

More than one-third of the United States' threatened and endangered species live only in wetlands, and nearly half use wetlands at some point in their lives. Many other animals and plants depend on wetlands for survival. Estuarine and marine fish and shellfish, various birds and certain mammals must have coastal wetlands to survive. Most commercial and game fish breed and raise their young in coastal marshes and estuaries. Menhaden, flounder, sea trout, spot, croaker and striped bass are among the more familiar fish that depend on coastal wetlands. Shrimp, oysters, clams, and blue and Dungeness crabs likewise need these wetlands for food, shelter and breeding grounds.

For many animals and plants such as wood ducks, muskrat, cattails and swamp rose, inland wetlands are the only places they can live. Beaver may actually create their own wetlands. For others, such as striped bass, peregrine falcon, otter, black bear, raccoon and deer, wetlands provide important food, water or shelter.

Many of the U.S. breeding bird populations-- including ducks, geese, woodpeckers, hawks, wading birds and many song-birds-- feed, nest and raise their young in wetlands. Migratory waterfowl use coastal and inland wetlands as resting, feeding, breeding or nesting grounds for at least part of the year. Indeed, an international agreement to protect wetlands of international importance was developed because some species of migratory birds are completely dependent on certain wetlands and would become extinct if those wetlands were destroyed.

Flood Protection

Wetlands function as natural sponges that trap and slowly release surface water, rain, snowmelt, groundwater

and flood waters. Trees, root mats and other wetland vegetation also slow the speed of flood waters and distribute them more slowly over the floodplain. This combined water storage and braking action lowers flood heights and reduces erosion.

Wetlands within and downstream of urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface- water runoff from pavement and buildings. The holding capacity of wetlands helps control floods and prevents water logging of crops. Preserving and restoring wetlands together with other water retention can often provide the level of flood control otherwise provided by expensive dredge operations and levees. The bottomland hardwood- riparian wetlands along the Mississippi River once stored at least 60 days of floodwater. Now they store only 12 days because most have been filled or drained.

Executive Order 11988: Floodplain Management - an order given by President Carter in 1977 to avoid the adverse impacts associated with the occupancy and modification of floodplains.

For Floodplain Managers

- Federal Emergency Management Agency (FEMA)
- Association of State Floodplain Managers **EXIT**

LAST UPDATED ON JUNE 13, 2018

Joe Thouin

From: John W. Caffry <jcaffry@caffrylawoffice.com>
Sent: Friday, January 15, 2021 1:31 PM
To: Joe Thouin
Cc: mjmuller@mullermannixlaw.com; Karla W. Buettner
Subject: Application of Finley & Caruso, No. DWM 20-000084

Dear Joe:

I have reviewed the letter from Town of Bolton Town Attorney Michael J. Muller to you, dated January 12, 2021, regarding the above-referenced project. I am pleased to see that the Town has clarified its position regarding the proposed Finley/Caruso docks, and that it will assert jurisdiction over the upland aspects of the project. However, I would like to comment on one issue that is discussed in Mr. Muller's letter.

In my January 10th comment letter to the Commission on behalf of Jenny Brorsen, and in the attached visual impact analysis by Matt Allen of Saratoga Associates, we cite to the designation of Cotton Point Road as a "Scenic Travel Corridor" by the Town of Bolton pursuant to Town Code § 200-20.B as a reason why the project "would irreparably damage the aesthetic qualities" of the landscape and create "an undue impact on the scenic resources of the neighborhood". (Allen letter at pp. 11-12.) However, at point 2 of his letter, Mr. Muller states that the proposed docks and boathouses are not subject to the Scenic Corridor Overlay District's land use regulations at § 200-20.C of the Code because the docks themselves are outside of the Town's jurisdictional limits.

These two positions are not contradictory. As shown by Mr. Allen's letter (pp. 1-6), it is a standard practice in visual impact analysis to look at official designations of scenic areas and other officially adopted rules, plans, and policies in order to assess the significance of the affected aesthetic resources. In this case, there are numerous applicable documents that show that the project site is of great aesthetic importance.

For purposes of 6 NYCRR § 646-1.6(a), the Commission's review of a dock project does not stop at the water's edge. Here, the visual impacts of the docks will affect the Scenic Travel Corridor, even if the docks themselves are outside the limits of the designated corridor. The fact that the Town has designated Cotton Point Road as a Scenic Travel Corridor should still be considered by the Commission in its review of the project's "probable visual ... effects ... on the neighborhood ... and on the Park" under 6 NYCRR § 646-1.6(a), even if the related regulations in the Town Code do not apply for the specific purpose of the Town's zoning review.

The designation of the road as a Scenic Travel Corridor remains a factor to be considered by the Commission and supports denial of the

application on the basis that the project "will have an undue impact upon ... the resources of the park ... [and] cause undue visual ... impacts on the neighborhood [and] the Park". 6 NYCRR § 646-1.6(a).

If you have shared Mr. Muller's letter with the Commission members, please share this e-mail with them as well.

Sincerely,

John W. Caffry

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

John W. Caffry
Attorney at Law
Caffry & Flower
100 Bay Street
Glens Falls, NY 12801
518-792-1582
Fax: 518-793-0541

jcaffry@caffrylawoffice.com

Joe Thouin

From: Jason Gutheil <jgutheil@hotmail.com>
Sent: Monday, January 11, 2021 9:01 PM
To: Joe Thouin
Subject: Proposed Boathouse

Dear Sir,

I am writing to express my concern regarding the proposed boathouses along the water front on Cotton Point Road in Basin Bay. With multiple proposed boathouses and numerous boat slips, I am concerned with the increased traffic and safety of pedestrians as well as animals. Since there is no parking on either side of the road and limited shoulders, the amount of vehicle traffic will magnify with loading and unloading equipment and passengers either by cars, trucks, golf carts, etc. in front of the boathouses and/or people walking from route 9N.

In addition, I have environmental concerns with the lack of restroom facilities and garbage disposal. My concern is that the wetlands may become the reservoir for trash and human waste.

I hope that the LGPC would reconsider this proposal due to the safety issues mentioned above. Thank you for your time and consideration.

Respectfully,

Jason Gutheil

Joe Thouin

From: Charlie Jablonski <charlie@jablonski.tv>
Sent: Saturday, January 9, 2021 1:24 PM
To: Joe Thouin
Cc: jhbrozyna@gmail.com; mcaruso2@nycap.rr.com
Subject: Application of Madison K. Finley, Application # DWM20-000084, Cotton Point Rd, Bolton.

-By Email -

Joe Thouin,

Environmental Analyst

Lake George Park Commission

75 Fort George Road, PO Box 749

Lake George, New York 12845

Dear Sir,

Reference is made to Application of Madison K. Finley, Application # DWM20-000084, Cotton Point Rd, Bolton, for construction of new docks in Lake George, along Cotton Point Road.

Understanding the dual role that the Lake George Park Commission plays in both the promotion of use and the protection of Lake George, it is with some mixed feeling that I make the comments in opposition to the proposed application for the docks, struts and installations proposed in the application. As a long time seasonal resident of the area, I well understand the needs of protection must be weighed against reasonable development that leads to others to enjoy this unique natural resource and reasonable development of sustainable commercial development and interests.

I must state emphatically that this application does not meet any of the test(s) of reasonableness, thoughtfulness, appreciation of the general environment, specific safety impacts and risks to the local residences and their families, long term environmental impact and damage, disruptions and impact of the construction, supporting services and use of the proposed installation(s). Specifically:

- * The Cotton Point Road is the only access to and from various individual residence, associations and properties (e.g. South Beach Association, Hemlock Point and Cotton Point.). There has been prior history of that access road being used improperly. Illegal parking along the road, that lead to danger not only to the users attempting to utilize the Bay access in the past, but also to the residences of the aforementioned areas. Pedestrians, children, vehicles and pets have often been at risk when that road and access were attempted to be used for parking and Lake access.
- * No reference is made to how parking, pedestrian access, walkways and access would be provided to the seven boathouse and presumed four or five dozen dock spaces. (No reference is made in the application to the total number of spaces that will be used). It is virtually impossible to see how such access could be provided without severe impact to the existing road and safety by its current users.
- * Road congestion and safety will be adversely impacted by this application
- * It is noted that the applications references various electrical power conveniences for the proposed structure including lights, bubbler and outlets.
 - * No indication is made to the means, method, location of those proposed services.
 - * Existing Code and practice requires installation of a power service, or access from and existing power service from the utility to service that quantity and amount of outlets and lights. Such installation will require significant trenching and burial (at significant depth) for provisioning of those services. That installation would impact the road, shoreline and adjoint wetlands on the other side of the road.
 - * This provisioning may require the installation of additional overhead services with it necessary power poles and transformers.
- * Little mention (other than reference) is made to the potential environmental impact(s) on the adjoining wetlands areas, and the area in general.
- * The addition of several dozen boat slips and dock spaces would greatly increase the amount of boat traffic, noise and pollution in that section of the Bay and the Lake.
- * This proposed installation and use can not help but negatively impact the water quality in area, cause significant shoreline damage and risk to the various flora and fauna that habitat the area.

Based on the prior history of the LGPC, its existing regulations and administration history, and its stringent review of prior applications, this application should denied in its entirety for the aforementioned reasons and its overall impact to the Scenic Beaty of the specific area and the Lake in general.

It is well within the Legislative Intent that established the LGPC, as well as its prior actions, regulations and process that this application is well outside of any scope of reasonableness, and be contrary to the public interest to preserve, protect, conserve and enhance the unique natural scenic beaty. This suggested action would take the necessary steps to preserve, protect and enhance the natural scenic beauty of the lake. The cumulative impact of this application would irrevocably negatively impact the resources and environment in the area.

For purposes of reference, I am member of the South Beach Association, which is one of the many owner associations that located in proximity to the application proposed construction and whose sole land access is along Cotton Point Road. My family has maintained membership in SBA, and ownership and seasonal enjoyment of a vacation camp since September 1947.

I thank you for the opportunity to provide these comments on the proposed application

CC Jeff Brozyna, President South Beach Association

Michael Caruso (contact person for application)

Charles H. Jablonski

400 West 58th St Apt. #3G

New York NY 10019

(212)757-2305

(917)971-4798 M

charlie@jablonski.tv

January 7, 2021

Mr. Joe Thouin
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845

Re: Application #: DWM20-000084, Madison K. Finley.- OPPOSED

Dear Mr. Thouin,

I am writing to comment on the application for construction of seven covered E-shaped crib docks on the Cotton Point Rd. As a third generation owner of property on Cotton Point, I am well aware of the location of these proposed docks, the portion of the Cotton Pt. road that they will abut, as well as the land that will accompany these docks in the proposed subdivided parcels. My concerns are as follows:

1. After looking at the Dock Plan as submitted for review, I noticed that the two center parcels have shoreline of 198' and 214'. As listed in the LGPC, Policy and Procedure Memorandum, #01-15 Decision of Policy and Direction to Staff, Structures appurtenant to Warf and Docks, Adopted March 24, 2015 Resolution 2015-14 I would like to reference 646-1.1(c). The regulatory limit for 2 E shaped wharfs lists Lake Frontage required of 251' TO 500'. As both the center parcels have less than the 251' Lake Frontage, it would appear they cannot be built without an application and approval of a variance.
2. Four of the seven proposed docks listed on the Dock Plan show a Proposed Sundeck on each, measuring 30' x 34'. Although this does not appear to be considered as part of the 700 sq. ft. Size restriction of the Wharf regulation, it should be noted that this would increase the sq. ft. of each dock with a sundeck by 1,020 sq. ft. or a total of 4,080 sq. ft. for the entire Dock Plan proposal. Additionally, there is no detail on the sheets 2 & 3 of 5 in the Sundeck Elevation Plans showing the stairs to access the Sundeck. On the Dock Plan it would indicate that the stairs might actually terminate directly on the road, but it is not detailed on the Elevation plan.
3. This is a very unique application in that there are currently no buildings, homes, driveways, parking areas, or either public or private infrastructure associated with the Dock Plan. There are no public or private bathroom facilities available for the people who would be using these docks, unless they were to install Portable Toilets on the docks or on the Sundecks.
4. This section of the Cotton Point Rd. is very narrow, has no shoulders, and is posted on both sides of the road with NO PARKING signs. It is also the only access to Cotton Point, Hemlock Point, South Beach and The Grove. The road must be open at all times to allow property owners to access their homes and more importantly for the access of emergency vehicles including Police, fire and Ambulance service. Since there is no space available on the shoreline side of the road, and no space on the APA Wet Lands

side of the road for vehicles of any size, parking or standing is only possible in the roadbed itself. If docks were approved and installed, the possibility of cars parking to load and unload for the use of these docks, sundecks, and proposed 28 boat slips, would be a guaranteed problem and major safety concern.

5. Since there is No Parking on the portion of the Cotton Point Rd. where the lot subdivision and corresponding Dock Plan is proposed, and there is no driveway or parking area associated with the current proposed subdivided properties, where are the cars going to go for the people who will be using the docks?
6. In order to build the proposed rock crib docks, there is normally a staging area required to deliver the materials, build the structures, install the stone as well as provide parking for the construction crew and associated equipment. Since there is currently no provisions for any of these considerations, how will that be performed?
7. If the permit is granted for this proposal, and the docks are built but there is a delay in the development of the subdivided parcels, what would prevent the developer/owner from renting out the 28 boat slips and basically just turning the docks into a marina?

There are many other concerns that pertain to the lake in terms of environmental water quality, specifically Asian Clams and Milfoil. Additionally, a project of this size, adding another 28 boats into an already overcrowded popular boating destination in Basin Bay would be a recipe for disaster in terms of congestion and safety.

I believe that every property owner should have the right and opportunity to develop their land for use meeting permit requirements. However, not all property can be developed. Sometimes there are properties that due to size, shape, location or environmental limitations that just prevent portions or in total from being developed. I believe that this is the case with this proposal.

At this time we would respectfully ask that the LGPC reject the Application #DWM20-000084 Madison K. Finley for all the points listed above and thank you for your consideration on this matter.

Sincerely,

Steven & Nan Doheny
169 Cotton Point Rd.
Diamond Point, NY 12824
518-857-0658
dohenyoil@hotmail.com

VIA EMAIL AND FIRST CLASS MAIL

Golub/Berman Family
20 Loomis Lane
Bolton Landing, NY 12814
Email: basinbayllc@yahoo.com

Joe Thouin
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845
Email: joe@lgpc.state.ny.us

February 8, 2021

RE: Application #DWM20-000084 Finley – Cotton Point Road
OPPOSED

As owners of a family home on Basin Bay for over 30 years, we are writing to express our opposition to the project proposed above, consisting of building seven (7) new crib docks/boathouses off Cotton Point Road in the Southern end of the bay. We do not feel that this proposal is in the best interests of Basin Bay, its residents or the wildlife in and around the bay. In fact, it would be approved at the detriment of all, as it would bring additional congestion, safety issues, as well as have likely environmental impacts to wildlife and water quality.

As you are aware, the Lake George Park Commission's own 2015 Recreation Study designated Basin Bay as a "bay of concern" in Lake George. Also in this report you noted that 'the purpose of the dock and mooring regulatory program is to minimize congestion, overcrowding, and safety hazards and to protect the resources of the lake, especially its exceptional water quality'. As proposed, the Cotton Point Road project would introduce up to twenty eight (28) new boats to this already congested portion of the bay.

In addition, increased boat traffic has also significantly raised the threat of environmental impacts to the bay, particularly those effecting the loon population in the bay (the Common Loon is designated a Species of Special Concern in New York State as well as protected under the Federal Migratory Bird Treaty; it also has the designation Species of Special Concern by the United States Forest Service because of threats from habitat loss and toxic metal poisoning in its US range) as well as all of the other beautiful, treasured wildlife inhabiting the bay, shoreline and wetlands that the proposed docks would straddle. In the last 3-5 years, we have noticed a return to the bay of loons, nesting and breeding during the Summer months along the shoreline. As the Adirondack Council states on their website: '...environmental pollutants, like acid rain and mercury, water quality issues and shoreline development still threaten the loons'

long term survival. Although great progress has been made that has allowed the Common Loon to again call the Adirondacks their Summer home, more needs to be done.' What impact would this new proposed project have on them? What of the numerous other species of flora and fauna that are part of the shoreline and wetlands over which this construction would take place? Has an environmental impact investigation been conducted relative to this proposal?

There are also legitimate concerns from an environmental perspective as to the effect that these additional docks/boathouses and inevitable increase in boat congestion might have on the progress made towards the eradication of invasive species such as Asian Clams and Milfoil, which have plagued Lake George in recent years. Basin Bay is an ideal environment for the proliferation of Asian Clams which were originally observed during 2013 in the shallows of the bay, bordering the applicant's property. Several factors have kept this invasive species from gaining a strong foothold in the bay: already established restrictions on motorized boats close to the shore (via placement of buoys 200 feet from the shoreline by DEC) and allowing for a solid freeze along the shoreline (which makes it harder for the Asian Clams to survive and successfully reproduce in the ideal conditions of the shallow and sandy bottomed bay). The proposed new docks reaching out from the shoreline, with the resultant boat traffic in Summer and the ice free zone necessarily accompanying them in Winter, will render both the precaution of the buoys and the ability to achieve a solid freeze impossible in that area. There are already established beds of Milfoil in the bay, despite the LGPC's (and other Projects) best efforts and progressive programs to clear it out. An uptick of boat traffic at the Southern end of the bay will effectively negate these efforts, increasing the likelihood that fragments of this invasive plant are spread throughout the bay and to other areas of Lake George. All of these factors could produce significant impacts on the surrounding environment and overall water quality of the lake, as would the construction itself, which would be conducted along the narrow Cotton Point Road and would undoubtedly result in runoff into the lake and wetland area. It is unclear how this runoff, wastewater, sediment and inevitable erosion would be controlled during construction of the proposed docks or going forward, especially if homes are to be constructed to join them, and how it would impact the bay and shoreline.

In addition, the recent and still ongoing renovations of the Blue Water Manor, also in the Southern end of the bay, has resulted in Basin Bay becoming a more popular and widely used spot for the mooring of a large number of additional boats from outside the bay during the course of the season, as many customers arrive by boat. BWM as a restaurant and late night bar destination among this prevalently residential bay has and will continue to bring more crowding to the bay as they expand the footprint of their business. As the LGPC is already aware, boat traffic issues have also been exacerbated by BWM's neighbor the Cool Ledge, which has been operating an illegal marina and continues to rent docks to Blue Water Manor customers. There is certainly a concern that additional docks built in this area, without any current proposed construction of adjacent homes (or during the time lag between any such construction), could also be rented out by the Applicant, bringing in even more congestion and traffic from outside of the bay, resulting in another de facto commercial marina. What is the long term intent of the Applicant for the usage of these docks/boathouses and surrounding land? Will homes be built to accompany them? If so, is there a proposed location, quantity,

type of construction – i.e. single family or multi family dwellings, timeline for this additional phase of construction? Have these questions been asked and answered? Do the relevant authorities intend to approve additional future construction along Cotton Point Road outside of this application? Or have they already for this Applicant? What of the environmental impacts and safety concerns to do with construction of homes or other types of dwellings in that area? Once a proposed project such as this one is allowed, it seems likely it would be harder to deny future uses of the same land. A public hearing is needed on this proposal before any approval is to be considered or permits issued.

In the Summer, it is not uncommon to see a significant number of boats anchoring or drifting in the bay's Southern end, enjoying the shallow, sandy bottomed area. However, this increased congestion within the bay with boats anchoring further and further out into the middle of the bay beyond the buoys protecting the shoreline represents an aggravation of already significant boating hazards. As boats maneuver closer to the shore to skirt those who are idling in the bay, it results in increased risk of injury and other safety issues for swimmers, kayakers, paddleboarders, canoers and others enjoying recreation in the shallow water nearer the shore. In addition, Basin Bay has long been a favorite spot for water skiing and the congestion of boats anchoring in the Southern end as well as more overall boat traffic traveling in and out of the bay, has decreased the opportunities for water skiers to enjoy this sport while increasing the risks of doing so. Since boat congestion and traffic has accelerated in the bay, residents have already seen a significant increase in wake along the shoreline with swells often running from morning until night. This also effects the ability of boats to dock safely. The proposed construction of additional docks/boathouses in this same end of the bay will only exacerbate these ongoing issues.

Finally, we understand from our neighbors that they have legitimate concerns regarding access. Cotton Point Road is a narrow road, currently without homes or docks, that is the only access route for families and emergency responders to Cotton Point, South Beach, Hemlock Point and the Grove properties. The road itself is bordered on one side by the wetlands and the other by the lake with only a few feet of drop off between them. This proposal does not address or allow for the use, safety and enjoyment of the road during an extended period of construction or how usage of additional docks along that road would impact traffic and safety going forward.

For all of the reasons stated above, we believe that this proposal should not be approved. Basin Bay is primarily residential and its residents treasure the bay and Lake George, take great pride in keeping it safe, clean and preserved for the enjoyment of generations to come.

Respectfully submitted,

Colleen Golub

Christopher and Janine Golub

Jennifer and Joseph Berman

Joe Thouin

From: Fay Merrill <fayi.merrill@gmail.com>
Sent: Friday, January 8, 2021 8:30 PM
To: Joe Thouin
Subject: Boathouse project

I am a partner of the Grove LLC and am adamantly opposed to the commercial boat project for many reasons including environmental concerns. We are already dealing with visiting boats in the bay whose passengers leave trash and choose to use the wetlands area across the road as their toilet. Also, the access road is very narrow and parked cars add to the problem. We are in the Grove to enjoy the peace and quiet afforded us there. We feel this project might be the end of this little luxury.

Sincerely,
Fay Merrill

Sent from my iPad

Joe Thouin

From: Peter Essele <essele.peter@gmail.com>
Sent: Saturday, January 9, 2021 7:06 PM
To: Joe Thouin
Subject: Madison K. Finley, Application # DWM20-000084, Cotton Point Rd, Bolton

Good Evening Joe,

I would like to respectfully express my opposition to the proposed dock application on Cotton Pt Rd. My opposition stems from a safety and water quality perspective.

First, I'm concerned with the potential influx of people and vehicles on a sliver of road that clearly was not designed to withstand the level of traffic accompanying the proposed additions. There are blind curves on Cotton Point Rd that already present a dangerous situation, and more vehicles and people will only only create a recipe for disaster. Many children ride their bikes up and down that road, and I was hoping my newborn daughter would one day do the same. I hope the LGPC will consider how the proposed additions will result in an unsafe environment for the many residents of Cotton Point.

Second, Basin Bay has already succumbed to overuse with the large number of boats that anchor during the day. The secluded nature of the bay makes for a nice haven from the wind and waves; however, that also means it does not benefit from natural water flow as is the case on the exposed side of Cotton Point. The introduction of more docks, watercraft, and all that comes along with what can be described as marina-style docking will surely result in further overuse and a decline in water quality to the detriment of those in the Bay, some of whom have been there for generations. I hope the LGPC will consider the environmental impact of the proposal and consider the other residents in the Bay.

Thank you for your time and consideration of my objections. I truly love Lake George and hope that the environment and safety do not fall prey to the pursuit of profit.

Gratefully,
Peter Essele

January 9, 2021

Dear Mr. Thouin,

We are writing to express our opposition to application # DWM20-000084 , a request to build 7 covered docks on Cotton Point Road by Madison Finley and Mike Caruso.

The visual impact of 7 elevated docks on one of the rare, unobstructed shorelines on Basin Bay will destroy the beautiful view of the lake and mountains that is enjoyed by over 70+ homeowners as they turn down Cotton Point Road. In addition to the disruptive visual impact, they will likely create safety hazards, environmental damage, congestion, parking problems and health concerns to those living on or near Cotton Point Road.

Safety and Environmental Concerns

As neighbors, we have already felt the crowding of Basin Bay by the 50+ boats that moor on the Cotton Point side during the warm summer months. The addition of potentially 28 or more boats will only add to this growing boat traffic. In a document produced by the LGPC in 2015 the following facts were reported:

Description and Trends for Basin Bay: Basin Bay is primarily residential. The south corner of the bay contains an important wetland complex that connects Basin Bay with Boon Bay to the south. The natural lake bottom is sandy and largely free of aquatic plants making it conducive for swimming. This area is attracting an increasing number of boats that are anchoring and rafting together. The lake assessment survey indicated a marked increase in boat traffic from 2005 to 2015, which in 2005 exceeded the 6 acres per boat capacity. Increasing numbers suggest the congestion is increasing, since in 2005 the maximum total was 34 boats, and in 2015, there were 84 total boats, with 43 occupying the usable lake area.

In the 5 years since this report was published, the congestion has only worsened. It seems reasonable and prudent that before considering the addition of even one new dock, the LGPC would further study and work to resolve this problem.

Congestion and Parking

The distance between these docks and the homes where the owners may reside ranges from 1/4 to almost 1/2 mile. (The 70+ homes that are in the Cotton Point area range from 1 to only 50 yards from the Lake.) This raises a serious issue: How will these residents get from their homes to the docks?

Per the Town of Bolton Planning Board minutes on December 12, 2019, Mr. Steenburgh (a representative for Mr. Finley/Caruso) replied that they would "be walking down Cotton Point Road and there would not be any parking down by the lake." (Page 4, minutes for 12/12/2019 meeting)

We believe this response from Mr. Steenburgh was at best unrealistic and at worst, completely untrue. A far more likely scenario is that the 4 dock owners and their friends will drive their cars and drop their families, picnic baskets, coolers, boat equipment, towels etc. at the docks. This will require finding a place to turn around and parking their cars temporarily on the road which does not allow parking.

These temporarily parked cars will cause a multitude of safety problems for the other cars passing by as well as the bikers, joggers and walkers who frequent the road. We will have to pass around the cars, potentially getting in the way of oncoming traffic who might not expect or see us. The road is only 20 feet wide at best. Cars that pass, especially if the door is open on the driver's side of the "temporarily" parked car, will very likely drive over a portion of the wetlands in order to safely pass

the stationed car and it's passengers.

Quality of Life for Residents and Homeowners

Another question that has not been addressed in any applications, is where will the dock owners and their friends go to the bathroom? Will they really walk the 1/4 - 1/2 mile to their homes? The more likely case is that they will use the lake and the wetlands as their bathroom. (We can't imagine asking our 4 and 6 year old grandchildren to walk 10 - 15 minutes to use a bathroom!)

If on a busy holiday weekend there are 28 boats at these 7 docks and 2-4 occupants per boat, there could potentially be 28 cars dropping people off and 56-112 people in need of a bathroom. This is simply unsustainable for the area and a health hazard. (It is very likely that 1 or more of the lots will be purchased simply for their dock space and that the homes will not even be built. Thus potentially no bathroom will be accessible to these dock owners.)

The plans show that the docks will be 40 feet long. The Bay is extremely shallow near Cotton Point Road and it is very likely that if the docks are approved there will be further applications for variances requesting longer docks. This will allow for even more boats to be docked in an already overcrowded area.

Mr. Caruso is a developer with no ties to the Cotton Point Community. He is counting on the LGPC to approve his plans which will certainly make his 4 lots more valuable. But the collective cost and loss to the 70+ homeowners who have lived in the immediate area, some for more than seven decades, far exceeds whatever incremental value there will be to Mr. Caruso who has only a financial interest in this development.

Cotton Point Road has been designated as a scenic road. If any docks are allowed to be built on this pristine and open shoreline, our beautiful road will become congested and potentially dangerous. Please do not allow this to happen.

Thank you for taking the time to read my comments.

Sincerely,
Rich DeMartini and Family
95 Hemlock Point
Diamond Point, NY



PO Box 591, Lake George, NY 12845
Tel: (518) 668-5913 Fax: (518)-668-5915
Email: info@lakegeorgewaterkeeper.org
www.lakegeorgewaterkeeper.org

January 10, 2021

Mr. Joe Thouin, Environmental Analyst
Lake George Park Commission
P.O. Box 749
Lake George, NY 12845

Re: Finley – Cotton Point Road - (200.14-1-20)
Bolton (T) – LGPC Application No. DWM20-000084

Dear Mr. Thouin:

The above referenced permit application was personally reviewed in my capacity as a licensed professional engineer and the Lake George Waterkeeper. Upon our review and understanding of the local conditions, there is concern about the ability of the applicant to ensure protection to the critical natural resources adjacent to project site for the number of docks proposed and associated usage. The number of proposed slips raises the question of actual intended use and whether this will be a marina. Additionally, the Commission should review the application with consideration of the available boat capacity of Basin Bay as per the 2015 updated Recreational Study.

The application fails to provide adequate information regarding the parking for the dock complex. The Commission must consider how the total of 28 slips will be accessed and where parking facilities will be provided to accommodate users. The applicant during the Town of Bolton Planning Board review stated that owners “would be walking down Cotton Point Road and there would not be any parking down by the dock”. It should be noted that the applicant did not provide the Bolton Planning Board with plans for the dock complex, specifically the number of slips. It does not appear realistic that the use of 28 slips will be accomplished by walking 1,000-1,200 feet with all supplies for boating excursions and no information has been included regarding a parking plan.

The proposed number of slips will increase congestion in Basin Bay which already exceeds the 6 acres per boat capacity. According to the 2015 Recreational Use Study, boat density in Basin Bay was 2 acres per boat, which is one third of the recommended amount. Boat density could also be greater due to the increased use at Blue Water Manor, which has implemented significant upgrades since the 2015 study. Boats from 28 additional slips would increase congestion in a bay that already exceeds capacity.

There is concern about impacts to the high value wetlands from activities associated with the dock complex. According to the Adirondack Park Agency review, the wetlands



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immediately adjacent to the dock complex on the south side of Cotton Point Road are a high value peat wetland that is sensitive to nutrient loading. There is concern that parking and loading/unloading activities will encroach into and disturb the wetlands. Any parking or encroachment into that sensitive area will increase impacts.

The Commission should discuss the intent of the dock complex with the applicant. The number of slips proposed would appear to indicate this complex could be a marina with much greater impacts to the local community and environment.

The Lake George Waterkeeper recommends the Commission table the application and require additional information regarding the intent of the complex and how the docks will be accessed. The Commission must also consider existing congestion in Basin Bay, which is a popular rafting/anchoring destination, and may need to further investigate the actual boat capacity in the bay before a decision can be made on the application.

The Lake George Waterkeeper looks forward to working with the Lake George Park Commission to defend the natural resources of Lake George and its watershed. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Chris Navitsky". The signature is written in a cursive, flowing style.

Christopher Navitsky, PE
Lake George Waterkeeper

Joe Thouin

From: John Lemperle <jlemp1@gmail.com>
Sent: Sunday, January 10, 2021 7:55 PM
To: Joe Thouin
Subject: Proposed Basin Bay boathouses

Dear Mr. Thouin,

My name is Jack Lemperle and I am a member of the South Beach Association and I am writing to you to express my objection to the proposed boat houses at Basin Bay.

My family has been part of the association since I was a young child and at the age of 73 it would be major disappointment to see the Basin Bay area developed and it's beauty ruined for all for the sake of a few that would benefit from the boat houses.

The increased traffic both vehicle and foot traffic would be dangerous as this is the only way to reach our association and all the other properties beyond the Basin Bay road. The road is just wide enough for two cars to safely pass one another and with the likelihood of many people walking the road to access the boat houses, it would seem to be injury or accidents waiting to happen.

Additionally the increased boat traffic will have negative impacts on Basin Bay and the marine life.

Thank you for your time on this and I know that you have a big decision to make and just wanted to make sure that my opinions were considered for this very important topic.

Kind Regards,

Jack Lemperle

Joe Thouin

From: Montana, William <WMontana@savills.us>
Sent: Sunday, January 10, 2021 9:48 PM
To: Joe Thouin
Subject: Basin Bay Project #DWM20-000084

Dear Joe,

I am writing to ask you to reject, in its entirety, the proposed plan to install boathouses and docks along the swamp on Basin Bay, Lake George.

Below are bullet points, and below them is a detailed analysis of the relevant information.

NO ACCESS FROM HOMEOWNERS THAT WOULD OWN THE BOATHOUSES

Because of the swamps, the houses on the proposed plan would not have any access to the waterfront. So they would need to drive vehicles to get people and gear to the docks and park there to load and unload.

TRAFFIC HAZARD

The boathouses/ docks would be located directly on Cotton Point Road. That road is the only access point for all of the homes on Cotton Point Association, Hemlock Point Association, South Beach Association and other individual houses in the adjoining area. Also, many people walk along that road for exercise daily. Adding traffic there would be dangerous for those pedestrians, children and pets.

NARROW ROAD

Cotton Point Road is only 2 narrow lanes with no shoulder.

NARROW LAND ON BOTH SIDES OF ROAD

The land on the inside of the road borders a swamp/ wetlands, There is no shoulder, and no place to park. The land on the lake side of the road has maybe 3 feet maximum of land between the road surface before hitting the water. That land is not flat or level. There is zero room to park there, zero room to load & unload people or gear onto docks. If docks were installed it would result in people stopping in the road to load & unload, blocking traffic, and causing traffic jams and conflict among neighbors. I can't stress enough what a serious and dangerous problem this would cause. There just isn't room for vehicles to park -not even a golf cart.

ENVIRONMENTAL CONCERNS

- With no house nearby and no bathrooms at the docks, it would be inevitable that people would sit on the docks and drink and eat. With no bathrooms, they would urinate in the lake.
- Invasive species issues: Asian clams and Eurasian Milfoil are present in Basin Bay. Having docks along that stretch of the bay would exacerbate an already bad situation.
- This area is wild wetlands, with many waterfowl living there. Boathouses would ruin their habitat.

ASTHETICS INCONGRUENT WITH THE AREA

This area is the only part of Basin Bay that is not developed. There needs to be some portion of the bay that is natural habitat.

BAY IS VERY CROWDED WITH BOATS

Many boats anchor in Basin Bay along this stretch of land with many people and children swimming and playing in the shallow waters. It is already a navigation hazard to operate a boat in this area. Adding docks in this location would add significantly to this problem and push what is often a very tense situation beyond the breaking point. Boaters would

block access to the docks. This situation has occurred in a notorious bay in Lake Hopatcong, NJ causing ongoing conflict between boaters and people on land. It is a serious mess. We can't allow that to happen in Basin Bay.

For all of these reasons and some I'm sure I've missed, development of this extremely narrow strip of land cannot be allowed to proceed. Nothing should be built in this location. Please walk the stretch of road and you will see for yourself how unworkable it would be.

Thank you in advance for your attention to this matter. Feel free to call and discuss.

Kind Regards,

The Montana Family
Bill Montana
Cotton Point
(917)-673-4454

Joe Thouin

From: Pat Dunleavy <p.dun81@gmail.com>
Sent: Sunday, January 10, 2021 10:07 PM
To: Joe Thouin
Subject: Re: Application #DWM20-000084 for a proposed construction project of seven new docks on the Cotton Point Road

Mr. Joe Thouin and members of the LGPC;

My name is Patrick Dunleavy and I am the chairman of the grounds committee for the Cotton Point Association. My family has a house on Cotton Point and I have spent my entire life of 33 years on this lake. My grandparents purchased a home in the early 70's and the lake has been a blessing to our family and friends for four generations and more to come.

I greatly appreciate everything that the LGPC does to protect Lake George and I express to you that you have my fullest respect for your dedication. I too share the same duty and responsibility to protect our lake. I am an active volunteer for *The Fund for Lake George* as well as a faithful donor and supporter of the LGA. I write you this letter to express my concerns with the project referenced in the subject line. I have rapidly seen the deterioration of water quality over the years due to a number of different contributing factors. The lake continues to see record numbers of boats and visitors each year causing an increase of water pollution. Boat traffic is often times at dangerous levels not just during the weekends but also most weekdays throughout the summer. Basin Bay has taken a lot of abuse and what used to be a great bay for tubing or waterskiing has now turned into dodgeball game. We've seen Milfoil, Asian clams, green algae and even human garbage, increase within our bay due to the increasing boat traffic and anchoring. Adding more docks and more boats to the bay will just be adding salt to the wounds. I ask you to also please consider the road width of Cotton Point Rd. adding these docks to this road where cars do not have any room to park will cause headaches for residents. We've seen this in the years past with people parking on the road to use the shallows as a beach.

I write you this letter coming from a meaningful and passionate spot in my heart. I want people to enjoy the lake the same as I have, it's a place everyone should experience. My worry is that we aren't doing enough to preserve this great wonder of the world. We've already seen our first HAB take place this fall which should be a wake up call to everyone who loves the lake that we need to take action! More construction, disrupting the water shed, adding more boats and more people to an already over crowded area is what this project means to so many Cotton Point residents, destruction. I ask you to please strongly consider alternative options to this proposed plan in the interest of protecting our Lake George from further irreparable damages.

Respectfully,
Patrick Dunleavy & the Dunleavy family
Cotton Point Association.
Mobile:
518-729-9006

KW Doheny & J. Buckley Farina
dohenkw@icloud.com buck.d511@gmail.com
66 Wolverine Point
Massena NY 13662

January 7, 2021

Lake George Park Commission
PO Box 749, 75 Fort George Rd
Lake George, NY 12845
Attention: Joe Thouin <Joe@lgpc.state.ny.us>, Environmental Analyst

Re: Application: DWM20-000084 Finley – Cotton Point Rd – Construct 7 Covered E-Shaped Crib Docks

Dear Mr. Thouin,

Please accept the our comments in **opposition** to the application DWM20-000084 to construct seven E-shaped crib docks on the Cotton Point Rd.

Our family has had the privilege of vacationing on Basin Bay since 1937; as such, we have firsthand knowledge of the increasing boat traffic, congestion, and non-stop waves created in recent years by more and larger boats. We are increasingly concerned about the long term health of the bay and the lake.

This proposed project would impact about 10% of Basin Bay's shoreline. It's the last remaining undeveloped section of waterfront on the bay. The Cotton Point Road runs along this shoreline with drops off into designated wetlands on the south side and a narrow (less than 5') buffer strip of land on the north side before dropping into the lake. The shoreline is undeveloped because the wetlands restrict development to the south of the road; the shoreline itself is narrow and unstable, and the water is shallow. (less than 2' deep at 40 feet from shore). The Cotton Point Road is a popular recreation route in the morning hours for local walkers, runners, those pushing strollers or walking dogs. There is substantial traffic on the road the rest of the day. The road also provides a spectacular panoramic view of the lake.

Criteria for application denial:

under provision 6NYCRR 646-1.6(a): Where the Commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public or the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park, a permit shall be denied."

General Comments:

1. Application is missing the Short Environmental Assessment form

2. The drawing has no information on the depth of lake at end of the dock.
3. Seven requested docks- considering the 972' total shoreline, the total number of allowable docks does calculate out as 7. But since the parcel has already been subdivided into 4 lots, would it not be more appropriate and consistent with neighboring residential development, to treat each lot separately? In this case, lots 2 and 3, with less than 250' of shoreline, would be permitted one dock only.
4. Allowable dock surface area is set at 700 sf. The drawing indicates the docks are designed at 680 sf. Is the additional square footage of the stairs and sunroof allowable without variance?

New docks – more boats – more congestion, more chance of accidents:

As proposed, this project is designed to pack as many docks into the 950' shoreline as allowed by the LGPC regulations. Each dock is designed at 97% of the allowable sq. footage (680/700). At four boats per dock, this could mean 28 new boats on the bay. Basin Bay was identified in the 2015 Lake George recreation study as a bay of concern due to increasing boat congestion levels in 2015. The problem has not improved. The number of new boats from the proposed docks would just add to the congestion issues.

The south end of the bay has been a popular day anchoring location for a number of years. Many people swim or float in the area due to the area being shallow, sandy bottomed and generally protected from wind. A line of buoys have been placed inline east-west, 200' off shore to control the boat anchoring. Introducing boats from the proposed new docks would create a situation where boats are passing north-south thru an already crowded area. There would be significant potential for a swimmer to be injured. Kayakers and paddle boarders commonly follow the shoreline – increasing boat traffic across their paths would also increase the risk of accident. This end of the bay is used extensively for water skiing and tubing as well. It's busy.

In addition to the increase in boat congestion, seven new boat houses just seems excessive. It might seem likely that many of these berths would be rented. If the lots don't sell, the developer may look to generate income by renting many of dock spaces – which should require a marina application. Basin Bay is largely a residential community and there has been ongoing resistance to marinas on the bay.

Docks on this stretch of the Cotton Point Rd:

We recognize that the Park Commission is largely focused on project impacts on the water. Land impacts are the responsibility of the towns. In this case, we ask that the Commission consider the effects on the Cotton Point Rd due to the close proximity of the proposed docks and the narrow road. The Cotton Point Road is also a dead end road. This is the only access for cars and emergency vehicles to homes on Cotton Point, Hemlock Point, South Beach and the Grove. The road has numerous NO PARKING signs along its entire length and on both sides of the road.

Practically speaking, docks need to be in 3 or 4' of water to accommodate today's typical motor boats. Docks in this location would therefore need to be close to 100' long. These docks, at 50 ft. from shore, will still be in shallow water less than 3' deep and owners will no doubt be asking for variances for longer docks. It's important to view this application in the long term – realistically, how long will these docks wind up? Many of the neighboring docks in similar shallow waters to the east, extend the docks

in the summer using pipe supported small sectioned docks. These sections are removed in the fall and require onshore storage – there is none available on the Cotton Point Rd.

The other limitation with docks on this road is there is virtually no shoreline depth. It varies from 2' to 5' feet in width. There is no effective buffer between the road and the water – it's too narrow. The dock design shows a 4' wide, 10' long ramp connecting the shoreline to the docks – where does this ramp land? The edge of the road? The sundeck docks show a staircase ending directly on the road. Note that the road has no shoulder – the entire width of this narrow road is used by car traffic. People using the docks will exit directly on the road creating another hazard. How is the ramp attached to the shoreline without compromising the shoreline integrity and creating more shoreline erosion problems?

There are no electrical power lines along the road and no power. It would seem reasonable to expect that owners would want to have power available at the docks. Where could power poles be located? Along a precarious narrow shoreline or thru the protected wetland buffer zone?

Spring "ice out" has often been responsible for reshaping the narrow shoreline, removing some sections totally, creating 5' high berms in some sections and buckling the road. It would not be a surprise that dock owners would want to install some hardscape solution - seawalls or rip rap due to ongoing ice damage - and the additional wave action from new boat traffic.

Parking and dropping off passengers and provisions at the docks: in answer to questions by the town planning members last year, the representative for the developer said that residents would walk from their homes to the docks, that there would be no parking at the docks and no trails cut thru the wetlands. This doesn't seem viable. The walk could be up to ¼ mile, people would be transporting coolers and children. Cars or golf carts will be driven, stopped in the middle of the road and unloaded while traffic is blocked. Will the golf carts be driven over the shoreline and parked on the 4x10 ramp? There would seem to be no practical consideration of dock access. Another concern is that the docks are distant from the houses and there are no toilet facilities at the docks. Would residents be installing porta-potties on the sundecks? What about refrigerators or storage sheds or bars? Most properties on the lake have a house nearby for these conveniences but these docks could be 2000' from the house. It would not be unreasonable to think that with these docks so far from the houses, that people would install typical household conveniences akin to a 'tiny home'. If these features are not permitted at this time, it's hard to imagine that the Commission has sufficient staff to continually review applications for modifications or deal with noncompliance enforcement issues.

Construction of docks: will require materials and construction labor. The APA approval allows for 8' of trees on the shoreline to be cut for construction of the boathouses. There are limited options for staging/storing materials. Offloading materials will block traffic, construction will create congestion and noise. (there is no power to these sites).

Significant Environmental Impacts:

Written comments from others discuss how boat traffic contributes to the spread of milfoil. Apparently the current shallow shoreline with solid ice cover reduces the over-wintering viability of the Asian clams. There is concern that Asian clams could proliferate if new dock owners installed ice eaters.

More boats create more waves and erode shorelines. The water here is very shallow – boat traffic stirs up the bottom and even with existing boat traffic, the water gets cloudy due to weekend activity.

There is a history of the road being damaged due to ice and having an inadequate shoulder and foundation. The shoreline is narrow and fragile but currently doesn't need to support pedestrians nor golf carts. If the project is approved, people will be walking on and crossing the shoreline to access the docks and erosion will occur.

Seven Docks would create a visual blight along this Scenic Travel Corridor:

There are few publicly accessible locations where everyone and any one can enjoy a spectacular view of the lake. The Cotton Point road is one such location and is recognized in the Town of Bolton zoning regulations as a Scenic Travel Corridor. It would be hard to imagine that much of this panoramic view would remain after seven – 16 ft. high covered docks are constructed along with 28 plus boats in residence. These would block the natural view and add visual congestion.

The use of the Cotton Point Road is an integral local community recreation resource. It attracts a number of residents from Diamond Point to The Huddle. Cars park near the 9N turnoff and people walk or run the length of the Cotton Point Rd often going out on Hemlock Point or Cotton Point and returning. It's much safer than walking along 9N; mornings are peaceful and quiet and the view is spectacular.

The road view is also used by local landscape painters who have been known to set up easels along the road (in the off season).

The New York Department of Environmental Conservation uses a program policy - DEP-00-2 Accessing and Mitigating Visual Impacts to provide a standardized method for evaluating the visual and aesthetic impacts within the context of SEQR reviews. It can be used by other authorities in an advisory capacity. The policy cites research which says that aesthetic values and perception of beauty are shared among the general population. The policy goes on to explain that in the event of a proposed action within the view shed of an aesthetic resource, an effort must be made to reduce or mitigate the impact.

In the case here with seven proposed covered docks, we ask why so many docks? Docks without attached cottages look more like commercial marinas than residential property. Why must they be covered docks 16" high? This will severely block the view and is inconsistent with the majority of docks in this bay. This application is devoid of any aesthetic consideration.

Since the docks would be located along a public road and some distance from the residence, it would be likely that security might also become a concern for the owner. It would also be likely that the owner would apply for a dock modification to enclose the dock in an effort to improve security. Having solid boathouse walls would further block this spectacular vista.

Private Riparian rights vs. Public Protection:

Many shorefront real estate lots come with an existing permitted dock. In this case, there is no existing structure nor dock on the property nor has there ever been. Riparian rights do not include the automatic permitting of new docks. Docks are not approved for every location on the lake for any number of reasons. The buyer must take risk into account when purchasing a shorefront property with no dock approval.

It is our understanding that the property was sold to the developer in late December 2020. He has full knowledge of the uncertainty of approval of a major project dock application. His purchase price would have reflected the risk about the dock approval. To our knowledge, none of the lots have been sold but

if the lots are sold prior to dock approval, the end buyer would be aware of the risk that the application may be denied. Therefor the financial impact of purchasing a property with possibly no future dock has already been reflected in the market price. Denying the dock application may be disappointing to the developer but not financially devastating. It should not be a criteria when evaluating the application.

The 7 dock application should be evaluated on the relative impact that the docks and boats and traffic will have on the “the health, safety, or welfare of the public or the resources of the park” whether their presence leads “ to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park” as stated under provision 6NYCRR 646-1.6(a)

Future Class A Marina Expansion Potential:

This concern is speculative but since the developer has been extensively involved in this project, it would be shortsighted not to mention it here in the written comments. Mr. Finley was approved for a Class A marina permit in 2019 at his residence at 25 Cotton Point Rd. His property has the Class A marina requirements for toilets, updated septic system, garbage disposal and parking.

If his application for the 7 docks is approved and constructed, there might be some future interest to use these as a marina – but they have no land for marina infrastructure. The property at 25 Cotton Point Rd does however, as well as 2 acres for potential parking. His residence is less than 200’ west of this 7 docks application parcel.

If the 22 acre property is or has been sold to the developer, the property (with the Class A marina permit) at 25 Cotton Point Rd could be sold as part of the deal as well.

It is difficult for either the towns or the LGPC to communicate applications for permits to all impacted neighborhood residents. The application notice and request for comment are not always noticed by local nor especially seasonal residents. The absence of written comments may reflect no interest nor impact but may also reflect lack of communication. It is concerning that these permit applications could slide by with little notice. By the time local residents are aware of the action, it’s too late to impact the decision.

Conclusion:

We respectfully request that the Commission reject this application. Not every real estate parcel on the lake is a good candidate for docks. This is the case here with a narrow shorefront right next to a heavily trafficked road. The shore is too shallow and would ultimately require long docks. The boat traffic on the bay would add to existing congestion. Building seven covered docks along the Cotton Point Road would create significant safety problems on the water as well as the land. The expansive view up the lake would be permanently compromised.

Thank you for your consideration,

KW Doheny
J. Buckley Farina 169 Cotton Point Rd, Diamond Point, NY

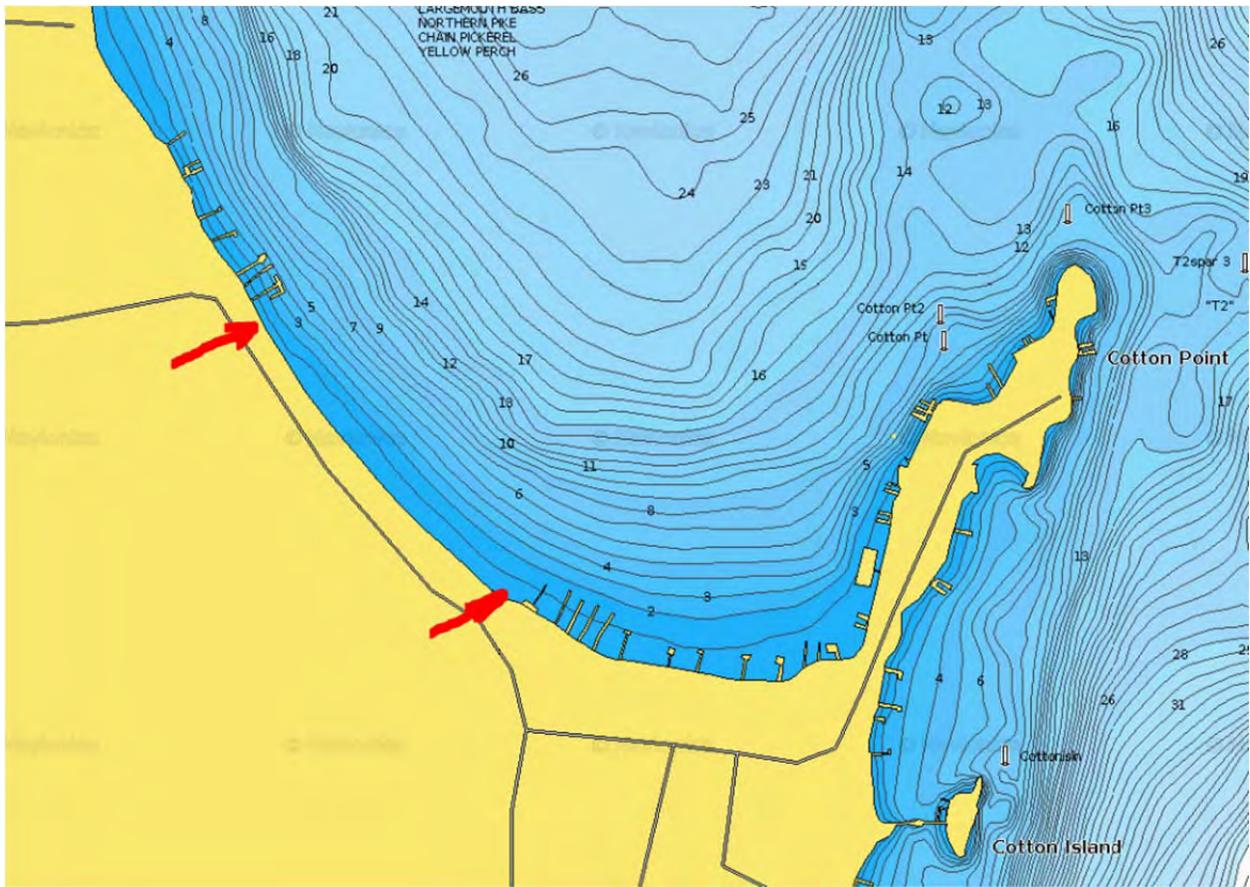
Attachments:



View from Google Earth Street View from half way down the Cotton Point Rd looking north east. The road has no shoulder on either side. There is less than 5 feet between the road and the lake at this location. The water is 6" deep just off shore. 40' from shore, it's about 3' deep. 100' from shore, it's about 4' deep.



Further east on the road, the lake is within 2' of the road. Over the years, spring "ice out" has periodically taken out shoreline in some sections and created a berm in other sections. Recently one side of the road was raised 3' feet. In part because the water is shallow and the wind can push ice all the way down the lake, (note Dome Island in the left rear of the picture); it's a delicate shoreline – easily subject to damage and erosion.



The area of the proposed project is indicated between the red arrows. To achieve a depth of 4', a dock would need to be over 100' in length.

Source: Navionics <https://webapp.navionics.com/?lang=en#boating@14&key=krhGzwr%60M>

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JOHN W. CAFFRY

AMANDA J. KUKLE

KRISTINE K. FLOWER

VIA MAIL AND E-MAIL

January 10, 2021

Lake George Park Commission
75 Fort George Road
PO Box 749
Lake George, New York 12845-0749

Re: Application of Madison Finley
Cotton Point Road, Town of Bolton
LGPC No. DWM20-000084; Lot No. 200.14-1-20

Dear Commissioners:

We represent Jenny Brorsen, a property owner on Cotton Point Road, who is concerned about the adverse impacts of the proposed construction of seven (7) docks on the above-referenced parcel. These potential impacts include those arising from:

- visual impacts due to the development of one of the longest stretches of undeveloped shoreline in the South Basin of Lake George;
- increased boat crowding and congestion in Basin Bay;
- the lack of parking along the narrow road, which has no shoulders, wetlands on one side, and the waters of the Lake on the other; and
- the lack of bathroom facilities for the users of these docks.

We request that the Commission:

1. Adopt a positive declaration under SEQR and require the preparation of an environmental impact statement.
2. Conduct a public hearing pursuant to 6 NYCRR § 645-5.6.
3. Deny the application pursuant to 6 NYCRR § 646-1.6(a).

The Project Would Have Undue Adverse Impacts on
The Public and Resources of the Lake George Park

Attached to this letter is a report by Saratoga Associates¹ which details the impacts of the project on the Lake George Park's aesthetic resources, crowding and congestion in Basin Bay, and impacts on public health and safety in the vicinity of Cotton Point Road. Among its key findings are:

- The project site is a "nearly 1,000-foot-long undeveloped waterfront" on Cotton Point Road, which "is well known for its unique scenic character and rare publicly accessible views of the lake" (pp. 2, 6-7, 11).
- Cotton Point Road has been designated as a Scenic Travel Corridor by the Town of Bolton (pp. 2, 6, 11).
- The seven proposed docks with boathouses and/or roof decks would create an undue visual impact (pp. 2, 6, 11-12).
- This impact is shown by the Project Visualizations prepared by Saratoga Associates (p. 9, Appendix A).
- The Commission's actions must be consistent with the Town of Bolton's Local Waterfront Revitalization Program. The proposed docks would not be consistent with it (pp. 3-4).
- Due to the shallow water depth at the site, the docks that eventually get built on this site may have to be longer than 40 feet, up to 80 feet long. This would increase the visual and congestion impacts of the project (pp. 7, 10).
- Due to the great distance from the four houses in the subdivision to the docks, it is likely that people will drive their cars to the docks and park in the no-parking zone on Cotton Point Road, despite the application saying that they will walk there (pp. 8-9).²

¹ Saratoga Associates is a landscape architecture, architecture, engineering, and planning firm. The author of the report, Matthew Allen, is a registered landscape architect with over 30 years of experience, and is an expert in visual impact assessment and mitigation. See: www.saratogaassociates.com/about/people/

² Even if the docks are initially built for residential purposes, the owners could apply for Class A Marina permits in the future. For instance, Mr. Finley was granted such a permit for his existing dock on May 28, 2019 (No. 5220-14-19). With seven docks, there could be a total of 28 boats, and more if longer docks are built. The potential cumulative effects of such future proposals should be considered by the Commission. See ECL § 43-0107(13). The boat owners would have nowhere to park and no bathrooms to use

- There are no bathroom facilities available for the boaters or other users of the docks (pp. 8-9).
- The addition of 28 or more boats from the project's docks will add to the existing congestion in Basin Bay, which at times already exceeds the bay's capacity (p. 10).

An EIS Should Be Required

The project notice dated December 15, 2020 describes the status of this action under the State Environmental Quality Review Act ("SEQR") as "SEQR determination not yet made". It appears that an environmental assessment form ("EAF") has not yet been filed with the application as required by 6 NYCRR § 617.6(a) and 6 NYCRR § 645-3.4(b). One should be required before any further action is taken.

Once the EAF is filed, the Commission should adopt a "positive declaration" and require the preparation of an environmental impact statement ("EIS") pursuant to 6 NYCRR § 617.9. The legal threshold for requiring an EIS to be prepared is low. Chinese Staff & Workers Ass'n v. City of New York, 68 N.Y.2d 359, 364-65 (1986). A positive declaration is required if there is just a single potential significant adverse environmental impact. 6 NYCRR § 617.7(a)(1); id.

The SEQR review of this project is especially important because it is located in a SEQR critical environmental area ("CEA") that was created by the Commission in 1988. See 6 NYCRR § 645-3.8; § 617.14(g).

The Commission must consider aesthetic resources in its SEQR review. 6 NYCRR § 617.7(c)(1)(v) and 6 NYCRR § 645-3.7. See Cannon v. Murphy, 196 A.D.2d 498 (2d Dept. 1993); WEOK Broadcasting Corp. v. Planning Board of Town of Lloyd, 79 N.Y.2d 373 (1992). It must also take into account "the impairment of the environmental characteristics of" the CEA. 6 NYCRR § 617.7(c)(1)(iii). Among the reasons why the CEA was created by the Commission was a finding "that Lake George and its environs provide ... an exceptional natural setting".³

As shown by the Saratoga Associates report, the project will create significant adverse visual impacts. Therefore, the Commission should require the filing of an EAF, and then adopt a positive declaration under 6 NYCRR § 617.7 and require the preparation of an EIS.

³ Commission Resolution #144, adopted May 11, 1988.

One benefit of requiring the preparation of an EIS is that it would give the Commission a way to review and compare alternatives to the project, as currently proposed. 6 NYCRR § 617.9(a)(2). These could include: fewer docks, clustering the docks, and docks without roofs and decks. The EIS will also allow the Commission to evaluate mitigation measures for the project's impacts. 6 NYCRR § 617.9(a)(2).

The Application Should Be Denied

Section 646-1.6(a) of the Commission's regulations states:

Prior to granting any permit relative to a dock, wharf, mooring or marina, the Commission shall ascertain the probable effect of the proposed facility and the operation thereof on the health, safety and welfare of the public and on the resources of the Park. The Commission shall also ascertain the impact of the proposed facility upon the congestion of Lake George and the probable visual, cultural and audible effects of the proposed facility on the neighborhood in which the facility is proposed and on the Park. Where the Commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public or the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park, a permit shall be denied.

The seven docks "will have an undue impact upon the health, safety, [and] welfare of the public [and] the resources of the park, lead to overcrowding or congestion, [and] cause undue visual ... impacts on the neighborhood [and] the Park". *Id.* Thus, even if the docks meet the dimensional requirements of 6 NYCRR § 646-1.1, the application should be denied.

There are at least two, and perhaps more, precedents for the Commission denying a dock permit application on this basis. In June 2003, an application for a permit for a single dock was denied due to the potential for overcrowding in Echo Bay and congestion, and undue visual impacts. In October 2003 two Class A Marina permit applications for a total of 40 slips in Huletts Landing were denied on similar grounds.⁴

⁴ Resolution 2003-49, Application of Jennifer Klein, June 24, 2003; Resolution 2003-74, Application of Kapusinski, October 28, 2003.

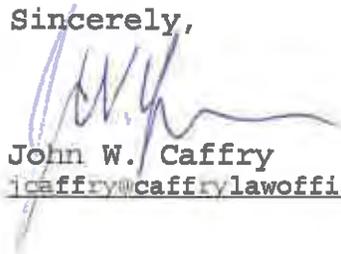
An Adjudicatory Public Hearing Should Be Held

Because the issues raised in this letter and other public comments create a likelihood that the application will be denied, a public hearing should be held. See 6 NYCRR § 645-5.6, § 645-6.

Conclusion

For all of the foregoing reasons, the application should be denied, after the preparation of an EIS and the holding of an adjudicatory public hearing.

Sincerely,



John W. Caffry
jcaffry@caffrylawoffice.com

JWC/ljs
enc.

cc: Jenny Brorsen
Matthew W. Allen, RLA

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SARATOGA ASSOCIATES

Landscape Architects, Architects,
Engineers, and Planners, P.C.

January 10, 2021

John W. Caffry
Attorney at Law
Caffry & Flower
100 Bay Street
Glens Falls, NY 12801

RE: Finley, Cotton Point Road Dock Application, LGPC Application #DWM20-000084

Dear Mr. Caffry:

As requested, Saratoga Associates has reviewed application materials and regulatory and policy documents with regard to the above referenced project. We offer the following observations and opinions concerning the potential impact of the proposed docks and boathouses on the visual character of the area.

Protecting the aesthetic quality of the Adirondack and Lake George Parks, as a matter of public policy, is fundamental and paramount.

- Environmental Conservation Law states as an overarching objective, “preserve, protect, conserve and enhance the unique natural scenic beauty... of Lake George and the area near or adjacent thereto”.
- The Lake George Park Commission is mandated to determine whether “the facility will have an undue impact upon the health, safety, or welfare of the public of the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park”.
- The Town of Bolton Comprehensive Plan among its goals is to “preserve scenic shorelines” and mitigate against visual impacts of visible development”.
- The Town of Bolton Local Waterfront Revitalization program (LWRP) among its goals is “preservation of the unique character of the local waterfront lands”, and to “provide visual access from public lands to waterfront lands”.
- The Bolton Town code states development shall:
 - “[m]inimize construction or development of any kind near or on the shorelines”,
 - “[m]inimize the removal of vegetation along shorelines”,
 - “[m]aximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state”,
 - “[m]inimize shoreline alterations such as beach construction and emplacement of docks”, and
 - “[m]inimize the visual impact of all development activities”.

January 10, 2021

Page 2

- Most importantly with regard to LGPC Application #DWM20-000084, **The Town of Bolton Code designates Cotton Point Road as a “Scenic Travel Corridor” with the objective to preserve the scenic qualities of views from public roads.**

Upon review of the project, its setting, and regulatory considerations, it is our opinion that the proposed construction of docks and boathouses along Cotton Point Road is inconsistent with public policy with regard to aesthetics. Cotton Point Road parallels the shoreline within a matter of feet of the water’s edge. The nearly 1,000-foot-long undeveloped waterfront that is the location of the proposed development is well known for its unique scenic character and rare publicly accessible views of the lake. The project will have a negative impact on the aesthetic quality of this designated Scenic Travel Corridor and represents an undue visual impact on the public’s experience of driving, biking or walking along this waterfront right-of-way.

Project Understanding and Context

The applicant recently received Town approval to subdivide a 21.96-acre existing parcel (ID 200.14-1-20) into four lots, each of which would contain a future single-family residence. The application includes construction of seven E-shaped wood crib docks, covered by open-sided boathouse structures along the shoreline adjacent to Cotton Point Road in Basin Bay. Four of the seven boathouses would have sundecks (one per each of the four lots).

The subdivided property is located between NY Route 9N (Lake Shore Drive) and Basin Bay of Lake George. The subdivided property contains a large Class 1 wetland (also a Critical Environmental Area) separating the developable upland portion of the parcels along NY Route 9N from the lowland waterfront area along Cotton Point Road. The presence of the Class 1 wetland along the waterfront is likely the reason this property has remained undeveloped to date.

The subdivided property includes 972 feet of lake frontage along Cotton Point Road. This is the longest undeveloped stretch of waterfront within Basin Bay. **In fact, this appears to be the longest stretch of undeveloped waterfront between Walker Point in Northwest Bay and Cannon Point on Orcutt Bay.**

Regulatory Considerations

Environmental Conservation Law¹ states: “the legislature hereby declares it to be in the public interest to preserve, protect, conserve and enhance the **unique natural scenic beauty** and to promote the study of the history, natural science, and lore of Lake George and the area near or adjacent thereto...” (emphasis added).

Lake George Park Commission Regulations, Section 646-1.6², state “(a) Prior to granting any permit relative to a dock, wharf, mooring or marina, the Commission shall ascertain the probable effect of the proposed facility and the operation thereof on the health, safety and welfare of the public and on the resources of the Park. The Commission shall also ascertain the impact of the proposed facility upon the **congestion of Lake George and the probable visual**, cultural and audible effects of the proposed facility

¹ <https://www.nysenate.gov/legislation/laws/ENV/43-0101>

² LGPC Regulations: <https://lgpc.ny.gov/646-1-docks-wharfs-moorings-and-marinas>

January 10, 2021

Page 3

on the neighborhood in which the facility is proposed and on the Park. Where the Commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public of the resources of the park, **lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park, a permit shall be denied**" (emphasis added).

Town of Bolton Comprehensive Plan - The Town of Bolton Comprehensive Plan³ establishes a goal for rural character, open space, and the environment, to "protect, maintain, and reestablish the quality of Bolton's natural setting, open spaces, and ecosystems (e.g., forests, streams, ponds, wetlands, and other sensitive resources) to **preserve the scenic shorelines**, hillsides, and ridgelines and the overall distinctive rural character; and to ensure a sustainable future for the town, its residents, and wildlife." The Plan also recommends the establishment of a scenic overlay district encompassing highly visible areas to "**mitigate against impacts of visible development** along hillsides, ridgelines, and the shoreline of Lake George" (emphasis added).

Town of Bolton Local Waterfront Revitalization Program - The Town of Bolton's Local Waterfront Revitalization Program⁴ (LWRP) (adopted by the Town Board November 1, 2016 and approved by NYS Department of State on February 27, 2018), states, among other goals, seeks the **preservation of the unique character** of the local waterfront.

LWRP policies and sub-policies reflect the community's concerns and consider the economic, environmental, and cultural characteristics of a community's waterfront. Each policy promotes the beneficial use of waterfront resources, prevents their impairment, or deals with major activities that substantially affect numerous resources. Together, these represent the enforceable policies for the waterfront area subject to the approved LWRP, and are enforced through use of State laws and authorities, and local laws and regulations. Pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Article 42 of the Executive Law, the policies of an approved LWRP are the basis for local and State consistency determinations for activities affecting the waterfront area described in the approved LWRP.

All local actions to take place within the Waterfront Revitalization Area (WRA) must be consistent with the policies of the LWRP, which are outlined in Section 3 of the document and are to be incorporated into the evaluation of all proposed actions within the WRA. The WRA for the Town of Bolton includes the entirety of the lands and waters within the municipal boundary.

Some of the LWRP policies are based upon the provision of Article 42 of the Executive Law. These policies carry out the intention of the State Legislature that there be "a balance between economic development and preservation that will permit the beneficial use of coastal resources while preventing the loss of living marine resources and wildlife, diminution of open space areas or public access to the waterfront, shoreline erosion, **impairment of scenic beauty**, or permanent adverse changes to ecological systems" (Executive Law, §912(1)) (emphasis added). Executive Law, Article 42, requires that

³ Comprehensive Plan: https://www.boltonnewyork.com/upload_files/town-ordinances/Town%20of%20Bolton%20Comprehensive%20Plan.pdf

⁴ Town LWRP: https://www.boltonnewyork.com/upload_files/town-ordinances/LWRP.pdf

January 10, 2021

Page 4

actions directly undertaken by State agencies within the state's coastal area (or designated Inland Waterways, of which Lake George is one) be undertaken in a manner consistent with these policies. In addition, the procedures of the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) ensure that all State agency actions are consistent with these policies.

The LWRP contains policies which relate to visual and scenic resources, including the following:

- Policy 3: “**Enhance visual quality and protect scenic resources throughout the waterfront area**” (emphasis added). This policy states “The scenic qualities of Bolton contribute greatly to the area’s beauty and natural character, and are the primary basis for the public’s appreciation.” Policy 3 goes on to list standards and guidelines which include “minimizing the introduction of elements which would be discordant with existing components and character” and “considering the impact of new development in existing visual resources. Anticipate and prevent impairment of dynamic landscape elements that contribute to ephemeral scenic qualities.”
- Policy 9.2: “Provide **public visual access** from public lands to waterfront lands and waters or open space at all sites where physically practical” (emphasis added). Policy 9.2 goes on to say “To the extent feasible, views of Lake George and Trout Lake **from roads and public access locations** should be expanded to allow full appreciation of the beauty of these resources, and to increase the attractiveness of the waterfront for residents and tourists” (emphasis added). As previously noted, Cotton Point Road has been designated a scenic corridor. It currently provides public visual access to the waterfront of Lake George via Basin Bay. The Policy also lists the following with respect to visual access: “**Protecting view corridors** provided by streets or natural resources as identified in Section II – Inventory and Analysis” (emphasis added). The wetland in this location is one such feature identified in Section II of the LWRP. The construction of the proposed docks and boathouses would impair the public visual access to the waterfront from Cotton Point Road, and to the wetland from the lake.

Town of Bolton Code

The Town’s Subdivision Regulations⁵ contain objectives specific to shorelines, aquatic communities, aesthetics (including travel corridors), and shoreline development, as follows (emphasis added):

E. Shorelines:

Objective: Maintain or enhance the existing physical, biological and **aesthetic characteristics of the shoreline** of all lakes, ponds, rivers and streams.

General guideline: Comply at a minimum with applicable governmental shoreline restrictions, **minimize construction or development of any kind near or on the shorelines**; avoid physical modifications of the shorelines themselves; **minimize the removal of vegetation along shorelines**; locate buildings so as to be partially screened from the shorelines by natural vegetation; **maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.**

⁵ Subdivision Regulations: <https://ecode360.com/attachment/BO1894/BO1894-150c%20Appendix%20C.pdf>

J. Aquatic communities:

Objective: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

General guideline: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; **maintain adjacent vegetated areas** generally as habitats and buffer zones; **minimize shoreline alterations such as beach construction and emplacement of docks**, rafts, boat launching facilities, and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

N. Aesthetics:

(1) Aesthetics, general: Objective: Preserve and enhance, where possible, impact⁶ of the project upon the existing aesthetic qualities of the project site and its environs.

General guideline: Utilize existing vegetation and topographical features, and employ careful siting methods so as to **minimize the visual impact of all development activities**.

(3) Travel corridors: Objective: **Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes**.

General guideline: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alterations.

U. Public utilities and community resources:

(8) Shoreline development: Objective: Design and construct development along shorelines, so as to **maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities**.

General guideline: Adhere at a minimum to the shoreline restrictions of the Adirondack Park Agency Act and the provisions of the Environmental Conservation Law and all local laws; maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; **minimize construction of docks and boathouses on shorelines**; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

The visual and aesthetic items outlined above should be carefully considered in the evaluation of the application for the construction of seven docks and boathouses along Cotton Point Road. The construction of the proposed docks and boathouses would alter the aesthetic characteristics of the shoreline; result in the removal of shoreline vegetation; and introduce development adjacent to both a wetland and rare ecological community within a uniquely natural stretch of lakeshore. Furthermore,

⁶ Author's note: This text was inserted verbatim from the Code, but it appears as though a word is missing before "impact" – perhaps "minimize" as used in the guideline language.

January 10, 2021

Page 6

there would be a loss of scenic quality from a publicly-accessible scenic travel corridor, as well as from the lake back toward the shore.

Designated Scenic Travel Corridor

Cotton Point Road closely parallels the waterfront for the 972-foot stretch of water frontage of the subdivided parcels and separates the lakeshore on the north side of the road from the Class 1 wetland on the south side. **Cotton Point Road is within just 6 feet of the water's edge throughout the proposed dock/boathouse development area.** Little existing vegetation exists between the road and pavement to obstruct existing views to and from the lake. As such **Cotton Point Road presently offers nearly unobstructed views from this public right-of-way across Basin Bay to the main body of Lake George to Dome Island, the Narrows, Shelving Rock, and Black Mountain in the distance.** Likely owing to its public access, proximity to the undeveloped wetland, and outstanding waterfront vistas, **Cotton Point Road is designated in the Bolton Town Code as a Scenic Travel Corridor.**⁷

The application currently before the LGPC includes seven docks and boathouses to be located directly on Cotton Point Road within the currently undeveloped 972-foot section of the Cotton Point Road Scenic Travel Corridor. The proposed boathouses will be 30'x34' with sundecks (1,020 sf) and 36'x40' without (1,440 sf) and nearly 16' tall. It is reasonable to anticipate that some of the existing shoreline vegetation would have to be cleared in order to provide access to the boathouses and to allow for their installation. Tree cutting would result in further visibility of the structures from the Scenic Travel Corridor. The structure of the boathouses, especially the roof areas, would present a significant visual barrier to the existing views that extend to the Lake, opposite shore, and distant mountains. Construction of 28 boat slips and seven covered boat houses extending along the entire stretch of this currently undeveloped waterfront would irreparably damage the aesthetic qualities of the Cotton Point Road Scenic Travel Corridor. It is our opinion that development of docks and boathouses on this site is detrimental to the scenic character of the local landscape and is inappropriate in this location.

⁷ §200-20: Scenic travel corridor overlay district: <https://ecode360.com/8471493>

January 10, 2021

Page 7



Figure 1. Google Streetview showing the existing character looking east along Cotton Point Road, a designated Scenic Travel Corridor.

Potential Visibility and Exposure

The current visual condition along this lake frontage is one without any development – a viewer experiences a wetland landscape to the south and a thin line of vegetation along waterfront to the north that allows scenic views over the water to the distant shoreline. This existing condition is in stark contrast to more developed areas of lakeshore. The experience of travelling along a public roadway so close to the lakeshore and through a large wetland, with extensive views across the water, is one that is unique and has its own ephemeral aesthetic qualities. Such land-based visual access from a public roadway is rare on Lake George and should be protected.

Basin Bay is very popular with boaters, water-skiers, and other recreational users and is in a well-traveled area of the lake. Likely thousands would view this area during an average season – a mix of boaters, tourists, and residents. The proposed boathouses would create development in a currently undeveloped stretch of shoreline and would be visible by many neighbors and visitors driving, biking, or walking along the scenic corridor of Cotton Point Road and be visually disruptive to views of the shoreline from the lake.

This area of Basin Bay is known to have very shallow water depths. It is likely that docks in this location would need to be longer than the 40' shown in the design plans - nearby docks are approximately 80' long. Increasing the length of the docks, projecting the boathouses further into Basin Bay, would result in greater visibility of the structures. Dock development in this area would be very similar in visual character to existing docks on Cotton Point Road to the north of the proposed development site. These docks appear to be associated with existing cottages immediately adjacent (i.e., with bathrooms and off-street parking). Although these docks represent an existing visual intrusion into the scenic character of

January 10, 2021

Page 8

Cotton Point Road, a major difference is the current docks do not have covered boathouses blocking distant vistas across the lake. The neighboring property to the northwest has three docks in place, without boathouses or cover. Neighboring properties to the southeast also have docks that are not covered. The approval of multiple boathouses along a currently undeveloped stretch of lakeshore could have a cumulative impact – a foreseeable consequence of approval is the establishment of a standard or pattern for nearby property owners to follow.



Figure 2. Google Streetview of the existing docks north of the property in a previously developed area on Cotton Point Road. This photo illustrates a similar visual condition (albeit without boathouses proposed in the current application) to will result along nearly 1,000 feet of undeveloped scenic shoreline.

The parcels in this application are unique, in that they contain part of the large Class 1 wetland (also a Critical Environmental Area) which separates the homesite portion of the property from the associated waterfront. Given the nature of the wetland it is unlikely there could be direct pedestrian access from the homesites across the wetland to the waterfront and associated docks/boathouses. Such access would likely be via NY Route 9N to Cotton Point Road – a distance of as much as 1,900 feet.

The application states that property owners will walk to the waterfront from their residences. This is unrealistic. As some of the boathouses have sundecks, it is a logical expectation that residents and guests will spend many hours at the waterfront or out on the Lake in their boats. It is reasonable to conclude dock/boathouse users will park their car parked on Cotton Point Road for the duration of their stay rather than dropping off guests and gear at the dock, driving back to the residence to park, and then walking back to the dock. The natural desire to park on Cotton Point Road is more likely

January 10, 2021

Page 9

considering there will be no rest room facilities at the docks. It is not unreasonable to expect that dock users, regardless of a permit condition to the contrary, will keep a car at the waterfront to avoid a long walk back to the residence (often with small children) to use the facilities. Likewise, 28 boat owners and guests would likely choose to leave their car on Cotton Point Road while they are out on the lake rather than park a great distance away (in an undefined off-street location) and walk back to their dock.

The application does not include off-street parking in the vicinity of the docks/boathouses. This this creates an issue of parking along Cotton Point Road; which is just 18± feet wide with no shoulders, and is posted “no parking”.



Figure 3. Google Streetview showing “No Parking Any Time” signs along Cotton Point Road.

Should vehicles park along this roadway, this could present not only an obstruction to traffic, but an additional obstruction of the view from those traveling along the scenic corridor. It would also be a stark contrast to the existing wetland landscape as viewed from the bay.

Project Visualizations - Attached Exhibit A provides visualizations depicting visual character of development that would occur along this undeveloped portion of the Basin Bay waterfront. One version of these visualizations assume cars will be parked on Cotton Point Road. This is a reasonable expectation for a typical summer day for dockage which accommodates 28 or more boats. A second version is provided illustrating the visual condition if the no parking permit condition is honored.

January 10, 2021

Page 10

Basin Bay Congestion

As described in the 2015 Lake George Recreation Study (Ch. 5, p 9), the number of boats on Basin Bay often exceeds its calculated capacity. The 2005 criteria, used in the study, determine that the bay's 174 acres, at 6 acres per boat, can accommodate 34 boats; however, in 2015, there were 84 total boats, with 43 occupying the usable lake area. Basin Bay is listed as a "Special Concern Area" in the Study and the popularity of the bay for anchoring, particularly in the south bay adjacent to the wetland (i.e., the project area), is noted. Existing congestion levels within Basin Bay have also been observed to result in navigational and safety concerns.

This project will add an additional 28 boats to Basin Bay, if there were four boats for each of the E-shaped docks. However, it could be anticipated that additional boats, jet skis, or other watercraft could be accommodated at the proposed docks, particularly if docks were to be extended further into the bay to reach deeper water. It is not unreasonable to expect the dock would extend 80 feet or more from the shoreline, as is the case with existing docks in the immediate vicinity. With longer dock length, as many as 3 boats could potentially be accommodated on the 80-foot side. This could allow as many as 42 boats able to be accommodated, further increasing congestion in Basin Bay and diminishing visual quality along the scenic travel corridor.

Critical Environmental Area

The wetland (Class 1, and also a Critical Environmental Area) is bisected from the lakeshore by Cotton Point Road (which is elevated), with drainage piping connecting the wetland to the lake. This wetland is one of the natural features identified in Section II of the Town of Bolton's Local Waterfront Revitalization Program (LWRP): "Another sizable marsh, of about 39 acres, is situated near Cotton Point, along the narrow portion of the peninsula between Boon Bay and Basin Bay. This wetland, known as Cotton Point Swamp and Bolton Swamp, supports a rare bog community of Black Spruce and Tamarack. ...Special attention and consideration for protection should be paid to these areas, as well as other wetlands, during any project development."

The Lake George Park Commission designated the waters and wetlands of Lake George, with a 500' buffer, a Critical Environmental Area in order to protect the resources of the Park, effective November 16, 1988.⁸ Once a CEA has been designated, potential impacts on the characteristics of that CEA become relevant areas of concern that warrant specific, articulated consideration in determining the significance of any Type I or Unlisted actions that may affect the CEA.⁹

SEQRA Status

While the application states that the SEQR status of this project has not yet been determined, the SEQRA form for the review of visual impacts (The Visual EAF Addendum) is useful in this discussion. The Addendum asks about project visibility from State Parks and preserves; outstanding natural features (such as Lake George); sites, areas, lakes, reservoirs, or highways designated as scenic (Lake George,

⁸ Critical Environmental Areas in Warren County: <https://www.dec.ny.gov/permits/25158.html>

⁹ Critical Environmental Areas: <https://www.dec.ny.gov/permits/6184.html>

January 10, 2021

Page 11

Cotton Point Road); and county, state, or local roads (Cotton Point Road). It also asks whether visibility would be seasonal or year-round (in this case, year-round), and whether the places of visibility would be in use during the time of year when the project would be visible (yes, year-round). The form goes on to consider the existing visual environment and presence of visually similar projects in proximity to the subject location. This project is proposed within a currently undeveloped stretch of shoreline. It further asks about the exposure (number of observers per year) and the context in which they might view the project (commuting, recreational activity, routine travel, at a residence, at a worksite, or other). In this case, the project would be visible to thousands per year, and by those recreating, traveling routinely, and at their residences.

Conclusion

As a matter of public policy, the Lake George Park Commission, The Adirondack Park Agency and the Town of Bolton all recognize that protecting the aesthetic quality of the Lake George waterfront is fundamental and paramount.

In considering this application the LGPC must ascertain the probable effect of the proposed facility and the operation thereof on the health, safety and welfare of the public and on the resources of the Park. The Commission shall also ascertain the impact of the proposed facility upon the congestion of Lake George and the probable visual, cultural and audible effects of the proposed facility on the neighborhood in which the facility is proposed and on the Park. Where the Commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public or the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the Park, a permit must be denied.

Cotton Point Road is located just a matter of feet of the water's edge and is well known for its unique aesthetic quality and adjacency to a critical environmental area that includes a wetland with a rare plant community. The current visual condition along this lake frontage is one without any development – a viewer experiences a wetland landscape to the south and a thin line of vegetation along waterfront to the north that allows scenic views over the water to the distant shoreline. The experience of travelling along a public roadway so close to the lakeshore and through a large wetland, with extended views across the water is one that is unique and has its own ephemeral aesthetic qualities. Such land-based visual access from a public roadway is rare on Lake George and should be protected.

The proximity of Cotton Point Road and rare visual access to the undeveloped waterfront along the nearly 1,000-foot- public right-of way is recognized in the Town of Bolton's designation of Cotton Point Road as a Scenic Travel Corridor. Public policy dictates such unique land-based visual access from a public roadway is rare on Lake George and should be protected.

Construction of 28 boat slips and seven covered boat houses extending along the entire 1,000 foot stretch of this currently undeveloped waterfront would irreparably damage the aesthetic qualities of the Cotton Point Road Scenic Travel Corridor. Such development would be visible by many neighbors and visitors driving, biking, or walking along the scenic corridor of Cotton Point Road. It is our opinion that

SARATOGA
ASSOCIATES

January 10, 2021

Page 12

development of docks and boathouses on this site is detrimental to the scenic character of the local landscape, represents an undue impact on the scenic resources of the neighborhood and is inappropriate for this location.

Sincerely,

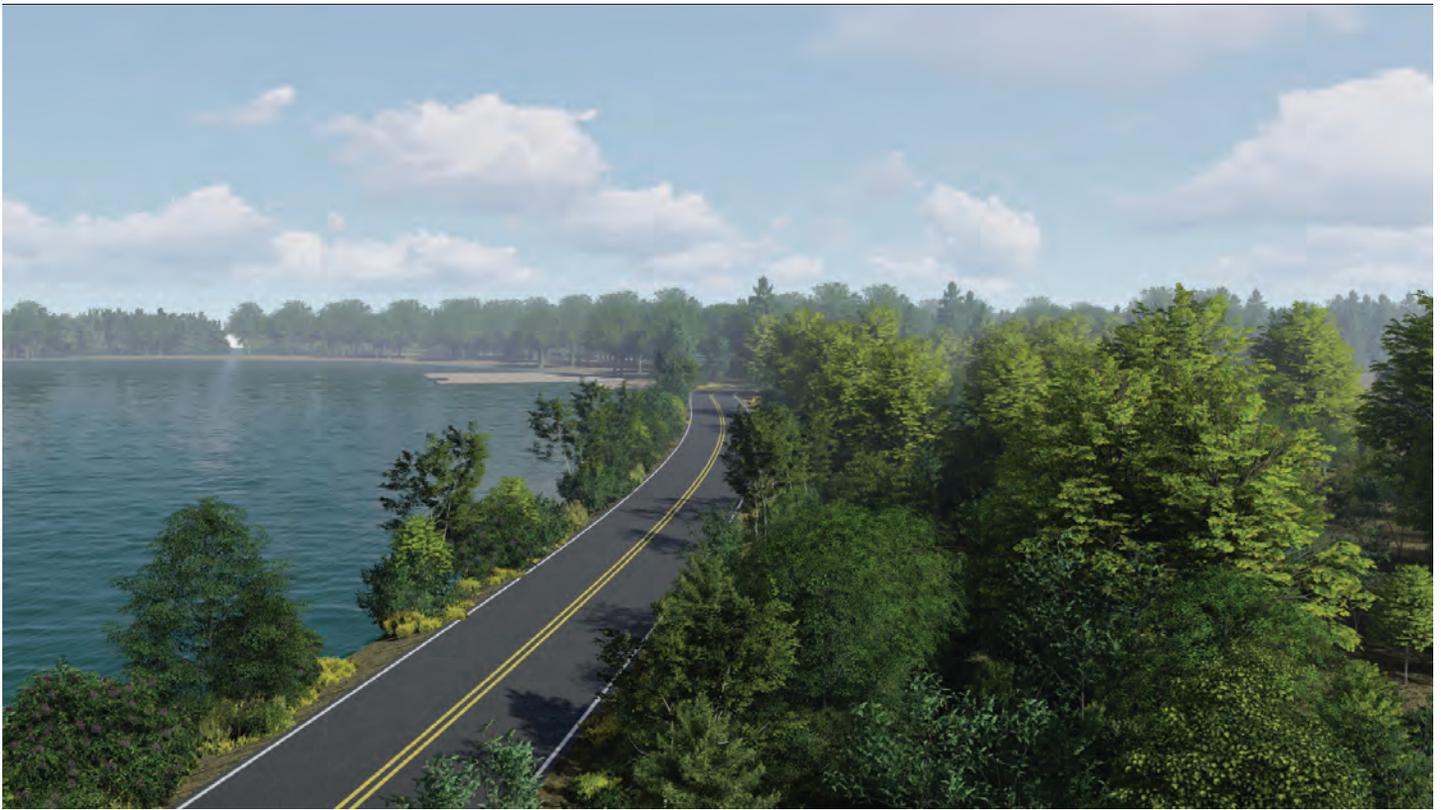
A handwritten signature in black ink, appearing to read 'M. Allen', with a long horizontal flourish extending to the right.

Matthew W. Allen, RLA
Principal

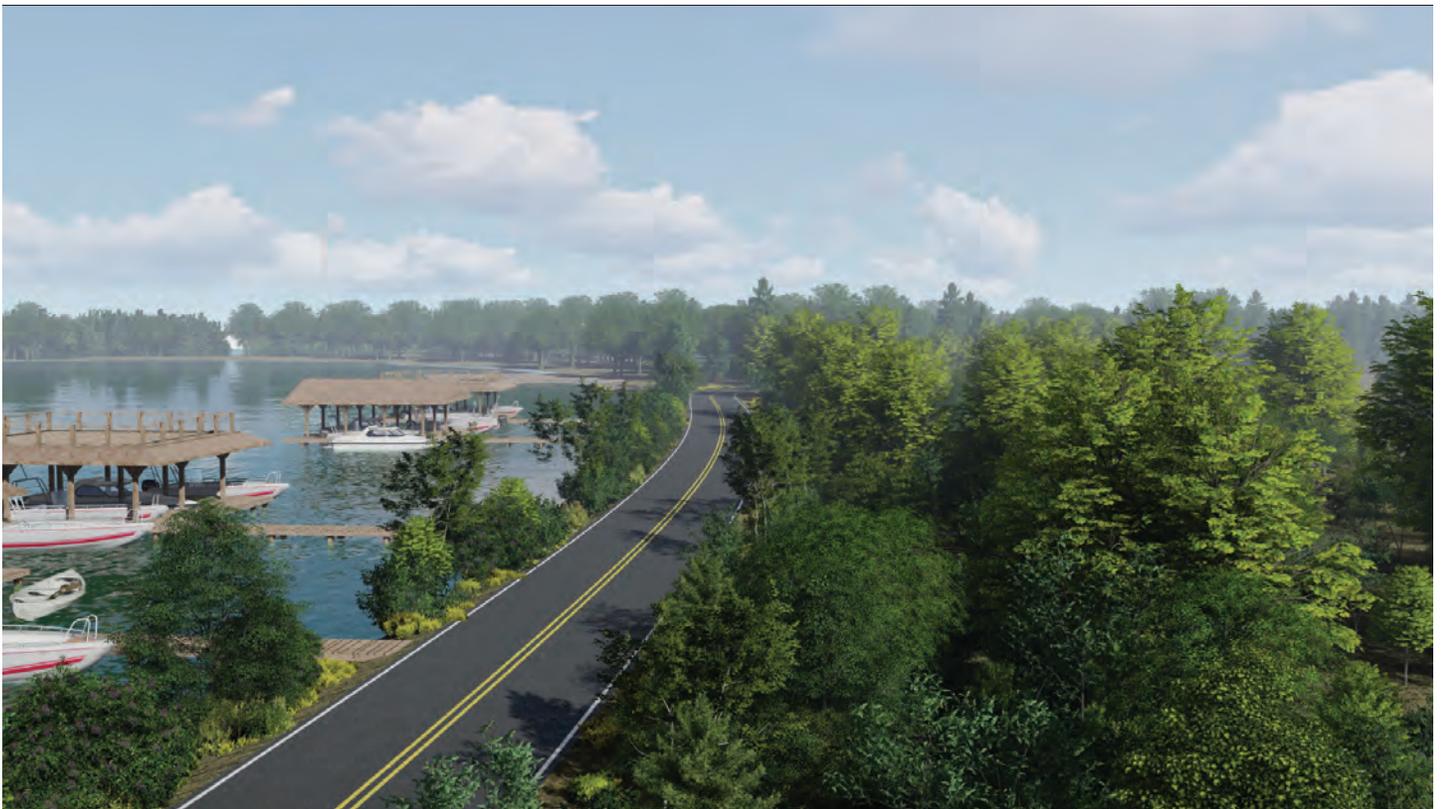
SARATOGA ASSOCIATES

Landscape Architects, Architects, Engineers, and Planners, P.C.
21 Congress Street, Suite 201, Saratoga Springs, NY 12866
T 518-587-2550 www.saratogaassociates.com

EXHIBIT A



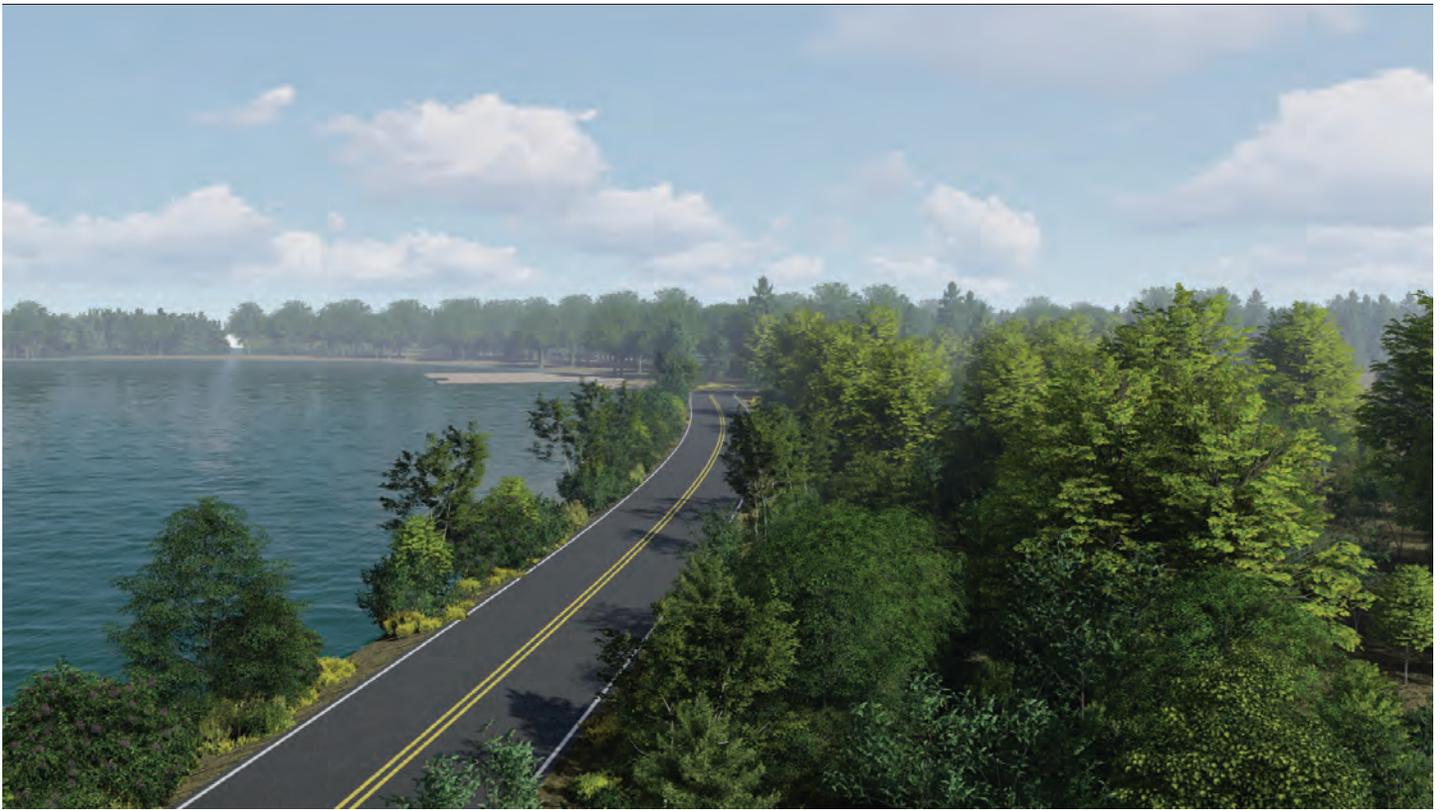
Before



After - Assuming no parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-1



Before



After - Assuming parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-1



Before



After - Assuming no parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-2



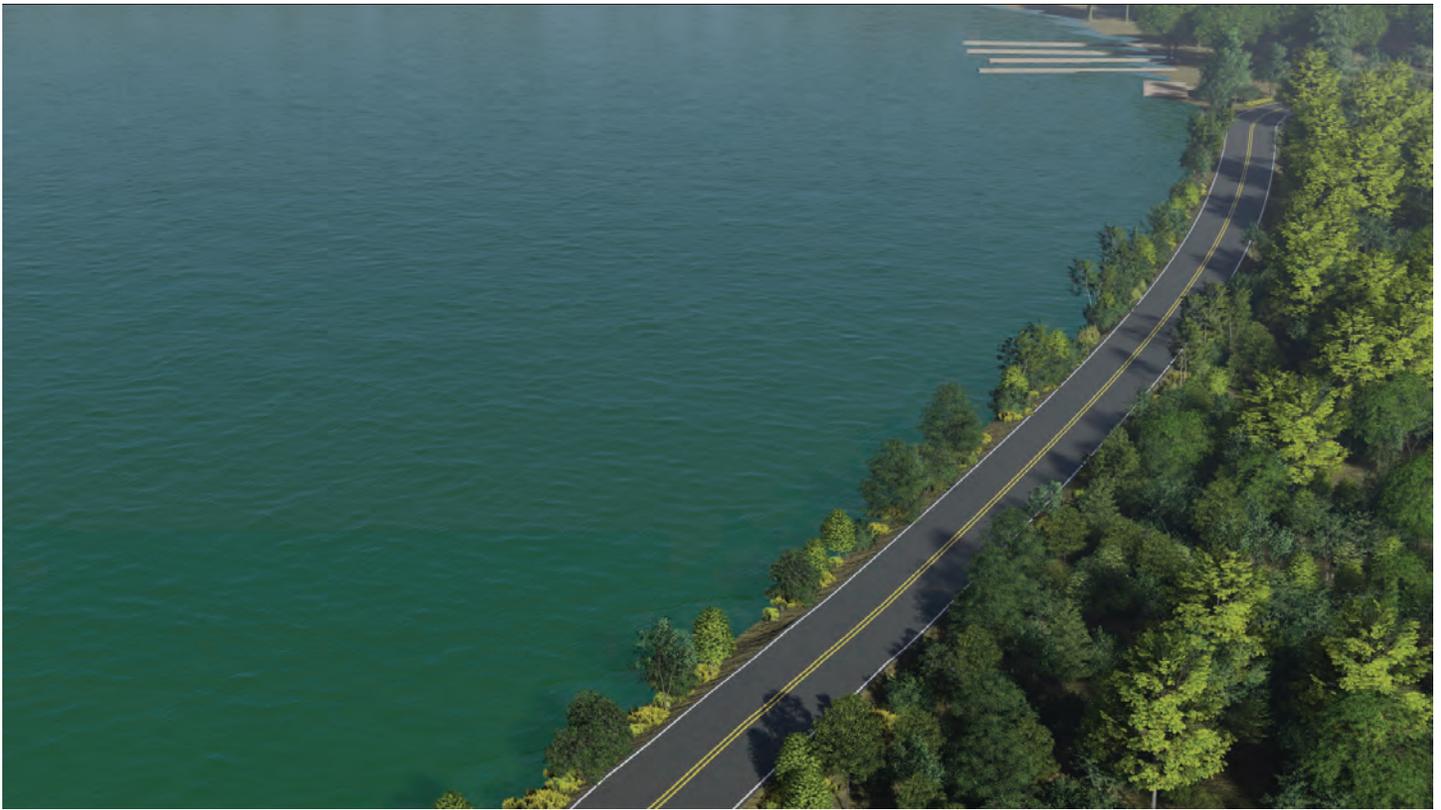
Before



After - Assuming parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-2



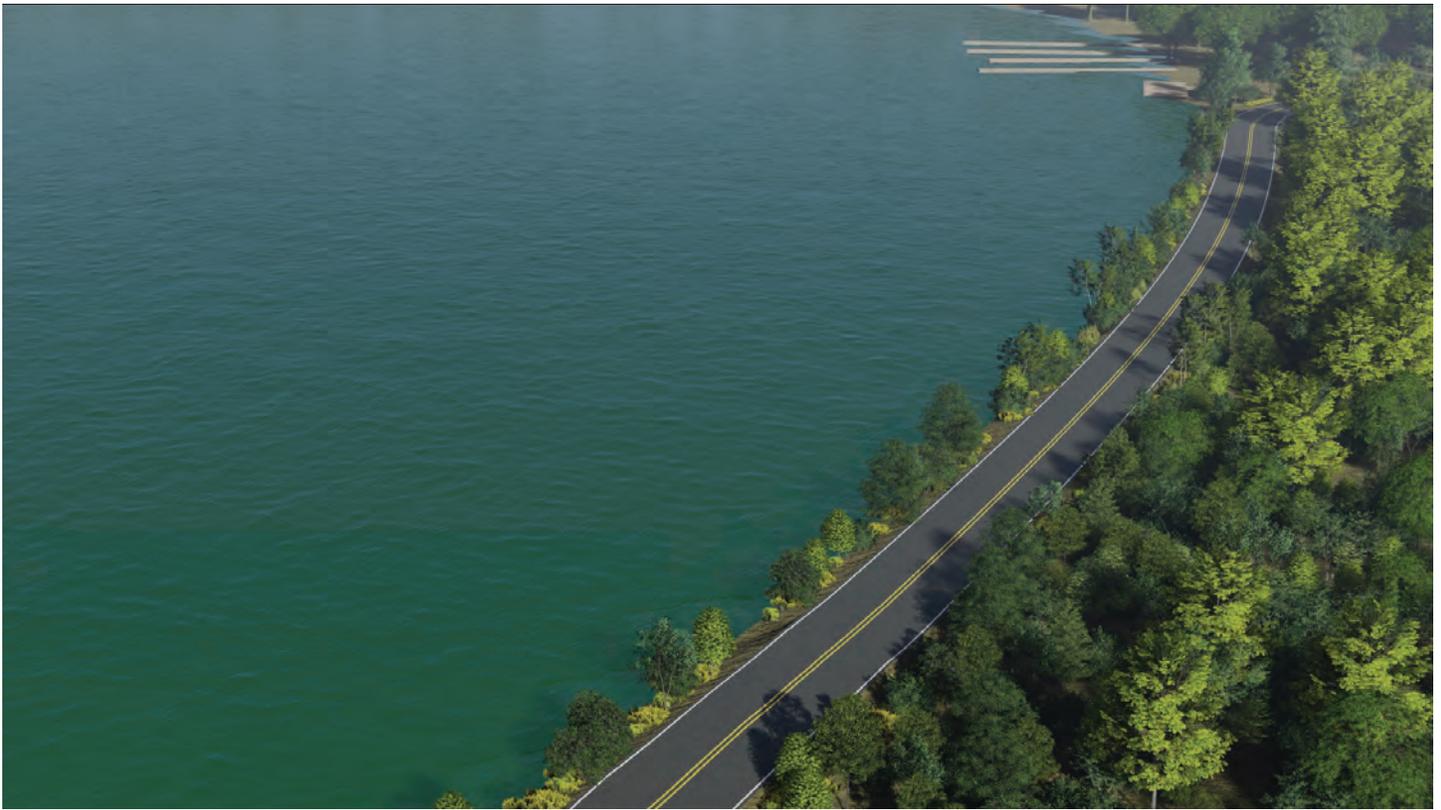
Before



After - Assuming no parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-3



Before



After - Assuming parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-3



Before



After - Assuming no parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-4



Before



After - Assuming parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-4



Before



After - Assuming parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-5



Before



After - Assuming no parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-5



Before



After - Assuming no parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-6



Before



After - Assuming parking on Cotton Point Road

PROJECT VISUALIZATIONS

EXHIBIT A-6

SARATOGA
ASSOCIATES

**Finley, Cotton Point Road Dock Application
LGPC Application #DWM20-000084
Town of Bolton, NY**

To: The Lake George Park Commission

Re: Madison Finley Application# DWM20-000084 Parcel # 200.14-1-20

My name is Patricia Favero. My husband and I have lived at 126 Cotton Point Rd since 2001 and my family (maiden name Ayers) has lived on Cotton Point since 1983.

I am strongly opposed to the current application for the following reasons:

1. Basin Bay has experienced an enormous increase in the number of boats that have chosen to use the south half as a place to spend the day on their boat. However, it is still used extensively for waterskiing and tubing. The result is, at times, a very dangerous situation. Allowing 7 new E shaped crib boathouses will significantly increase the number of boats going in and out of an increasingly congested bay. The proposed 7 new large boathouses could add between 42 and 56 boats (2 on the 2 outer docks of each boathouse plus 1-2 in each covered slip—6-8 per boathouse) going in and out of the bay on a regular basis--weaving their way through the anchored and floating boats, water skiers and tubers. This creates an unsafe situation for everyone.
2. This proposal adds docking for potentially 42-56 boats for an already crowded south end of Basin Bay for **ONLY 4 BUILDING LOTS**. I cannot understand why one building lot needs more than 1 of these large boathouses unless the intention is for 3 of the building lots to have one boathouse for their own use and one to rent out. If approved, the likely result, intended or not, legal or not, is for 3 new marinas in the increasingly congested south end of Basin Bay. I believe this is in direct contravention of the goal of preserving and protecting the Lake George Park.
3. Another enormous problem with this proposal is the lack of any parking and the congestion of Cotton Point Road. **There is no parking whatsoever on the stretch of Cotton Point Road that this project covers.** It is impossible to add parking on this road because there are wetlands on one side and a rip rap shoreline protecting the lake and the road on the other side. This road is the only access to Cotton Point and has extremely poor visibility at many points. Already there is one curve with no visibility whatsoever and at many other points children, pets or people will pop out from the rip rap shoreline unexpectedly causing your heart to stop momentarily. This stretch of road cannot possibly handle the increase in foot and car traffic an extra 7 large boathouses (with a potential of 42-56 boats) would create without exponentially increasing the safety hazard.

I appreciate your time in reading and considering my comments and sincerely hope that you will reach a decision that avoids allowing 7 new large boathouses to a bay and a tiny road (with no parking and poor visibility) that cannot possibly handle them.

Sincerely

Patricia Favero

To: The Lake George Park Commission

Re: Madison Finley Application# DWM20-000084 Parcel # 200.14-1-20

From: Patricia Favero 126 Cotton Point Rd

Addendum to Initial Comments

After sending in my initial comments on the Finley application for 7 E shaped boathouses for 4 building lots, it kept sticking in my mind that 2 large E boathouses for some of these lots didn't even seem possible. I therefore spent time reviewing the Park Commission's regulations which I conveniently found online. After reviewing these regulations, it appears that at least 2 of these E shaped boathouses violate the LGPC's regulations on their face.

According to **Section 646-1.1(c)(7)(iii)**, any lot that has between **151 and 250 feet of shoreline** is limited to two T, F, L or U docks or **one E dock or wharf**. The developer in this project has clearly divided the land parcel into 4 separate building lots. I believe that is the way it has been proposed for zoning, the APA etc. The first lot has 179 feet of lakefront, the second has 198 feet of lakefront, the third has 214 feet of lakefront and the fourth has 320 feet of lakefront. The second and third lots on this application at **198 and 214 feet of lakefront respectively** are both limited by the LGPCs regulation 646-1.1(c)(7)(iii) to **one E shaped dock or wharf** each. It is clear that this project has been broken into 4 separate building lots and will be marketed and sold as such, and therefore needs to be treated in that manner.

Although the fourth lot has 320 feet of lakefront and might technically qualify for 2 E shaped docks under the LGPC regulations, I would still oppose 2 E shaped docks for that lot for the reasons set forth in my first letter as it creates an unnecessarily unsafe situation given the conditions in the bay and on the road.

Respectfully submitted

Patricia Favero

]]ytJanuary 6, 2021

Joe Thouin
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845
Via email joe@lgpc.state.ny.us

Re: Application #DWM20-000084 for a proposed
construction project of seven new docks on the
Cotton Point Road

Dear Members of the Lake George Park Commission:

I am writing as an owner of property on Basin Bay at 14 Loomis Lane.

I strongly disagree with the proposal to add 7 new docks on Cotton Point Road. This parcel has been subdivided into 4 lots and may someday have lake rights. Since this property is on wetlands, it is unlikely that they will be able to build and so the idea of putting up docks is essentially building another marina in Basin Bay.

I strongly object to adding more docks. As a swimmer and an owner of kayaks, canoes and a stand-up paddle board, I have been bothered by the increase in large boat traffic in Basin Bay in the last few years. It is an unpleasant experience to constantly deal with boat chop and to hear the engines of boat traffic from Blue Water Manor bar and restaurant going from morning through night. We have also learned the Cool Ledge docks are rented to Blue Water Manor, increasing lunch and dinner traffic.

The addition of up to 28 new boats docked on the bay, as Mr. Finley's plan would allow, will be a huge addition to an already over-populated and unsafe situation.

Please reject Mr. Finley's request to build 7 docks. Please further investigate if these will be boats for homeowners or will these be commercial rental docks. Either way, please know that this proposal will impact the serenity and enjoyment of the lake for the neighbors and I am against it.

Thank you for your consideration.

Sincerely,

Sandra Marwill

January 8, 2021

Joseph Thouin, Environmental Analyst

Lake George Park Commission

PO Box 749, 75 Fort George Rd, Lake George, NY 12845

Dear Mr. Thouin:

I am writing to comment on the 2020-12-9 application for seven docks/boathouses on Basin Bay that was filed in my name for the benefit of Michael Caruso. My co-owner, the Betty Finley Trust, Nelson Alexander (Trustee) was also named on the application although I am not representing her interests in these comments.

First, it is very important that you **change the name of the application** going forward. We sold the property on December 31, 2020 to Michael Caruso. Mr. Caruso is listed on the LGPC application as Agent but is now the property owner. I request that you not make him start the process over, since I had no role in preparing the application or the dock designs, nor did I pay your application fee; Mr. Caruso did both of those. My name, and that of my co-owner, was a requirement of the Adirondack Park Agency to gain their approval of the subdivision, which was a condition of the sale of the property. I consider my name on the LGPC application to be a formality, required as per the advice of my attorney, and at no time was I involved in the planning for docks. My name must not be associated with this project further.

Second, in my comments below, I will support a scaled-down version of Mr. Caruso's project. **I support four docks, and no boathouses.** I will describe some of the relevant history of the property, and then describe other concerns with this project.

Not only am I the former co-owner of the property now owned by Mr. Caruso, but I am a current neighbor and owner of other properties that border his lot on the north and west. I also hold a mortgage on a third nearby property. I have lived at one of these properties all my life, full or part-time, since I was one year old in 1952. My uncle bought this property, and other adjacent properties, in 1928. The purchase included the property now owned by Mr. Caruso, which my family never developed in our 92 years of ownership.

Because my name was on the LGPC application, I have received many inquiries. Some were hostile, but most were people who know me and were incredulous that I would consider doing the project that you now are evaluating. They know my family's reputation for not developing the property, and that I served on the board of directors of the Lake George Association, including as vice president.

You will no doubt receive many letters from concerned neighbors who live in Bolton and specifically in the area around Basin Bay. I urge you to consider any claims they may make about the property in this application with caution. **This is a challenging property, and I am the only one still living who fully understands all the nuances involved.** I encourage you to contact me with questions before you make any decisions based on the statements of others.

My entire life, I have heard from people who say the beach road property now owned by Mr. Caruso is owned by the state, or the town, or (my personal favorite) “No one owns that”. For the last four decades, I have had to explain to many new generations of public officials exactly what the situation in Basin Bay is, as my father did before me. I can cite three court cases from 1903, 1987, and 2004 that prove that Mr. Caruso owns the land and the fee under the town-maintained road. There is to my knowledge no separate easement. The Town of Bolton is understood to have only the right to “lay and maintain” a road. There is a town ordinance prohibiting parking along the beach road.

The property in Mr. Caruso’s application has almost 1000 feet of shoreline. His property is about 22 acres, of which approximately 11 is APA-designated wetland. He has received approval from the Town of Bolton and the Adirondack Park Agency for four subdivisions, each of which contains lakefront ample for a dock. Whatever the environmental objections may be to the placement of docks on this shoreline, I maintain that **it is Mr. Caruso’s legal and regulatory right to place docks.** I believe that, even if initially denied, he would prevail in a hardship application. It is unreasonable to tell someone who owns 1000 feet of Lake George shoreline that he cannot have docks. Neighbors whose only interest in this property is in enjoying the walks or drives through it, are welcome to comment but have no legal standing to object.

I will not concentrate here on environmental considerations. They are considerable, including lack of parking, no place to handle sewage, and no electricity without having power lines cross APA wetlands hundreds of feet from elsewhere. Stirring up the bottom of the lake in this location used to severely decrease the clarity of the water before I received approval from the DEC and LGPC to install Keep Out buoys at 200 feet from shore (and I think that permit is now void upon transfer of ownership). I wish primarily to point out the information that I have walked the property many times with representatives of the APA, including twice in the last three years with the **APA biologist** who identified no problem with placing three docks along the land between McKeag and Provost/Pajak, and a 10-foot platform on the 3-rod strip of land between McKeag and Finley. Thus, she **approved four docks.**

Mr. Caruso’s contract of sale for this property specified he required regulatory approval for “three lots and three docks”. As the initial plan was for three lots, but he was able to design and receive approval for four lots, it is reasonable that he now receive approval for four docks.

Note the important distinction that all discussion I am referencing has been for “docks”, **not boathouses.**

I have a specific concern that the **plans for seven boathouses do not show water depth.** They show a series of boathouses forty feet long with ten-foot dock section leading to the forty-foot boathouse/sundeck. This is completely misleading and shows a lack of understanding of the regulations

for docks on Lake George. Without the water depth information you correctly require of dock plans, the mean low water mark appears far too close to the shore. One cannot envision from these plans the real effect these boathouses would have. The water in this area of Basin Bay is the most shallow of the bay. The ramp to a boathouse would have to be sixty or more feet long in my estimation, not ten feet.

Boathouses would be situated 100 feet from shore, perhaps more, with the extreme visual blockage and disruption of water flow such crib structures would entail.

In addition to it being common knowledge, I have evidence for my assertion about the water depth for the docks in this application. My docks at 25 Cotton Point Road to the north of the subject parcel are 68 (northern) and 72 (southern) feet long. Moving south, closer to the proposed project, Joan McKeag's dock is 83 feet long. The water continues to get shallower as you move south toward Provost/Pajak. I am 5' 10" tall and can walk to the Keep Out DEC buoy 200 feet from shore that is the furthest south of the three without getting my head wet until the final few feet. Unless the boathouse is well over 100 feet long in that location, no motorboat of any size will be able to dock there or survive the swells from a nor'easter. The other docks going north will be only slightly less shallow.

To recap, I support Mr. Caruso's application for docks, but only four as preliminarily approved by the APA, and not for any boathouses.

Please feel free to call or write if you have any questions.

Madison K. Finley (Matt)

PO Box 946

Pine Plains, NY 12567

Cell: (518) 598-3673

madisonfinley@gmail.com

CORNELL V. BOUSE
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OF COUNSEL
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33 FIDDLERS GREEN
LLOYD HARBOR, NEW YORK 11743

January 7, 2021

Lake George Park Commission
75 Fort George Road
PO Box 749
Lake George, New York 12845

RE: **Application #DWM20-000084**
for a proposed construction project
of seven new docks on Cotton Point Road

Dear Members of the Lake George Park Commission:

I own a home on Cotton Point and have lived there since early 2002. I spend summers and additional time in the winter on the point and on Basin Bay. I am a practicing attorney in this state having practiced in the area of real estate and land use for the past 30 years.

I have reviewed the above cited application that has been submitted to the LGPC and submit following careful review of the application and study of the site that the proposal if granted would create an unsafe condition both on land and in the shallow waters of Basin Bay and would additionally be out of character for the properties on Basin Bay.

A covenant within the by-laws of Cotton Point Association since the 1940's directs that *no* boathouses or covered docks be built on Cotton Point. This covenant has been respected by all lessees and home owners with nothing but respect for the covenant for the past 80 years. The purpose of the covenant is to first and foremost to protect the lake and bay as well as to maintain the character all on the lake and bay who enjoy the non-obstructed views the covenant maintains. While the covenant does not bind property owners which are not part of Cotton Point Association, the construction of the boat houses as requested in the within application would clearly spoil the spirit maintained by all of the Cotton Point home owners for the past 80 years.

Lastly, a granting of the application would in reality create a pseudo-commercial use of the property at issue which again would threaten the safety on land as well as the safety of the waters and again not be in line with the character of the area.

It is strenuously urged that the above application be denied in all respects in order to maintain the safety and character of the area that has been maintained to this date.

Sincerely,



Cornell V. Bouse

Joe Thouin

From: Richard Lytle <lytle179@aol.com>
Sent: Wednesday, January 6, 2021 12:43 PM
To: Joe Thouin
Subject: Basin Bay

Follow Up Flag: FollowUp
Flag Status: Flagged

Dear Sir,

My family has been coming to Basin Bay since 1933. We have owned a cottage on Cotton Point since 1961 and we knew Sherwood Finley who owned a wonderful place at the entrance to the Narrows. I am pretty confident that he would have objected to the proposed alterations to the shoreline of the bay where the shallow waters and sandy bottom have been enjoyed for generations.

There is so much effort by so many organizations to preserve the unique clarity of the waters and limit the length and structure of docks (several of which had to be shortened recently on Cotton Point) that I find it hard to imagine approval of such an invasive project in the bay that has been proposed by the new owners of the Finley tract.

I sincerely hope that your agency turns down that proposal.

With respect,

Richard Lytle
118 Cotton Point Road

14 Sperry Rd
Woodbridge, Ct 06525

Joe Thouin

From: Craig Rivers <bmwride2012@yahoo.com>
Sent: Thursday, January 7, 2021 4:49 PM
To: Joe Thouin
Subject: Pedestrian traffic Cotton point road
Attachments: IMG_2928.jpg; ATT00001.txt

Joe

How could dozens of people walk this road safely? Within one or two feet is the lake on the north side and wetlands on the other side if you were a pedestrian where would you be safe?

Thank you

Craig A. Rivers

Joe Thouin

From: Barbara Edwards <babbers003@gmail.com>
Sent: Friday, January 8, 2021 1:13 AM
To: Joe Thouin
Cc: Jeff Brozyna
Subject: Madison K. Finley, Application # DWM20-000084, Cotton Point Rd, Bolton

Dear Sir:

I live at South Beach Association off Cotton Point Road and have read the proposal for Matt Finley's docks to be installed on Basin Bay along the Cotton Point Road. I strenuously object to this proposal for many reasons:

1. **Safety:** I travel on Cotton Point Road all year and observe heavy traffic throughout all seasons with boaters, pedestrians, ice fishermen and seasonal residents. The road is two lanes and during all seasons drivers must be extremely cautious to avoid hitting vehicles and people. Additional vehicles and people which the docks would attract will inevitably increase the danger to both. Even now the number of children running across and playing in the road are a constant concern. Also there is no parking area nor any shoulder at all in that area to accommodate vehicles.
2. **Wetlands and pollution:** As you're aware, there is a substantial wetland across from Basin Bay and I am concerned that this area will not be respected nor maintained in its present relative pristine condition. Throughout the years I have noticed tons of debris alongside Route 9N and Cotton Point Road and in the lake as well; with more traffic and partying on Basin Bay we can only expect more.
3. **Aesthetics:** Building docks in the proposed site on Basin Bay will destroy the ability for all to enjoy one of the most beautiful views of the Bay, Dome Island, Buck Mountain, Black Mountain, Cotton and Hemlock Points.

I'm sure you have received communication from others in our area noting many other concerns as well. I respectfully join them in opposing Mr. Finley's Dock proposal on Basin Bay. Please call if you would like to speak with me personally.

Sincerely,
Barbara Edwards
7 East Beach Ave
POB 232
Diamond Point, NY 12824

315-439-7315

Sent from my iPhone

Joe Thouin

From: Linda Ayers <lhayes2242@gmail.com>
Sent: Friday, January 8, 2021 7:54 AM
To: Joe Thouin
Cc: David Ayers
Subject: Application #DWM20-000084: Finley Cotton Point Road:
Attachments: Application #DWM20-000084 Finley-Cotton Point Road.jpeg; Application #DWM20-000084- Finley-Cotton Point Road.jpeg

Good Morning Mr. Thouin, We have been advised of the referenced application regarding the proposed construction of seven boathouses on Basin Bay on Cotton Point Road. We respectfully submit the attached letter voicing our concerns with this proposal for consideration by the Lake George Park Commission members.

Please confirm receipt of this email and letter.

Thank you,
David and Linda Ayers

January 2, 2020

Mr. Joe Thoun
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845
joe@lgpc.state.ny.us

Re: Application #DWM20-000084: Finley-Cotton Point Road

Dear Members of the Lake George Park Commission:

Our family has been residents of Cotton Point since 1976 and homeowners since 1982. We are opposed to the referenced application to build seven boathouses on Basin Bay on Cotton Point Road. We feel strongly the proposed project will adversely affect the safety of the public on Cotton Point Road and on the waters of Basin Bay. In addition the building of the proposed structures will negatively impact the water quality of Basin Bay.

Vehicular and Pedestrian Safety on Cotton Point Road: All residents of Cotton Point, Hemlock Point, South Beach and the Grove rely on narrow Cotton Point Road as the sole means of access to their property as do emergency vehicles. Any obstructions in the road pose a safety risk for their lives and property. Cotton Point Road is bordered to the immediate south by the sharp drop to the wetlands and to the north by an immediate drop to the shoreline of Basin Bay. Consequently there are NO shoulders on either side of the road. For this reason the entire length of Cotton Point Road along the Basin Bay shoreline is a no parking zone. The proposal includes no provision as to how these structures would be accessed. Any vehicles that idle or park near these boathouses would negatively affect the safe passage of vehicles and the significant pedestrian traffic on this stretch of Cotton Point. In addition, the increased congestion on Cotton Point Road combined with the inevitable obstructions would greatly decrease access for firetrucks and ambulances to all residents of Cotton Point.

Safety on the waters of Basin Bay: Basin Bay has seen a very significant growth in boat traffic from 2005 to 2015 as reported in the LGPC Recreation Study of 2015. Basin Bay was labeled a "bay of concern" at that time with a 147% increase in peak boat traffic during that period. This is particularly true in the southern part of Basin Bay which has become a destination for anchoring and is immediately proximate to the proposed construction of seven boathouses. In recent years we have observed even more boats anchoring in that area with upwards of 60-80 boats anchored on some summer weekend afternoons. This proposed construction of seven boathouses would add a minimum of 28 boats and up to 60 boats based on 2015 data showing the addition of 14 docks increased the number of boats by 60. This already congested area of Basin Bay would become even riskier for water skiers, swimmers, canoeists, kayakers and paddle boarders as boaters maneuver around the anchored boats to navigate to and from the new boathouses.

Negative Impact on the water quality of Basin Bay: We are concerned about the impact of these proposed boathouses on the water quality of Basin Bay. The wetlands on the south side of Cotton Point Road feed directly into Basin Bay through large permanent conduits that pass under Cotton Point Road. The effect of such a large construction project in close proximity to the wetlands seems worth of study before any construction is approved. Asian clams have been identified in this area of Basin Bay. It has been reported that a solid freeze is a deterrent to the proliferation of Asian clams. The ice eaters or other means of protecting the boathouses and docks from ice damage would prevent this solid freeze and thus potentially

increase the spread of the Asian clams. Beds of milfoil have also been found in Basin Bay; increased boat traffic further increases the likelihood of spread throughout the Bay and to other parts of Lake George.

We respectfully request the LGPC deny this application as its approval would lead to an increase in congestion on Basin Bay (already designated a "bay of concern"), decrease vehicular and pedestrian safety on Cotton Point Road and have a negative impact on the exceptional water quality of the Lake.

Sincerely,

A handwritten signature in blue ink, appearing to read "David C. Ayers and Linda H. Ayers". The signature is written in a cursive style with a large initial "D" and "L".

David C. Ayers MD and Linda H. Ayers

Joe Thouin

From: Jim Reilly <jimreilly68@gmail.com>
Sent: Friday, January 8, 2021 9:39 AM
To: Joe Thouin
Subject: Application # DWM20-000084

Dear Mr. Thouin,

I am writing to let you know that I am strongly opposed to Madison K. Finley's Application # DWM20-000084, Cotton Point Rd, Bolton.

I have been fortunate enough to spend summers enjoying the great beauty of Lake George in Doty's Grove and South Beach Assn. my whole life (over 50 years). My grandparents had a cottage in Doty's Grove (which is now my Aunt's). My parents had a cottage in Doty's Grove across the street from my grandparents. My parents then moved across the street to 45 South Beach Ave, which has been passed on to me. My son loves and appreciates it as much as I do, and when the time comes I plan to pass it on to him.

Over the past 50 years, I have seen an incredible amount of development and many changes on Lake George and in Basin Bay. I can tell you from experience that when I was a child you could lean over the side of a rowboat or kayak and see rocks and fish in water 1.5 to 2 times as deep as you can today. There was a lot less development and congestion, so it was way easier to see wildlife such as a Blue Heron, Dragonflies, Turtles, etc. These great creatures were frequently seen (and still, but less frequently) along Cotton Point Road, which borders the wetlands on the non-lake side of the street. When my son was about 5 (now 22), and we would go to visit his Nana and Papa; we had to drive really slow on Cotton Point Road near the wetlands. This is because he often would see a "Dragonfly Party" and we didn't want to hit any of them.

Cotton Point Road, can in no way handle Madison Finleys proposal. The environment can't handle it. Also, the road is barely wide enough for two cars, and there is no shoulder for pedestrians. Drivers and everyone who walks to see the beauty of the lake, must be very careful. The extra vehicle and foot traffic is too much for that small road, which is used by everyone in Doty's Grove, Cotton Point, South Beach, and Hemlock Point. Walkers would now also not be blessed with the sight of beautiful Basin Bay, Dome Island, and the Adirondack Mountains in the background. They would see the back of boathouses and peoples "stuff". No more listening to the Loons.

Based on LG Park Commission regulations, this application should be denied in its entirety. Thank you for your time.

Sincerely,
Jim Reilly
45 South Beach Ave.

Joe Thouin

From: J Rivers <jrivers2000@gmail.com>
Sent: Friday, January 8, 2021 9:52 AM
To: Joe Thouin
Subject: Cotton point rd. Boat house

Mr. Thouin,

Thank you for taking the time to read my email. I can imagine you are very busy so I will keep it brief. I believe Lake George is a beauty that should be able to be appreciated by all people not just those with a home on the lake. However, I am very concerned with the proposal of a boat house on cotton point Rd.

Cotton point rd. is very narrow, and two cars must be very cautious as they pass each other. If any car was to park along the side of the road an emergency vehicle would not be able to pass. If a boat house was built on Cotton point rd. parking on the road is unavoidable. People would have to park along the side of the road or walk half a mile with all their gear in tow where there are no sidewalks. There is almost a blind turn as you approach the lake so this a tragedy waiting to happen especially if the boaters have been in sun all day and not in their most alert state.

There are also no bathroom facilities and no place to add one due to the road being surrounded by wetlands. The number of boaters that would occupy the space I can only imagine would cause a disaster to the eco system. Boaters anchored in basin bay currently use the lake as their toilet straining the ecosystem as it is. The homes on Cotton point rd. have had to invest an exuberant amount of money to keep up with the regulations for water usage and bathrooms. A boat house on cotton point road will not be able to accommodate this there is simply no land space for holding tanks or a sceptic. There is no place for trash removal. Lake George police already have a hard-enough time keeping up with the current boaters this will only make it worse.

I am against the new boat house on cotton point Rd. It will cause further damage the ecosystem of the lake, unsafe conditions, and be more of a drain on Lake George police.

Sincerely

Justin Rivers

518-281-9278

jrivers2000@gmail.com

TO: Mr. Joe Thouin, Lake George Park Commission

January 8, 2021

From: Louise & Larry Marwill, 14 Loomis Lane, Bolton Landing, NY 12814

Sirs: Re: Basin Bay Project #DWM-20-000084

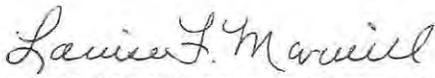
We write to express a few feelings and impressions for you to consider re the above project.

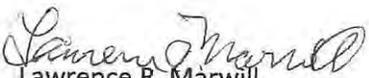
1. The Cotton Point is an extremely fragile area given its high water mark. The narrow Cotton point Road is bound on both sides by water (Shallow waters of Lake George on the north and eco sensitive wet lands (habitat) to the south).
2. The Cotton Point Road is a narrow barely two lane isthmus with no shoulders or guide rails.
3. The Cotton Point Rd services a good numbers of homes in 5 or 6 associations, Traffic includes: resident families, vacation rentals, visitors, service vehicles, Fedx & UPS, fire, EMS, Trash
4. Because the area is level it is good for walking and jogging, as a participant I have noticed increased numbers recently.
5. In the lake area north of the road there are markers 50 feet out in the lake, boats cannot moor between the markers and the shore. The lake water is very shallow there. The number of boats moored in the area is not regulated and has increased, some illegally staying overnight. One could assume the shallow water around the moored boats is used for recreation –fressbie, volley ball, beer drinking etc.
6. Also, at the bend in the Cotton Point Road there is a long time cottage colony/marina which is very active. This is just before the wetland, probably stressing it. Proposed dock will be just beyond this, adding to the impact on wetlands.

THE ABOVE SPEAKS TO EXISTING DENISITY, CURRENT USE & THREAT TO THE LAKE & WETLAND

A piece of property not on the water with lake rights always presents a problem for access, especially if there is no specific deeded right away or easement. In this case there are concerns as there is no planned access to the lake, except the already unsafe public road. People could only walk to the water from the property carrying their provisions etc (on their backs?) parking a car, golf cart on the road, if only for unloading is hazardous, given the narrow road with no shoulder. Note if two cars are on the road one going east the other west , (especially if there is a jogger or dog walker;) they cannot pass, one has to stop for safety.

If the Docks are granted with restrictions and rules, they will be difficult to monitor. As with the bouys in the lake to the north of the road, mentioned above. If the home owners rent the houses with docks, this will make monitoring even more difficult. Construction in this area is also an issue, I would think it would have to be by barge in the winter. We respect deeded rights, but environment and safety take president. Please consider this with concern for both.


Louise F. Marwill, 14 Loomis Lane LLC


Lawrence R. Marwill,

Joe Thouin

From: Amy Miele <amiele5@hotmail.com>
Sent: Wednesday, January 6, 2021 7:49 PM
To: Joe Thouin
Subject: Concerned Cotton Point Resident

Dear Mr. Thouin,

My name is Amy Miele and I am the daughter of the owners of The Grove at Cotton Point. It has been brought to my attention that the town of Lake George is considering building an 8,400 square foot boat house on Cotton Point. I am writing to share my great concern over this. I have been coming to the grove since 1970 and I cannot image the devastation this would bring to the area. The road leading to the Grove is already very narrow and difficult for 2 cars to pass each other. On top of that there would be no parking or bathrooms to use for the people that the boathouses would attract. We have already had problems with noise and garbage from the many day boats that use the bay for swimming and hanging out and I cannot image what these boathouses will bring. What about the wild life that live in the marsh across the street? It is my hope that this will not happen and life at the Grove can continue to be the peaceful and quiet place that I have enjoyed for most of my life.

Thank you for your time,
Amy Miele

Joe Thouin

From: Donna Frank <dhf716@gmail.com>
Sent: Wednesday, January 6, 2021 10:44 AM
To: Joe Thouin
Subject: Dock Application (LGPC Application # DWM20-000084)

Mr. Thouin:

My name is Donna Frank. My husband (Robert Frank) and I are members of the South Beach Association located in the Cotton Point area (Cotton Point peninsula) of Lake George in the Town of Bolton, Warren County. I am writing to voice my strong objection to the construction of new docks along Cotton Point Road (LGPC Application # DWM20-000084). The application seeks approval for seven crib docks (28 boat slips).

My family and I have been part of the Cotton Point peninsula for 50 years. In that time, we have seen many changes to the landscape (new homes, new structures, new neighbors). Despite all the changes over the years, some of which we have not agreed with, I did not feel compelled to write a governing body with any objections – until now.

Cotton Point Road runs along the southern part of Basin Bay at water's edge and offers unobstructed natural views of the lake. The road provides the only access to my house and many others'. Cotton Point Road is a very narrow thoroughfare that is barely two lanes with wetlands to one side and the lake on the other. There is absolutely no shoulder on either side of the road to assist in the parking of cars, bikes, or other motorized forms of transportation.

There are four Homeowner Associations ("HOAs") on the peninsula in addition to many private residences. The road is the lifeline to hundreds of people in cases of emergencies (and we have had several in recent years) and daily life. The road must be clear at all times, and we should do everything in our power not to increase the risk of road congestion or closure.

Putting aside the obvious fact that the docks will completely take away the natural beauty of Cotton Point Road, my primary concern is Safety. Safety for peninsula residences, safety for the new dock owners, safety for boaters, and safety for the environment and wetlands. My safety concerns are the following:

1. With the addition of 7 crib docks, allowing for 28 new boat slips, it implies there will be a material increase in traffic on Cotton Point Road. Whether that traffic comes in the form of cars, pedestrians, bikes, scooters, golf carts etc. remains to be seen, but it is clear that, if the application is approved, Cotton Point Road will experience a significant increase in usage, congestion, and potential closure.
2. Each year Cotton Point naturally experiences an increase in traffic due to its marketing by neighboring rental properties, pedestrian discovery of the road's natural beauty, and moored boaters coming ashore. It is very common for boaters to come ashore and loiter on Cotton Point Road (most of which are families with children often playing in the road). There have been many close calls as a result of this natural increase in traffic, and the LGPC should not knowingly make the situation worse.
3. Basin Bay has also become a major mooring destination for boaters. During most weekends you can find in excess of 100 boats in the bay (I have personally counted them). Many of the moored boats are rafted together. It will be challenging for even the most experienced boater to navigate the stings of moored boats to reach the lake from their dock (and return to it safely). By adding 28 boat slips to the exact location where hundreds of boats moor is a recipe for a disaster. There is a significant increase for boating accidents to the new dock owners and boaters alike. Not to

mention if accidents do occur, the most logical route for emergency vehicles to respond is Cotton Point Road, thus causing potential road closures to existing residents of the peninsula.

4. Wetlands abut the road. The Wetlands are a major tributary to the lake and are a thriving wildlife habitat. Approving the proposed application will undoubtedly disrupt the Wetlands. For example, crib docks require electricity. The proposed docks will require bubbler systems or ice breaking equipment to protect them during the winter months. There is no pre-existing electric infrastructure on the waterfront of Cotton Point Road. Electricity would have to come through (or close to) the Wetlands in some way.

If I read the LGPC rules correctly, the Finley application and proposed plans seek to legally maximize dock space given the lake frontage of the properties. However, the LGPC's dock and lake frontage rules do not contemplate the uniqueness of this situation, and the fact that hundreds of residents depend on a road that runs through the dock owners' properties.

I respectfully request the LGPC deny this application given the immense stress it will put on an already fragile infrastructure and wetlands.

Sincerely,
Robert and Donna Frank

Joe Thouin

From: Luke Michaels <luke.michaels@gmail.com>
Sent: Wednesday, January 6, 2021 1:14 PM
To: Joe Thouin
Cc: sarahvdcole@gmail.com
Subject: Basin Bay Project #DWM20-000084

Hi Joe,

I am writing with concerns on the Basin Bay Project #DWM20-000084. I have lived at 151 Cotton Point Rd for 27 years. Over those 27 years, there has been a considerable increase in boat traffic and mooring in Basin Bay. What used to be one of the best places to waterski on Lake George, is no longer available due to overnight mooring and boats anchored in the shallow waters during the day. Recently, a 200' buoy for a mooring buffer from the Cotton Point Road shoreline was installed to protect the shoreline due to boat congestion and traffic. The 200' mooring buffer has done a great job at preserving Cotton Point Road and shorelines. Prior to this buffer, Cotton Point Road needed considerable repairs and rebuilding due to deteriorating shoreline from increased boat traffic.

Additional docks along the shoreline presents many issues and questions.

1. The docks and roofs/porches will disrupt a fantastic Lake George view of Dome Island and Black Mountain from the shores of Basin Bay.
2. Additional docks will equal additional boat traffic and additional road traffic.
3. How are the docks accessible?

If accessibility is via foot, the property across the street are entirely wetlands, so it would be foreseeable that elevated walking structures would need to be built, to not impact those wetlands. Any structure built within the wetlands would be unsightly and inappropriate along the shorelines of Lake George. Also, there is no crosswalk or plans for safe walking across the street. I must admit myself, I am often distracted on that road while taking in the view of Dome Island. Random street crossings along this road would be dangerous even for the most cautious drivers.

If accessibility is via car, I do not see any parking areas that would keep vehicles off the road and not in the traffic lanes of a tight 2 lane road.

No matter the accessibility, it would be expected that boat owners and renters would park their vehicles close to the docks to unload coolers, towels, and other gear for a lake day.

4. Use of docks is also a question. Are the docks only usable by Owners of properties? 4 docks per property is significant and I would expect Owners to be tempted to rent out dock space. Especially after the busiest year on Lake George in recent memory. If dock renters are allowed, where are their cars parked? Either way it adds vehicles or pedestrians to the mix.

5. Do the docks have utilities or mechanicals connections? If I were building a new dock I would insist on electrical connections at the dock for boat cleaning, lighting, battery chargers etc. How would the utilities be brought to the private docks? Would they be buried underground in the wetlands, and then cutting the road open

to cross the street? If there is no electrical planned for the docks, how are they lit at night along a dark long unlit shoreline?

6. There are also many environmental impacts which the Park Commission is more familiar with than myself.

Thank you for your time and review of my concerns. If you need to reach me for any additional comments or concerns, my phone number is 518-526-3289.

Sincerely,
Luke Michaels
151 Cotton Point Road

Joe Thouin

From: dmoulton63@gmail.com
Sent: Wednesday, January 6, 2021 1:08 PM
To: Joe Thouin
Subject: Re: Application # DWM20-000084, Major Project Type 01, Docks, Wharfs & Moorings; Parcel #: 200.14-1-20, Cotton Point Road

Mr. Thouin,

As resident and owner of #12 Cotton Point – The Grove for 23 years, we would like to voice our objection to the above referenced application. There are a number of obvious issues with this application, first and foremost is the safe use of Cotton Point Road. This is a very narrow section of roadway, bordered by the shoreline to the north and wetlands/wildlife habitat to the south, with seemingly no room for expansion without adverse environmental effects and diminished quality of life for existing Cotton Point residents.

The addition of docks or mooring sites would be incumbent on a presumption of additional vehicular traffic for transportation of coolers, waste, recreational/boating equipment. Note that a little over a year ago, the same parties requested subdivision approval of a parcel (Section 200.14, Block 1, Lot 20) on the same roads, premised on a condition that access to the lake would be by foot traffic only via Cotton Point Road, and that there would be no access of any kind through the wetlands (see Town of Bolton December 2019 Board Meeting minutes). The minutes stipulate "there would be no parking down by the lake". There is no mention of any pending or planned improvements to the shoreline in these minutes, and therefore no minutes on the impact of the seven boat houses proposed in this application.

Aside from the foot traffic associated with the prior subdivision approval, Cotton Point Road is already widely used by pedestrians wishing to enjoy the natural splendor of an undisturbed waterfront. The added congestion associated with livery to the boat houses/docks poses a risk both to pedestrian and through traffic. As is, vehicles cannot safely pass a pedestrian without yielding to oncoming traffic, or to two-way pedestrian traffic. Adding any amount of development along this stretch of roadway would dramatically increase the risk of injury. That noted, the potential for Emergency Personnel and Vehicles having limited or no access beyond this "bottleneck" is linear to the added congestion, and exacerbated with any form of parking, standing, or crossing from side-to-side (assuming development of the wetlands/wildlife habitat to allow for crossing the roadway to docks). There is no existing area suitable for vehicle parking of any sort, include those of ATV/Golf Cart type commonly used to transport and load/offload at dock. Parking or standing of vehicles is simply not possible without causing an accident and stoppage of traffic, including emergency vehicles. Approval of this application would knowingly create the proverbial "accident waiting to happen".

With development also comes the added problem of sanitation. Where and how would one legally "relieve" themselves? Carry in /Carry out of refuse is common, but with the above stated safety issues this only increases risk and often leads to litter, pollution, or illegal use of neighboring receptacles.

Please consider these very real issues when deciding on this application. We are in no way anti-development and wish for everyone to be able to have access to, and enjoy Lake George, but this application is incongruous with any sort of healthy, responsible shoreline development.

Thank you,
David Moulton
Dr. Amy Hogan-Moulton

December 29, 2020

Mr. Joe Thouin
Lake George Park Commission
75 Fort George Road
Lake George, New York 12845

Re: Application #DWM20-000084, Major Project, MK Finley, Cotton Point Road

Dear Mr. Thouin,

I am writing on behalf of my sisters and myself to express our strong opposition to the Major Project identified above. We are homeowners and members of the Cotton Point Association. Our family first vacationed on Cotton Point during the early 1920's. We have driven and walked on Cotton Point Road many times and are very familiar with the terrain. The Cotton Point Road is a narrow two lane road which drops off to a swampy wetland on the south side of the road. The north side of the road drops off into Basin Bay. The road has had problems with erosion over the years. During a strong north wind the waves dash upon the road itself. There are no shoulders on this road and one stopped vehicle will make this road nearly impassable to any large vehicle travelling in either direction.

The road is heavily trafficked by pedestrians and vehicles especially during the summer months. It is the ONLY access road for homeowners from Cotton Point, Hemlock Point, South Beach and the Grove.

We are concerned that any disruption in the free flow of traffic on this road would be a major problem. It could impede emergency vehicles from reaching their destinations and possibly result in loss of life. This road is also UNLIT at night. Any person travelling on this road after dark on foot is not easily visible to passing motorists and could create a real hazard to the pedestrians trying to access their boats especially after dark.

Daytime access to the proposed docks would not be much better as there are no shoulders on the road to pull over to unload passengers and paraphernalia as would undoubtedly happen multiple times during the day. There is no space for parking and rest room facilities are nonexistent.

The boating issues are also numerous. There are commonly over 50 boats anchored in the southern end of Basin Bay during the summer. The addition of seven boathouses and the possibility of adding 28 docked boats to this area would create a chaotic and dangerous situation. Asian clams and Milfoil will flourish in this environment!

We sincerely hope you will understand why we are in opposition of this proposal and will find the applicant's proposal unreasonable.

Elizabeth Van Dyck Beatson
Katherine C. Van Dyck
Sarah V. Cole
Amy B. Markin
116 Cotton Point Road
Bolton Landing, New York

December 28, 2020

Mr. Joe Thouin
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845
joe@lgpc.state.ny.us

Re: Application #DWM20-000084 Finley- Cotton Point Road- OPPOSED

As homeowners on Cotton Point for 35+ years and current President of the Cotton Point Association, we express our strong opposition to this proposed project of building 7 new crib docks/7 boathouses on the Cotton Point Road. As you already know from the LGPC 2015 Recreation Study, Basin Bay is a “bay of concern” in Lake George, and one that has become increasingly crowded over the last several years, particularly in the southern end where this project is proposed. In the Recreation Study report you note that “*the purpose of the dock and mooring regulatory program is to minimize congestion, overcrowding, and safety hazards and to protect the resources of the lake, especially its exceptional water quality*”.

As proposed, this project has the potential to introduce up to 28 new boats to the lake in this very congested area. From the 2015 data, 14 new approved docks introduced 60 new boats to the lake on average. This suggests this project is much larger than a typical request, representing nearly half of new boat traffic from new docks annually.

The Cotton Point road is the only access available to Cotton Point, South Beach, Hemlock Point and the Grove properties. It is 2 lanes and from Spring through Fall there is a great deal of vehicle & pedestrian traffic which has been a concern and would be exacerbated if this project, as applied for, is approved. There is no room for construction vehicles, materials, work crews, restrooms, garbage receptacles, etc. on either side of the road (lake on one side wetlands on the other).

Another serious issue is the fact that over the past several years the southern part of Basin Bay has become a popular and widely used spot for the mooring and rafting of a tremendous number of boats during the Summer. Since the placement of buoys 200 ft. from the shoreline, boats have been forced to anchor further out into the middle of the bay aggravating an already significant boating hazard. Adding up to an additional 28 docked boats would certainly add to the congestion.

As the number of boats anchored and drifting offshore of the applicant’s property has increased, so have the number of boats operating closer to shore to maneuver around them. The increase of traffic and large waves near the shore has already increased risks for swimmers, kayakers, paddleboarders and others operating near shore. It also increases risks when docking.

Basin Bay is a shallow basin, with a sandy bottom. This feature, which makes it very attractive for recreation, also puts it at risk for environmental threats, including from Asian Clams and Milfoil: **Asian Clams:** Basin Bay is an ideal environment for Asian Clams. They were first observed in the bay in 2013 in the shallow water just offshore of the applicant's property. Two factors appear to have helped keep these sharp-shelled invaders from flourishing in the ideal shallow sandy shoreline there: *a solid freeze at the shoreline* and *restrictions on motorized boats close to shore, both factors would be affected by this project.* The solid shoreline freeze currently makes it less likely for Asian Clams to survive and successfully reproduce. *This would be compromised by ice eaters or other ways to keep ice from freezing around the proposed new docks.* The current lack of motorized boat access near shore is a recent change and is the result of the DEC approving buoys to mark the 200' line from shore. It is our understanding that reducing the potential for the spread of Asian Clams in this area was one factor in the DEC's decision to approve these buoys. This protection from the spread of Asian Clams would be negated by boats going in and out of the applicant's proposed new docks. **Milfoil:** Basin Bay has pervasive beds of milfoil, despite regular programs to clear them by the LPGC. The increased regular boat traffic from the proposed project increases the likelihood that fragments of milfoil are transported throughout the bay and also carried to other areas of the lake.

While we appreciate the right of a property owner to have fair use of their property, in this case, the threats to the exceptional water quality of Lake George, and the safety and recreational experience for others who enjoy Basin Bay on and off the water make the applicant's requested proposal unreasonable.

Thank you for your consideration of these points. We hope the LGPC Board sees clear to deny this request.

John & Diane Roche, Karen Miller
160 Cotton Point Road

Robert Weits & Ronald Weits
156 Cotton Point Road

Joe Thouin

From: Cornacchio, Rachel <rcornacchio@messiah.edu>
Sent: Tuesday, January 5, 2021 9:51 AM
To: Joe Thouin
Cc: Craig Rivers
Subject: Cotton Point

Hello, Mr. Thouin.

Thank you for the opportunity to discuss my thoughts about the possibility of changes being made at Cotton Point. Now in my 40's, I have spent each summer since infancy at Cotton Point and, as many would agree, it is a special place where we have financially and emotionally invested our time and means to keep well maintained for generations to come. The suggested changes would be detrimental in many ways to what makes Cotton Point a beautiful place to enjoy and care for.

Because of the familial nature of the connections the various families have there, we have been able to preserve the inherent beauty of this NY gem and, to invite the public in by making the bay accessible as has been suggested, would have a negative impact on the ecosphere, for sure. Additionally, I know that people will not respect rules of decorum regarding alcohol and substance use, language, volume, space, etc., that are needed when enjoying a shared space. I can say this from experience, seeing many boats illegally anchor in the bay for years. Rarely are those folks turned away because there is not enough LG boat police to patrol that area on a consistent basis. Who would patrol this community space?

Another aspect of concern is the ability to maintain garbage and other sanitation. Would extra funds be allotted by the commission to care for this space?

Additionally, traffic will be a major concern. Already that road is a bit hazardous.

These are just a few of my concerns, of which there are many.

Best,
Rachel Cornacchio
(The Grove)

Rachel A. Cornacchio, PhD
Program Director, Graduate Conducting
Professor of Music
Messiah University
(717) 796-1800 ext. 2479

Joe Thouin

From: Linda Reilly <Irriles6@aol.com>
Sent: Monday, January 4, 2021 11:13 AM
To: Joe Thouin
Subject: Finley Basin Bay Dock/Boat House Application

I am a lifelong summer resident at South Beach Association. I am appalled and in disbelief that Madison Finley's proposal is even being considered. Safety along Cotton Point Road is a major concern for obvious reasons. My primary concern is for the Basin Bay shoreline, along Cotton Point Road, that will be forever altered (destroyed) if this proposal passes. The application is a blatant example of continuous exploitation of our extraordinary lake-sacrificing the health and beauty of the lake so an individual family can profit. NO ! Please don't let this happen !

Thank you.

Linda Reilly
13 Beach Avenue
Bolton Landing, N.Y. 12814
1595 Kingston Ave.
Niskayuna, N.Y. 12309

Sent from my iPad

Joe Thouin

From: Gemma & Russell Sage <turtleandbadger@gmail.com>
Sent: Wednesday, December 30, 2020 7:02 PM
To: Joe Thouin
Subject: Please no boathouses along Cotton Point Road!

Dear Joe,

I am writing to lodge my deep concern about the proposed 8,400 square feet of boat houses along Cotton Point Road. My family has been swimming in Basin Bay for four generations. Our family home is part of the Rainbow Beach Association. We are also avid kayakers. One of my most treasured paddles is through the marshes near Cotton Point. Our family has also taken swims across the opening of the bay, from Fish Point to Cotton Point.

Such a huge expanse of house boats as the one proposed and all of the plumbing, parking, and waste collection that would come with it, compromises not only some of our family's fondest pastimes on the lake but the ecosystem as well. The wetland on the other side of Cotton Point Road is home to otters, mink, fox, osprey, mallards, mergansers, and blue herons, all of which we have delighted in spotting over the years. These species will no longer have access to the lake, which provides them drinking water and food. Not to mention the additional pollution our lake will sustain.

So much of Lake George has been developed, and some would argue over-developed. It is these little pockets of pure, unmolested lakefront that allow tourists and residents alike to continue enjoying the natural beauty of Lake George that so many generations have appreciated for years. Please consider blocking this proposal.

Warmly,
the Sage Family
Gemma, Russ, Kai, Zoe, Teagan, and Quinn Peter Rabbit Cottage
26 The Back Road
Rainbow Beach Association

Joe Thouin

From: Rick Beusman <rbeusman@sawmillclub.com>
Sent: Wednesday, December 30, 2020 4:17 PM
To: Joe Thouin
Subject: Madison Finley Boathouse Application

Dear Mr. Thouin,

I am writing you to voice my opposition to the proposed development for 7 boathouses to be located in Basin Bay and along Cotton Point road.

This proposal is troubling on several fronts. The first is that it seems to be designed to maximize the highest possible development value for the project. In my experience boathouses are typically related to individual residential properties. It's my understanding that this proposal is part of a development plan that includes four housing lots on it. It's not clear to me why seven boathouses would be deemed as appropriate given this consideration.

Secondly, having been a member of South Beach Association since 1952, I can attest to the fact that Cotton Point Road as it fronts Basin Bay is not well engineered. It is compromised by the fact that it is narrow, has no shouldering on either side of the road, has poor drainage, and can be deeply affected by winter ice accumulation and it's impact on roadway erosion and destruction.

Lastly and most importantly, pedestrian traffic on that road can be dangerous given the lack of road shouldering, sidewalks and ample space to exit the road when there is oncoming traffic. I cannot fathom how seven boathouses stretched down Cotton Point road and the concurrent foot traffic that will be required to access them by walking in the roadway on an ongoing basis can be considered safe in any way. There are over 70 dwellings that access Cotton Point road through the Basin Bay access way. There is constant car traffic going through there on a daily basis. The road is narrow and cars oncoming cars tend to have to avoid each other just to get through.

It is also not clear to me how it is sensible to place seven boathouses behind the public anchorage area in Basin Bay. Access in and out of those boat houses will also be compromised due to the large number of day boaters that currently anchor directly in front of the proposed boathouses on a daily basis.

I'd ask you to please reject this application as it stands. It appears to be development overreach and stands to create public safety issues on Cotton Point road, and the lakefront of Basin Bay as well.

Yours

Richard Beusman
19 East Beach Avenue
Diamond Point, NY
914-584-6937

Joe Thouin

From: Timothy Goutos <timothygoutos@gmail.com>
Sent: Wednesday, December 23, 2020 8:00 AM
To: Joe Thouin
Subject: Boathouses in basin bay
Attachments: IMG_5608.jpg

Follow Up Flag: FollowUp
Flag Status: Flagged

Joe happy holidays,

I'm reaching out to express concern about this project. This one of of the only undeveloped parts of the lake in a calm bay left in the southern basin. Forget about where these people would be parking and walking along that road but that is an enjoyable Sandy area where I like to anchor my boat when there are strong north or south winds and especially when log bay and Sandy bay are a nightmare on weekends.

And if I'm not mistaken turtles and other wildlife need that bank to remain undeveloped so they can cross to the other side of the road.

I'm just one person but my wishes are that this area remain undeveloped and as is.

Thanks for hearing me out,
Tim Goutos
Grew up in diamond point

Joe Thouin

From: Valerie Smith <vtval88@gmail.com>
Sent: Wednesday, December 30, 2020 10:28 PM
To: Joe Thouin
Subject: Feedback on Basin Bay project for Lake George Park Commission

Greetings, Mr. Thouin,

We're contacting you with our profound concern regarding the proposed 8400 square feet of boat houses along Cotton Point Road. I, Valerie, have spent every one of my 72 summers on Basin Bay as well as my parents and brothers before me. My husband, our grown children and grandchildren also cherish the time they have spent on Basin Bay as part of the Rainbow Beach community. In addition to swimming in Basin Bay, our family enjoys kayaking and canoeing along the shores of this wonderful bay.

We are deeply distressed by the impact that this proposal would have on everyone on Basin Bay's ability to safely enjoy our beautiful bay but also on the ecosystem as well. Blue Herons, osprey, mallards, mergansers, otters, mink and fox all make their home in the wetland on the other side of Cotton Point Road. We have loved watching many of these species over the years; unfortunately, this project threatens their access to the lake, which provides them drinking water and food. Additionally, the lake would sustain greatly increased pollution from this huge expanse of boat houses, not to mention the negative impacts the plumbing, parking and waste collection would have on our beloved Lake George and specifically, Basin Bay.

We appreciate your consideration of our feedback and strongly encourage you to consider blocking this proposal.

With love and respect for Lake George and the magic it offers,

Valerie and Gary Smith

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Joe Thouin

From: Rob Stavely <robstavely1@gmail.com>
Sent: Monday, December 28, 2020 1:24 PM
To: Joe Thouin
Subject: Objection to boat house proposal in Cotton Point / Basin Bay

Dear Mr. Thouin,

I was recently informed that there is a proposal for several boathouses along the south side of Basin Bay along Cotton Point Rd. As a summer resident for over 40 years at Rainbow Beach Association, I have always loved the beauty of Lake George and how well the lake is managed by the Park Commission to keep it that way. I do not believe these proposed boat houses are in keeping with that mindset.

There are several downsides to building these boathouses - there is marshland on the other side of the road which is home to several animal species who also have access to the lake in that area and would no longer have that access with boathouses and increased activity; there is no parking area or restroom facilities for boathouse owners when they drive to their boats and any filling in of the marshland to add a parking lot is not environmentally friendly nor would it be aesthetically pleasing. Also this will increase traffic on this small residential road and create safety and noise issues.

Please do not approve this proposal as I do not believe it is fitting with preserving the beauty of the Queen of American Lakes.

Best regards,
Robert Stavely
Oriole Cottage
Rainbow Beach Association

Joe Thouin

From: Diane Zeccola <diane.zeccola@gmail.com>
Sent: Wednesday, December 30, 2020 8:59 PM
To: Joe Thouin
Subject: Cotton Point Boathouse Proposal

Dear Mr. Thouin,

I am writing to you in reference to the proposal to build multiple boat houses along the Cotton Point Road. I am deeply opposed to this measure for a number of reasons. This area is one of the last undeveloped places in Basin Bay. With its natural landscape it is home to many unique plants and animals. I sometimes jog along this road and have seen deer, eagle and song birds, mink and other small mammals. The plants and trees along the roadside are unique to the Adirondacks. The stream that enters the lake nearby is a source of water for the lake and the wetland offers a natural mechanism by which the lake cleans itself. With development will come degradation of the lake and the landscape and overuse of a fragile environment .

I strongly encourage that this proposal be defeated for the salvation of the bay and the preservation of this important ecological environment .

Sincerely,

Diane and Vincent Zeccola
24 The Back Road
Bolton Landing New York 12814

Joe Thouin

From: lindsey kylloe <lnkylloe@gmail.com>
Sent: Wednesday, December 30, 2020 8:19 PM
To: Joe Thouin
Subject: Cotton Point Road
Attachments: image.jpg

Hello! My name is Lindsey Kylloe. I am a member of the South Beach Association. I am contacting you in regards to the proposal of boat houses to be built in basin bay. I would like to say that I know that it is not for me to say what someone does with their land. However, this proposed project will affect everyone that lives down this road. The creation of large dock houses to be built for profit vs residential use is a huge exploitation of the natural habit that lives in this area and will be a hazard to all that use it due to the fact that there is no walking path to get to them. And that the road is so skinny that cars have to stop to let other vehicles go by if there are pedestrians walking on it as well. Which is always almost every time I drive down it already.

There are many beautiful wild creatures that call that cove home. The land backs up into gorgeous untouched wet lands which many animals call home. The animals include white tailed deer, fox, fishers, wood peckers, toads, swamp sparrows and many others. Adding more traffic to the road will be a hazard for all the creatures who go back and forth from the road to the wetlands every day. Including ducks to turtles, snakes, cranes and many others. The exploitation of this untouched treasure of land for commercial use would be a huge travesty. Another point is that I feel it is not safe for people to be expected to rent the dock safe and have no where to park their cars or to have a spot to walk to them. That road has always been a hazard without adding the additional foot traffic which would additionally disrupt the ecosystem even more.

These waters that the boat houses would be built in are a treasure for everyone in the area to use and enjoy. So many people every day during the summer seasons enjoy this beautiful spot. The cove is filled all summer with so many lovely people who simply want to enjoy the peace of beautiful Lake George. I worked in Ben and Jerry's in Bolton for five summers. There, I was able to meet so many lovely tourists and people vacationing in the area. Many of them said how they come up to this area to use the lake and rent boats, kayaks or jet skis. To my surprise, lots of them said how they loved to go to basin bay and swim in the shallow waters and park their boats and relax. This was a surprise to me because that is so close to where I lived and the fact that I would go to that bay as well every day. As a local I thought Basin Bay was my own secret treasure. But it turns out many more people enjoy it than I would have thought!

This land is my home and I love it so much. I do not want to see it being exploited even more. We can not let every single nook and cranny of the lake be used for profit! We must protect it with as much love and care as we possibly can. I implore you to please help us not let this happen! Please help our fight to protect this beautiful land!

Thank you very much!

With love,

Lindsey Kylloe

South Beach Association Member



<https://wildadironacks.org/adirondack-wetlands.html#Marsh>

TO: Joe Thouin, Lake George Park Commission
Joe@lgpc.state.ny.us

FROM: Jennifer Lee Bailey
Howard Bailey Jr LLC

DATE: December 28, 2020

RE: Madison Finley, Seven Covered Crib Dock Application # DWM20-000084

On behalf of the family members of the Howard Bailey Jr LLC, 24 South Beach Ave, Bolton Landing NY, I am writing to express our unanimous opposition to the above-noted application. Besides altering one of the few remaining unobstructed views in the southern Lake George basin, our concerns with the application ~~include~~ include the following:

Lack of Parking

The application does not address parking areas or even pull-off spots to unload people and gear for boating activities and sundeck usage. Additional auto, golf cart, bicycle and/or wagon traffic, on the already-narrow Cotton Point Road, will be inevitable. In ~~addition, how~~ addition, how would emergency vehicles be affected getting into the neighborhood.

Lack of Restroom Facilities

The application indicates dock space for 14 to 28 boats, as well as sundecks. What facilities will be made available to potential owners? This area has protected wetlands, so finding an appropriate area for a septic tank or holding tank will be an environmental hazard and an additional hardship for the Basin Bay community. Another case scenario includes dock-slip rental, where the Lake George Park Commission has requirements for Class A and Class B Marinas (646-1). Requirements such as parking, adequate garbage disposal facilities, and restrooms (including toilets) are all outlined. We are concerned that the outlined area cannot adequately accommodate 14 to 28 boat slips without negativity affecting the surrounding district.

Lack of Electricity

Adding electricity to the crib docks (for a bubbler system, night use and rest rooms) would most likely mean passing through "protected" wetlands.

Traffic Flow and Safety

As potential owners pursue water activities-- swimming, water-skiing, etc., where will these people enter and exit the lake? The 2-lane road presently has no shoulder at all and little clearance for current traffic flow.

Boats entering and exiting these covered crib docks present an added safety issue to Basin Bay day-boaters who are mooring, swimming, skiing and wakeboarding.

Environmental Impact

As noted on the LGPC website, "Cribs that are constructed right up along the shore tend to collect debris and vegetation along the shoreline." Given the concerns about the Lake George water quality and environmental impact, this application seems contrary to these serious issues.

In addition, it has been determined that crib dock ice eaters are not good for the lake and its shoreline when keeping large areas of water open, allowing ice to move with momentum. It is important to have the lake freeze as it kills certain invasive species that are unwanted in the waters of Lake George.

Reference

Lake George News, Winter 2008, "For many, dock damage is a big, expensive headache," p.2

<https://www.yumpu.com/en/document/read/24768202/winter-lake-george-association>

In Closing

It is our position that the review process of this application/proposal should NOT be a case where the developer applies for seven boathouses with the outcome of a compromise of three or four boathouses. Approval of one, much less seven, will forever alter the essential character and the environmental quality of the area.

Howard Bailey Jr, LLC Contact information:

Jennifer Bailey cell# 518-222-9167, email address: jlbailey4@yahoo.com

Howard Bailey Jr, LLC

Physical Address:

14 South Beach Rd.

Bolton Landing, NY 12814

Mailing address:

PO Box 121

Diamond Point, NY 12824

LLC Shareholders:

Jennifer Lee Bailey, Susan Potter and Rebecca Cunnie

Brett Peter Linn, Esq.
54 Ponderosa Road
Carmel, New York 10512

Joe Thouin
Lake George Park Commission
75 Fort George Road
P.O. Box 749
Lake George, NY 12845

December 29, 2020

Re: Application #DWM20-000084
Finley, Madison K
Parcel 200.14-1-20 Bolton

Dear Mr. Thouin:

I am the co-owner, with my wife Christine Bevilacqua, of a cabin located in The Grove on Lake George, Cotton Point Road, Bolton, NY (Cabin #20) (“the Grove”). I draft this letter, in my personal capacity, to oppose the application of Madison K. Finley seeking permission to construct seven covered E-shaped crib docks/boathouses on the south shore of Basin Bay adjacent to Cotton Point Road premises parcel #200.14-1-20.

It would appear from the plans submitted by Mr. Finley that he plans to construct a series of seven (7) covered crib docks/boathouses adjoining four (4) proposed subdivided parcels. Each configuration would occupy approximately 680 square feet of waterfront; each measuring approximately 40 feet long and 36 feet wide. Given the scale of this initiative, including some 28 boat slips, it is obviously commercial in nature.

As the Commission noted in its 2015 Lake George Recreation Study:

Basin Bay is primarily residential. The south corner of the bay contains an important wetland complex that connects Basin Bay with Boon Bay to the south. The natural lake bottom is sandy and largely free of aquatic plants making it conducive for swimming.

(5-9). Even back in 2015, the Commission expressed concern that:

This area is attracting an increasing number of boats that are anchoring and rafting together.
The lake assessment survey indicated a marked increase in boat traffic from 2005 to 2015, which in 2005 exceeded the 6 acres per boat capacity. ***Increasing numbers suggest the congestion is increasing,*** since in 2005 the maximum total was 34 boats, and in 2015, there were 84 total boats, with 43 occupying usable lake area.

(5-9 [emphasis supplied]).

From personal experience during summers spent at the Grove, it is clear that these 2015 observations are as accurate now as they were then, and even more so. First, the area is primarily residential in nature. The Grove and surrounding communities are family-oriented environments generally suitable for children and personal recreational uses such as swimming, kayaking and other aquatic activities. The longstanding private community residents have, so far, enjoyed a relatively safe and peaceful atmosphere with family and friends.

However, during recent years increasing numbers of outside recreational boats have been anchoring and rafting together in close proximity to the bay's south shore. Certain boats often stay overnight – sometimes days at a time. There have been times when congestion is so dense as to make it unsafe for swimming and other enjoyable use of Grove property. Occupants of the anchored boats have played loud music; tied floats and other paraphernalia to their vessels; attracted visitors on personal watercraft; and, at times, rudely interacted with residents on shore.

Additionally, Cotton Point Road is a narrow roadway containing few areas that are safe for vehicle parking. Notwithstanding this, as Basin Bay becomes more popular there are many times during summer months when numerous outside vehicles not only traverse back and forth, jeopardizing pedestrian safety, but park and further obstruct safe passageway. This area simply cannot safely tolerate additional outside vehicle traffic, boat and pedestrian congestion

The construction or modification of docks and similar constructs are subject to regulation and approval by the Commission (*Matter of Tedeschi v. Lake George Park Commission*, 50 N.Y.S.3d 28 [Table] [2016]). In discharging this duty:

Prior to granting any permit relative to a dock, wharf, mooring or marina, the commission shall ascertain the probable effect of the proposed facility and the operation thereof on the health, safety and welfare of the public and on resources of the park. The commission shall also ascertain the impact of the proposed facility upon the congestion of Lake George and the probable visual, cultural and audible effects of the proposed facility on the neighborhood in which the facility is proposed and on the park. Where the commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public or the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the park, a permit shall be denied.

(6 NYCRR 646-1.6). Respectfully, these guidelines require a denial of the pending application.

As detailed above, the Commission was concerned about increasing boat congestion in Basin Bay as far back as 2015. This congestion has only worsened since then, and it has already jeopardized the health, safety, welfare and peaceful enjoyment of lawful residential occupants. The additional boat and ancillary traffic caused by the construction of a commercial 28-slip facility would be devastating.

Under 6 NYCRR 646-1.1(c)(3), “[n]o dock, wharf or mooring shall be constructed or placed so as to interfere with normal navigation or reasonable access to adjacent docks, wharfs, moorings or lands”. The multitude of slips sought by the applicant, cumulatively occluding some 4,760 square feet of water (680 sq ft x 7), would undoubtedly interfere with safe and normal navigation

not only by residential occupants with private docks but by the increasing number of outside users who come to anchor their boats.¹

It is lastly reiterated that the south shore of basin bay is an environmentally sensitive wetland complex that will be negatively impacted by the encroaching docks, spiraling traffic, congestion and commercial use. I do not purport to have any expertise in such matters, but nevertheless submit that this proposed project must be subjected to intense environmental scrutiny.

Respectfully, it is requested that the pending application be, in all respects, denied.

Sincerely,

Brett Peter Linn

¹ I have not reviewed all applicable regulations, but respectfully refer to 6 NYCRR 646-1.1 & 1.6, and 9 NYCRR 570.3 (definitions), among others.

Joe Thouin

From: Brian Dunleavy <brianpatrick518@gmail.com>
Sent: Thursday, December 31, 2020 10:34 AM
To: Joe Thouin
Subject: DWM20-000084 Cotton Point Rd project

Dear Lake George Park Commissioners:

I am the owner of property adjoining the Finley property (18 Cotton Court) as well as owning 119 Cotton Point Rd in Cotton point association.

I oppose the project as presented.

Reviewing the plans I would like to make the following comments.

1) It appears the APA wetlands area ends at the southern road bank and not the shoreline. I find this to be a misinterpretation or manipulation of the intent of wetland designation.

It is clear that the wetlands flows under the road through culverts and perferates through the soil.

2) Parking is not allowed on either side of Cotton Point Road in this section and is posted as such, This will become a safety hazard as well an issue on how access will be gained to these docks without a fairly inconvenient walk. If Golf carts are used and parked on the docks this will present an environmental hazard .

3) This shoreline area is extremely sensitive and has been cared for by the Finley Family (who have been great stewards of this parcel) and the Town of Bolton for over a century. With attention to drainage , shoreline stabilization and plantings. A disturbance of this nature by adding 7 large crib structure docks/boathouses will no doubt damage this sensitive area.

4) Reviewing the plans the project seems very excessive for "single Family dwellings" . Why would any family need or want berthing for at least 8 boats (on 3 of the 4 lots). Is intent to later apply for a Marina permit?

I am hopeful that the Commissioners will carefully review this sensitive project and make the decision to oppose it as presented.

--

Regards

Brian Dunleavy

20 Pettis St Lake george NY 12845

518-365-2804

Joe Thouin

From: Donna Passaretti <donnawlp40@gmail.com>
Sent: Tuesday, December 29, 2020 12:25 PM
To: Joe Thouin
Subject: FINLEY application DWM20-000084

Dear Mr. Thouin,

I write in opposition of the Finley application due to concerns that negatively impact the lake, wetlands, and safety. Cotton Point Road borders extremely close (28 or so INCHES) to lake and closer to wetlands , a couple of winters ago the lakeside pavement eroded due to water or ice in an area , a barricade was placed at site and cars could drive around until weather permitted repair.

The roadbed is fragile, construction and additional traffic and possible parking close to waters edge will compromise integrity of shoreline and road.

The town posted no parking signs which has been helpful.

Owners of about 60 dwellings travel the road, some seasonal others permanent residents, during May to late October traffic heightens and residents and their families walking-have no option to get off the road.

I am concerned about Mr. Finley's long term agenda on parking for cars, access to shoreline, and electricity to proposed docks.

I know how seriously The Lake George Commission advocates protecting the lake, wetlands, and safety of those who enjoy Lake George- please deny this application.

Kindly inform me of any public hearing.

Sincerely,

H Donna Passaretti
47 Hemlock Point Rd
518-410-4567

Sent from my iPad

Joe Thouin

From: Carolyn Beebe <cebeebe@gmail.com>
Sent: Wednesday, December 30, 2020 7:40 PM
To: Joe Thouin
Subject: Boathouse development in Basin Bay

Dear Joe,

I am writing to express my deep concern about the proposed 8,400 square feet of boat houses along Cotton Point Road. My family has been enjoying the beauty of Basin Bay for four generations. Our family home is part of the Rainbow Beach Association. We are also avid kayakers. One of my most treasured paddles is through the shallows near Cotton Point. Our family has also taken swims across the opening of the bay, from Fish Point to Cotton Point.

Such a huge expanse of boathouses as the one proposed and all of the plumbing, parking, and waste collection that would come with it, compromises not only some of our family's fondest pastimes on the lake but the ecosystem as well. The wetland on the other side of Cotton Point Road is home to otters, mink, fox, osprey, mallards, mergansers, and blue herons, all of which we have delighted in spotting over the years. These species will no longer have access to the lake, which provides them drinking water and food. Not to mention the additional pollution our lake will sustain.

So much of Lake George has been developed, and some would argue over-developed. It is these little pockets of pure, unmolested lakefront that enable tourists and residents alike to continue enjoying the natural beauty of Lake George that so many generations have appreciated for years. Please work to block this proposal.

Regards,
Carolyn Beebe
Peter Rabbit Cottage
26 The Back Road
Rainbow Beach Association
Bolton Landing, NY

Joe Thouin

From: Patrizia Zeccola <patrizeccola@gmail.com>
Sent: Wednesday, December 23, 2020 1:00 PM
To: Joe Thouin
Subject: Basin Bay development

Hello,

I am writing today to strongly oppose the proposed boat house development on the south side of Basin Bay. As a Biology student i can't even begin to explain how harmful this would be to that marshland without writing a four page email full of information I'm sure you already know. For the sake of the environment and natural ecosystem please take a stand against more unnecessary harmful development, I am young this lake will be my generations to preserve and protect and I hope someday my children can enjoy it but the only way to ensure that is to be extremely careful what we approve today.

Thank you,

Patricia Boccato
[BOCCATO INDUSTRIES](#)

M. [518.956.0723](#)

Joe Thouin

From: linda55288@aol.com
Sent: Wednesday, December 23, 2020 12:26 PM
To: Joe Thouin
Subject: Proposed docks on Cotton Point Rd.

To whom it may concern;

We were recently made aware that several docks are being proposed on Cotton Point Road. We are residents of The Grove, which is just around the corner, and have many concerns about this proposal.

1. The road is very narrow, and cannot accommodate any vehicles being parked there, let alone emergency vehicles able to pass. It is actually very dangerous even walking along the road as is, even without this addition. Where will the dock owners be parking their cars?

2. Basin Bay has become a popular place in recent years to visit for boaters, with boats tying up together and a lot of boat traffic coming our way. Since there are no bathroom or garbage facilities, we have come upon dirty diapers and lots of garbage left on the roadside. Boaters also walk their dogs, and do not pick up their feces. I can't imagine how much more severe these problems will be if this is passed.

3. The lands across the road from the lake are wetlands, with many different varieties of animals and birds in residence. Will there be homes built on these wetlands?

4. The water where these docks are proposed is very shallow, and would not accommodate boats to be docked there as is. Will the lake have to be dredged?

Hopefully all concerned in making the decision as to whether to vote for this plan will understand that it should not proceed, and would forever change this beautiful area for the worse.

Thank you for your concern...

Linda Doulides

Feel free to contact me if you have any questions.
518-339-3722

Joe Thouin

From: mmss397@aol.com
Sent: Wednesday, December 23, 2020 11:20 AM
To: Joe Thouin
Subject: Concerns: proposal for docks on Cotton Point Road

Mr Thouin, I am a concerned resident of The Grove on Cotton Point Road. The owner of The Grove property has made us aware of a project being considered along Cotton Point Road for several boat docks.

The major concerns are:

Where are the people with boats going to park? This is a Major concern.

There is no room on that part of the road to even walk! The land along the water side of the road has eroded in some areas right to the road and on the opposite side of the road is swamp. Even if there is a place to park, how are they going to safely walk to the docks?

The swamp area is supposed to be protected wetlands. Is that changing? Is the Lake George Park Commission aware of this?

Will there be facilities for these boat owners to be able to get rid of their garbage and toilet waste?

We already have the problem of too many boats mooring off that area and in front of us. This creates a problem with garbage and human waste.

I ask you to consider these factors when making your decisions.

Sincerely,
Mary Madden

397 Creek Road
Wynantskill, NY 12198
518-279-1248

Joe Thouin

From: kw@alexanderpoole.com
Sent: Wednesday, December 23, 2020 10:13 AM
To: Joe Thouin
Subject: Application # DWM20-000084 - OPPOSITION Comments
Attachments: NAR_Finley_20201215_printed.pdf; ATT00001.htm

I have just reviewed the application below and strong oppose this. For starters there is already no parking anywhere that wouldn't effect the residents that already are dealing minimal parking, people have tried parking here for the day in the past but it always becomes unsafe for drivers and people walking. The land across Cotton Point Road is wetlands, mostly taken up by swamp and skunk cabbage, I know a resident personally that has a camp close to this swamp, and the problems they have with moisture damage is something that would compromise any new structure. Part of the reason people love coming to Lake George is to get away from the overcrowded suburbs and cities, this application looks like it is trying to take that away from people who have been coming here their whole lives for that very reason. In short this application would be horrible for everyone and would have a negative impact on the residents and the lake that we love so much.

Joe Thouin

From: Sean Warner <sean@alexanderpoole.com>
Sent: Wednesday, December 23, 2020 10:31 AM
To: Joe Thouin
Subject: Boat House Application
Attachments: NAR_Finley_20201215_printed.pdf; ATT00001.htm

Good morning Joe!

I **STRONGLY** oppose this application. For starters, there's already zero space for parking on the road without effecting the residents that already are dealing with minimal parking, people have tried parking here for the day in the past but it always becomes unsafe for drivers and residents walking. The land across Cotton Point Road is wetlands, mostly taken up by swamp, I know a resident personally that has a camp close to this swamp, and the problems they have with moisture damage is something that would compromise any new structure. On top of that, I don't want to look at a parking lot and the garbage visitors will leave behind as I'm driving into my property. Part of the reason people love coming to Lake George is to get away from the overcrowded suburbs and cities, this application looks like it is trying to take that away from people who have been coming here their whole lives for that very reason. In short this application would be horrible for everyone and would have a negative impact on the residents and the lake that we love so much.

Joe Thouin

From: Robert K. Stevenson <stvrobertk@aol.com>
Sent: Wednesday, December 23, 2020 1:33 PM
To: Joe Thouin
Subject: Proposed docks along Cotton Point Road

Dear Sir

I think the proposed docks along Cotton Point Road is NOT A SOUND IDEA.

I AM VIGOROUSLY OPPOSED TO THE IDEA.

That being said, I can't imagine who would want a dock along that undeveloped swamp land.
There are NO PARKING FACILITIES for any of those boat owners
There are NO RESTROOM FACILITIES for them to use.
There are NO MARINA FACILITIES for them.

The current narrow road is dangerous to pedestrians even now. The new docks would see more activity with more people and cars which would make things MORE DANGEROUS FOR PEDESTRIANS.
Also the added activity and gas fumes etc. would surely AFFECT THE NATURAL WILDLIFE IN THE SWAMP.

Things are bad enough now that people have discovered Basin Bay as a place for a multitude of boats to anchor (lashed together in many cases) for swimming We don't need to encourage more boats on the Lake

Therefore, I totally disapprove this project.

Robert K. Stevenson

Summer cabin address: 89 Cotton Point Road
Home address: 10 Oakstwain Road, Sarsdale, NY 10583

Joe Thouin

From: Susan Corbitt <susan.corbitt@me.com>
Sent: Wednesday, December 23, 2020 1:50 PM
To: Joe Thouin
Subject: Proposed Construction of new docks on Cotton Pt Rd - Application #DWM20-000084

To Joe Thouin,

I am registering my STRONG OBJECTION to the proposed construction of additional docks along Cotton Pt Rd on Basin Bay. The property in question includes a biodiverse wetland that should not be disturbed.

- The wetland area is home to otters, mink, osprey, fox, mallards, and mergansers - just to name a few - whose access to the lake would be severely obstructed by this construction.
- Cotton Pt Rd is the only point of access for residents on Cotton Pt, Hemlock Pt, and South Beach. Weekly service trucks, septic trucks, as well as construction vehicles regularly use the road. The shoreline is very narrow and does not allow for parking along the road.
- NO Parking, NO restrooms along Cotton Pt Rd
- While the road is used by local residents and services to those residences, it is also a beloved walkway with beautiful views of the lake enjoyed by everyone.
- On the other side of Cotton Point Rd is a wetland that should be protected. Apparently, there is buildable land up by 9N, but the wetland is home to an abundance of wildlife including those mentioned above along with acres of wild adirondack blueberries.

Surely, there is a better way to accommodate lake access for this property that does not threaten the ecosystem of the wetland as well as current residents.

Sincerely,
Susan Corbitt

Summer Residence: The Grove, on Cotton Pt Rd Main Residence: 7533 Stanford Ave, St Louis, MO 63130
636-346-5021
susan.corbitt@mac.com

TO: Joe Thouin, Lake George Park Commission
Joe@lgpc.state.ny.us

FROM: Daniel M. Behan, Jr.
Behan Lake House LLC

DATE: December 23, 2020

RE: Madison Finley, Seven Covered Crib Dock Application # DWM20-000084

On behalf of the members of Behan Lake House LLC, 20 South Beach Ave, Bolton Landing NY, I am writing to express our unanimous opposition to the above-noted application. Besides altering one of the few remaining unobstructed views in the southern Lake George basin, our concerns with the application include:

Lack of Parking

The application does not address parking areas or even pull-off spots to unload people and gear for boating activities and sundeck use. Additional auto, golf cart, bicycle and/or wagon traffic, on the already-narrow Cotton Point Road, is inevitable.

Lack of Restroom Facilities

The application indicates dock space for 14 to 28 boats, as well as sundecks. What facilities will be made available to potential owners? Another case scenario includes dock-slip rental, where the Lake George Park Commission has requirements for Class A and Class B Marinas (646-1). Requirements such as parking, adequate garbage disposal facilities, and restrooms (including toilets) are outlined.

Lack of Electricity

Adding electricity to the crib docks (for a bubbler system, night use and rest rooms) would most likely mean passing through "protected" wetlands.

Traffic Flow and Safety

As potential owners pursue water activities-- swimming, water-skiing, etc., where will these people enter and exit the lake? The 2-lane road presently has no shoulder at all and little clearance for current traffic flow.

Boats entering and exiting these covered crib docks present an added safety issue to Basin Bay day-boaters who are mooring, swimming, skiing and wakeboarding.

Environmental Impact

As noted on the LGPC website, "Cribs that are constructed right up along the shore tend to collect debris and vegetation along the shoreline." Given the concerns about Lake George water quality and environmental impact, this application seems contrary to these serious issues.

In addition, it has been determined that crib dock ice eaters are not good for the lake and its shoreline when keeping large areas of water open, allowing ice to move with momentum.

Reference

Lake George News, Winter 2008, "For many, dock damage is a big, expensive headache," p.2

<https://www.yumpu.com/en/document/read/24768202/winter-lake-george-association>

In Closing

It is our position that the review process of this application/proposal should NOT be a case where the developer applies for seven boathouses with the outcome of a compromise of three or four boathouses. Approval of one, much less seven, will forever alter the essential character of the area.

Contact Information

The LLC would appreciate your sharing dated materials and proposed meeting-times with all those involved, giving us sufficient notice to participate in the meetings.

Behan Lake House LLC Contact Information

Daniel M. Behan, Jr. cell# 518-796-5223, email address: dbehanjr@gmail.com

Behan Lake House LLC

Physical Address:

20 South Beach Rd.

Bolton Landing, NY 12814

Mailing address:

17 Fieldstone Dr.

Ballston Lake, NY 12019

Behan Lake House LLC Shareholders:

Daniel M Behan, Jr., Eileen Behan Sweet, Colleen Behan Jerwann,

Kathleen Behan Gallagher, Sarah C. Behan, Hawley R. Behan

Joe Thouin

From: Villus <frostyprototype@gmail.com>
Sent: Wednesday, December 23, 2020 4:32 PM
To: Joe Thouin
Subject: Complaints for New Project on Cotton Point Road

Dear Joe Thouin,

Hello, I'm Matthew Murphy. My family has a long history of living in Bolton Landing, a town right next to Lake George. Some of our family lives in Rainbow Beach, which is very close to Cotton Point Road. The proposed 8,400 square feet of new boathouses would not only harm Rainbow Beach, but the ecology of Lake George and even the buyers of these new homes.

Firstly, the new boathouses have no planned bathrooms or parking spaces. This means that residents will park at Rainbow Beach, an area full of children, pets, and other pedestrians. They also will be forced to defecate and urinate directly into the wetlands or lake. This is terrible for the residents and is not sanitary at all. It's also bad for the environment.

Secondly, this new project would be terrible for the environment. I have spent many years of my life on, in, or at Lake George. I've never seen a single muskrat, otter, or fox in my time. However, I do know the wetlands where this project is proposed to be built is home to many of these and other animals. These creatures are vital to the ecosystem of Lake George and the surrounding Adirondack area. Not only would the new project destroy the homes of many animals, it would block free access to the water for many more. It would also cause more animals to be exposed to human vehicular traffic, causing damage to cars and killing wildlife. Protecting the fragile ecosystem of the lake is very important to me, my family, and many others around Lake George. I hope it is important to you too.

Finally, these boathouses are a danger to everyone. I've already discussed the ecological repercussions of the boathouses, but these are a danger to the people buying them as well. In the current plans, there is close to no room for pedestrians to walk to the boathouses. Combined with a lack of parking and no bathrooms, it is obvious these boathouses were planned poorly and placed in a bad location where they will do more harm to good than everyone. I plead you to please heed these warnings and save not only the animals and ecosystem of the Lake, but also the future inhabitants of these homes.

Best Regards,

Matthew Murphy

Joe Thouin

From: Eddie Pieper <pieper43@hotmail.com>
Sent: Wednesday, December 23, 2020 4:50 PM
To: Joe Thouin
Subject: Cotton point development

This email is in response to the “approved” boat houses for Cotton Point in Basin Bay. We need to have a formal town wide hearing on this grotesque and pure environmental destruction before anything is processed.

I am a resident of that bay and it will ruin the nature and habitat.

Please post pone

Edward pieper

Sent from my iPhone

Joe Thouin

From: steve shaver <senategator@yahoo.com>
Sent: Wednesday, December 23, 2020 5:43 PM
To: Joe Thouin
Cc: Steve Shaver
Subject: Cotton Point Road Boat Houses/ Slips

December 23,2020

Dear Mr.Thouin,

I am writing this email to you in regards to Mr. Finley what they are doing 's dock /boat house proposals. In the past Mr. Finley has fought the congestion of boats in Basin Bay and has in the past few years put in buoy's to keep them out as far as 200 feet from shore. He (as of many Cotton Point residents has called the LGP to come and address the noise issues and also for boats anchoring to close to shore.

In the past few years Basin Bay has pretty much become the new Log Bay for anchoring. Boaters party and leave trash and also have friends come and park on Cotton Point Road and the swim out to their buddies boat and party with them. We have also experienced boaters anchoring out in front of our camps and not be able to enjoy our boats because they block us in. We have tried to be civil about it but we receive the universal hand signal (middle finger) or verbal cursing for example ; you don't own the f---ing lake, then we call LGP and then nothing is done when they come to investigate. The road /Cotton Point Road is narrow and when people from Hemlock Point or South Beach ,The Grove, etc it becomes even more narrower when you are in your vehicles and trying to go places. As I have mention trash is left and imagine what they are doing in the water. We have even experienced people coming into The Grove from the road and use our bathroom facilities. The shoreline is eroding from the weather and winter months, trees are about to fall into the lake from this. What you need to do is to take a drive down Cotton Point Road and witness for your self. It would be a shame to see this beautiful bay get ruined ,it is bad enough that is has become so popular and the boaters that come and anchor do not care. We have been residents on Cotton Point for over 20 years and have enjoyed the peacefulness of the bay up to these last few years when the bay has become so popular. Please sir for the benefit of the Bay please really do your research. Maybe you should read the 2015 Lake George Recreation Study Full Unabridged Report, May 2016 Final Draft maybe even Chapter 5, page 9.

Sincerely yours,
Steve Shaver

TO: Joe Thouin, Lake George Park Commission
Joe@lgpc.state.ny.us

FROM: Judith Kraft and Family Members
18 South Beach Avenue

DATE: December 25, 2020

RE: Madison Finley, Seven Covered Crib Dock Application # DWM20-000084

On behalf of the members of the Kraft Household, 18 South Beach Avenue Bolton Landing NY, I am writing to express our unanimous opposition to the above-noted application. Besides altering one of the few remaining unobstructed views in the southern Lake George basin, our concerns with the application include:

Lack of Parking

The application does not address parking areas or even pull-off spots to unload people and gear for boating activities and sundeck use. Additional auto, golf cart, bicycle and/or wagon traffic, on the already-narrow Cotton Point Road, is inevitable.

Lack of Restroom Facilities

The application indicates dock space for 14 to 28 boats, as well as sundecks. What facilities will be made available to potential owners? Another case scenario includes dock-slip rental, where the Lake George Park Commission has requirements for Class A and Class B Marinas (646-1). Requirements such as parking, adequate garbage disposal facilities, and restrooms (including toilets) are outlined.

Lack of Electricity

Adding electricity to the crib docks (for a bubbler system, night use and rest rooms) would most likely mean passing through "protected" wetlands.

Traffic Flow and Safety

As potential owners pursue water activities-- swimming, water-skiing, etc., where will these people enter and exit the lake? The 2-lane road presently has no shoulder at all and little clearance for current traffic flow.

Boats entering and exiting these covered crib docks present an added safety issue to Basin Bay day-boaters who are mooring, swimming, skiing and wakeboarding.

Environmental Impact

As noted on the LGPC website, “Cribs that are constructed right up along the shore tend to collect debris and vegetation along the shoreline.” Given the concerns about Lake George water quality and environmental impact, this application seems contrary to these serious issues.

In addition, it has been determined that crib dock ice eaters are not good for the lake and its shoreline when keeping large areas of water open, allowing ice to move with momentum.

Reference

Lake George News, Winter 2008, “For many, dock damage is a big, expensive headache,” p.2

<https://www.yumpu.com/en/document/read/24768202/winter-lake-george-association>

Another note of which to be mindful is that changing land use in the watershed to our Lake’s long water retention time, and a decline in water quality is a real concern. Human behavior impacts not only vegetation but natural water life – invasive species can find a home, water quality can decline, natural habitats are forever changed and more.

Reference

<https://www.lakegeorgeassociation.org/educate/science/lake-george-water-quality/>

In Closing

It is our position that the review process of this application/proposal should NOT be a case where the developer applies for seven boathouses with the outcome of a compromise of three or four boathouses. Approval of one, much less seven, will forever alter the essential character of the area.

Also. one has to wonder as to which homes these proposed crib docks will be affiliated. With wet lands to the one side of the roadway, will homes be built across the roadway, impacting not only the forestry, but subsequent water usage, traffic on Rt. 9N, etc.?

The timing of Mr. Finley’s application is also not appreciated. Submitting it during the height of not only the winter season, when many are away from their homes in addition to the request for feedback saddled between Christmas and New Year’s Day did not go unnoticed nor makes for good neighbors.

Providing approval to his request to construct additional structures is simply not a wise option for maintaining the pristine lake waters and surrounding lands that make Lake George the lake that it is. It is our collective aim to maintain it as it is today.

Contact Information

The Kraft household would appreciate your sharing dated materials and proposed meeting-times with all those involved, giving us sufficient notice to participate in the meetings.

Kraft Household Contact Information

Judith A Kraft, # 845-246-5698, email address: yardsalejude@gmail.com

Kelly Kraft-Meyer, # 434-941-4109, kkraftmeyer@gmail.com

Kraft

Physical Address:

18 South Beach Rd.

Bolton Landing, NY 12814

Mailing Address:

20 Main Street

Saugerties, NY 12477

Kraft Household Members:

Judith A Kraft, Kelly Kraft-Meyer, Richard Meyer, Hunter Meyer

Joe Thouin

From: Bobbie Belber <bbelber@nycap.rr.com>
Sent: Saturday, December 26, 2020 4:16 PM
To: Joe Thouin
Cc: info@lgc.org; Bob Belber; dfwi@rpi.edu
Subject: LGPC Application # DWM20-000084 Major Project Parcel # 200.14-1-20
Attachments: 2015 LG Recreation Study - Unabridged Report.pdf; ATT00001.htm

Good Afternoon.

I am writing with respect to the above referenced application for wood crib docks and boathouses on Cotton Point Road in Basin Bay. I cannot stress how strongly I object to this application and construction proposal. The bay itself is already over congested with boat traffic and that alone has concerned us immensely with respect to trash removal, human waste, lack of swimming areas and the complete disruption of the aquatic life, wild life and wetlands. As far as Cotton Point Road goes the road is unable to handle any more traffic. Where will the boaters using the boat houses park? Where will their bathroom facilities be? How will this affect the wild life and wetlands? I am immensely concerned with the quality of life that the project and increased traffic will have on the quality of life for both the Basin Bay residents and the wildlife/wetlands.

If you are not already convinced then please refer to the attached report (Chapter 5 Page 9) "Description and Trends for Basin Bay". This report as I am sure you are familiar with states the boat traffic in 2015 was already over capacity for the bay.

As a summer resident of Cotton Point Road I am requesting that if a hearing on this matter is scheduled that I as well as all the residents of Cotton Point Road be notified.

If you require any further comments on this matter I will be more than happy to provide. After 55 summers living in this bay I have witnessed the constant deterioration of quality of life for the bay residents -both human and non-human.

Thank you for your attention.,

Roberta M. Belber
bbelber@nycap.rr.com

Joe Thouin

From: JOSEPH SCHWERMEN <skydivejoe@aol.com>
Sent: Saturday, December 26, 2020 4:47 PM
To: Joe Thouin
Subject: Letter In Opposition to Madison Finley Project, Cotton Point Rd.

Dear Mr. Thouin,

Re: Madison Finley Project, Application #: DWM20-000084

I am writing in opposition to the proposed 7 crib dock and boathouse project on Cotton Point Road. My family has maintained a seasonal residence at 141 Cotton Point Road for over 80 years and I am a member of the Board of Directors of the Cotton Point Association. I am very concerned about the adverse effects this proposed project will have on the environment and ecology of Basin Bay and the safety of the residents of the surrounding area.

As you are aware, Basin Bay has become a favored destination for anchoring and rafting of boats, a number of which spend the night there. There has been a dramatic increase in the number of vessels using the bay in this manner over the past several years, particularly in the southern part of the bay directly off shore from the site of the proposed project. There is a serious concern about the sanitation facilities these boats do or do not have, and the likelihood of human waste contaminating these waters as the number of vessels grows. This project would add up to an additional 28 boats in that part of the bay. The proposal does not include plans for rest room facilities for the dock owners, their guests or those who might be renting dock space from them in the future. Furthermore, there does not seem any way to build rest room facilities in that area due to the confined space and adjacent wetlands.

Additionally, this part of the bay is quite shallow and, if the number of boats does continue to increase, it raises serious concerns about the spread of milfoil (already present in the bay), Asian clams and the possible development of a harmful algal bloom such as we saw this fall on the east side of the lake.

This project also presents a serious safety threat to the recreators using Basin Bay and the residents of Cotton Point, Hemlock Point, South Beach and the Grove. The boats that already anchor and raft will be forced further out into the middle of the bay by these new docks. These boats and the additional boats triggered by these additional docks will further aggravate the threat posed to kayakers, canoeists and swimmers by the wakes of the vessels, their anchor lines and the reduced visibility of kayakers, canoes and swimmers to the operators of the boats. Also the boats at these new docks would have to thread their way into the lake and back through the tight cluster of anchored boats and the people swimming from them.

The safety threat to the residents of the surrounding lands relates to the fact that Cotton Point Road is a very narrow 2 lane road that runs at the very edge of Basin Bay and abuts a large protected wetland. This road is the only access to Cotton Point, South Beach, Hemlock Point and the Grove properties. It has become progressively more compromised over the years as erosion and spring ice-out has damaged and shrunk the very narrow strip of land between the road and the water's edge. Parking on the road is very hazardous and has been prohibited for years because of this. One concern is the hazards that would be created by construction crews during the construction phase of the proposed project. There is simply no room on the side of the road for staging construction materials, vehicles, etc. And, of course, the wetlands prevent the other side of the road from being used for these items at all. Once the project were to be completed, the same issues arise for the parking of the dock owners' vehicles as there is simply no place to park a car or even a golf cart anywhere along the road where the docks are proposed to be built. If a vehicle is parked on the road, it will hinder access to all the residential properties by emergency vehicles such as the rescue squad and fire trucks. They also become a hazard to the many people who walk along the road as cars dodge the parked vehicles.

Thank you for taking the time to consider these concerns and I sincerely hope that the LGPC will turn down this application.

Sincerely,

Joseph J. Schwerman

141 Cotton Point Road

Joe Thouin

From: bob.belber@asmalbany.com
Sent: Saturday, December 26, 2020 5:01 PM
To: Joe Thouin
Cc: info@lglc.org; dfwi@rpi.edu; Bobbie Belber
Subject: RE: LGPC Application # DWM20-000084 Major Project Parcel # 200.14-1-20

Mr. Thouin:

I am writing to express strong opposition to the proposal that has been submitted to the Lake George Park Commission from Madison K. Finley as per the numbered case noted above. As residents on Cotton Point each summer for close to thirty years, our family have seen substantial deterioration of wildlife that used to fill Basin Bay previously. The number of boats that anchor in the bay along the proposed area related to this application has been well over 100 boats per day and the release of gasoline, and heavy increase in human swimmers has completely ruined the vegetation growing on the bottom of this area of the bay. The volume of people in the bay has already substantially exceeded the guidelines for the number of allowable boats vs landmass as published in your own reports. Every year the number of ducklings that annually hatch and live in the swamp on Cotton Point Road has decreased. This swamp area has been home to ducks, muskrats, gophers, Bald Eagles, Blue Herrings, frogs and so many other species. There is absolutely no room to build the number of E-shaped crib docks that is being proposed; especially when factors such as 1.) Where will the large number of additional people who use these docks park? 2.) Where will these people go to the bathroom? 3.) With this kind of enterprise it likely will bring in daily or monthly dock renters who don't have homes on Cotton Point and their attention to keeping the lake clean as well as the road access to the docks clean, will likely be less than those of us who have always had a stake in making sure Cotton Point Road and the surrounding area is kept clean and safe. If this project is approved there will be a heavy increase in construction vehicles, wide dump trucks, and equipment, which will be too big for traffic to pass by given the very narrow roadway.

This project is just a very bad idea for the environment, for the residents of Cotton Point, for the cleanliness of the Lake and without question, it will lead to a heavy increase in complaints and problems for law enforcement and environmental agencies to respond to.

If there are any public forums related to the review of this project and its impact on stake holders on Cotton Point, I would greatly appreciate being informed well in advance of the day/time for such public meetings and locations where same will take place. There are a large number of us who intend to attend these meetings to express our concerns.

Thank you for giving me an opportunity convey my thoughts on this issue.

Sincerely,

Bob Belber
Bob.Belber@asmalbany.com
(518) 221-9358

December 21, 2020

Mr. Joseph Thouin
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845

Re: Application #DWM20-000084 Finley- Cotton Point Road- OPPOSED

Dear Mr. Thouin

This letter is written with regards to information we received regarding the proposed planning for 7 new docks/Boat Houses in Basin Bay. Our family has been enjoying summers on Cotton Point for more than 65 years. As a homeowner on Cotton Point for 30+ years and member of the Board of the Cotton Point Association I would like to express my strong opposition to this proposed project. As you know, the only point of entry to our homes on Cotton Point as well as Hemlock Point, South Beach and the Grove is along Cotton Point Road. In especially high summer season, and into the spring, winter and fall months as well, there is a significant amount of traffic along this road and unfortunately only wide enough to just accommodate 2 lanes of traffic. Safety has always been a major concern for us as pedestrians use this road and some often obtain access to the water for swimming and to moored boats from the road. There should be no parking along this road as it impinges on safe travel to our homes, however this is not adhered to and has become problematic as a significant safety concern. The addition of 7 docks and the amount of people and traffic said dock space would entice is overwhelming for this small road that is already compromised with the current population. The road itself had undergone significant damage by ice several years ago causing major reconstruction and loss of the integrity of some of the shoreline.

The thoughts of a significant construction project along this small strip of road is disconcerting to say the least. During road construction years ago, we had no access to our homes for hours over several days and the thoughts of this occurring again is very disturbing along with the quantity of workers and equipment. Regarding parking, there is absolutely no free space to utilize for additional cars and my fear is that parking would occur illegally on the road causing an increase in the potential for hazards to pedestrians and cars as well.

At the existing density, current anchoring and boating patterns have already increased safety risks in Basin Bay. So, we are very concerned that the proposed addition of so much new traffic from new docks will substantially worsen this:

As the number of boats anchored and drifting offshore of the applicant's property has increased, so have the number of boats operating closer to shore to maneuver around them. The increase of traffic and large waves near the shore has already increased risks for swimmers, kayakers, paddleboarders and others operating near shore. It also increases risks when docking.

The risks in Basin Bay also increase during summer storms. Boats at anchor cannot see approaching storms over the ridge to the west. As afternoon storms hit, we have observed boats scrambling to exit the bay at the same time as boats are entering the bay to get back home. Adding the significantly increased number of boats proposed by the applicant will likely increase this dangerous cross traffic.

For more than 50 years Basin Bay has been known as one of the best bays for waterskiing in the Southern Basin, including one of the best bays to learn to waterski. The increased popularity of Basin Bay as an anchorage has pushed skiers further out. We have observed this to have increased risky interactions between boats pulling skiers, boats anchored in the bay, and boats going in and out of the bay. This risk would be increased further from the boats proposed in this project.

Onshore safety on Cotton Point Road, the public road that passes through the applicant's property, is also a significant concern. This road is the only way in and out of homes to the south and east of the applicant's property. It is narrow and heavily trafficked. It is also heavily used by walkers coming from both east and west.

From an ecological and conservational perspective, this influx of traffic and people utilizing this dock space could potentially be a detriment to the environment. How will this additional proposed construction impact the shoreline and the bay? Not only is there a lack of adequate parking but there is also an absence of restroom facilities. This has also been a significant concern to us with the substantial increase in moored boats in the bay for the entire day and often overnight now compounded by this additional insult of traffic.

As its name implies, Basin Bay is a shallow basin, with a sandy bottom. This feature, which makes it very attractive for recreation, also puts it at risk for environmental threats, including from Asian Clams and Milfoil:

- a. Asian Clams:** Basin Bay is regrettably an ideal environment for Asian Clams. They were first observed in the bay in 2013 in the shallow water just offshore the applicant's property. Two factors appear to have helped keep these sharp-shelled invaders from flourishing in the ideal shallow sandy shoreline there: a solid freeze at the shoreline and restrictions on motorized boats close to shore. Both of these factors would be affected by this project. The solid shoreline freeze currently makes it less likely for Asian Clams to survive and successfully reproduce. This would be compromised by ice eaters or other ways to keep ice from freezing around the proposed new docks. The current lack of motorized boat access near shore is a recent change and is the result of the DEC approving buoys to mark the 200' line from shore. It is our understanding that reducing the potential for the spread of Asian Clams in this area was one factor in the DEC's decision to approve these buoys. This protection from the spread of Asian Clams would be negated by boats going in and out of the applicant's proposed new docks. The 2014 ACORN study by the Darrin Freshwater Institute found that while propwash was less likely to be a vector for long distance spread of clams, it did move clams up to 4 meters from their resting place. The vectors the study found to be more important were from wave action movement, and from anchors pulled from areas with Asian Clams. In this particular location, with boats closely anchored in the shallows just past the 200' line, waves reflecting off the shore, and new propwash from boats going in and out from the sandy shore, it is highly possible these vectors could interact. This should at least be studied further before any docks are contemplated in the lake in areas like those in front of the applicant's property.

- b. Milfoil:** Basin Bay has pervasive beds of milfoil, despite regular programs to clear them by the LPGC. The increased regular boat traffic from the proposed project increases the likelihood that fragments of milfoil are transported throughout the bay and carried to other areas of the lake

At the existing density, current anchoring and boating patterns have already increased safety risks in Basin Bay. So, we are very concerned that the proposed addition of so much new traffic from new docks will substantially worsen this:

- c.** As the number of boats anchored and drifting offshore of the applicant's property has increased, so have the number of boats operating closer to shore to maneuver around them. The increase of traffic and large waves near the shore has already increased risks for swimmers, kayakers, paddleboarders and others operating near shore. It also increases risks when docking.
- d.** The risks in Basin Bay also increase during summer storms. Boats at anchor cannot see approaching storms over the ridge to the west. As afternoon storms hit, we have observed boats scrambling to exit the bay at the same time as boats are entering the bay to get back home. Adding the significantly increased number of boats proposed by the applicant will likely increase this dangerous cross traffic.
- e.** For more than 50 years Basin Bay has been known as one of the best bays for waterskiing in the Southern Basin, including one of the best bays to learn to waterski. The increased popularity of Basin Bay as an anchorage has pushed skiers further out. We have observed this to have increased risky interactions between boats pulling skiers, boats anchored in the bay, and boats going in and out of the bay. This risk would be increased further from the boats proposed in this project.
- f.** Onshore safety on Cotton Point Road, the public road that passes through the applicant's property, is also a significant concern. This road is the only way in and out of homes to the south and east of the applicant's property. It is narrow and heavily trafficked. It is also heavily used by walkers coming from both east and west.

I appreciate your time and consideration of these very valid concerns and hope that this project will not garner the approval required to proceed.

Sincerely,

Barbara J. MacDowell

Joe Thouin

From: Robert Donahue <arubasman@gmail.com>
Sent: Sunday, December 27, 2020 3:57 PM
To: Joe Thouin
Subject: Application #DWM20-000084, Major Project Parcel#200.14-1-20 Bolton

Sent from my I strongly object to the above Major
Project Parcel#200.14-1-20 Bolton, Construction of NYS, LK George Park Commission, 8400 Sq Foot of New Docks or
Wharf, Article 15 (repair, removal, replacement, or installation of curbing as part of wharfing construction for the
following reasons. I am a resident of construction area.

No bathroom facilities, no parking for boathouse users, narrow roadway, no safety for pedestrians, such as walkways
that are going to be needed for increased pedestrians. Effects it will have on the wild life and the wetlands. How about
the Boaters that legally anchor their boats in front of the buoys and there are a dozen or more on a daily basis. How
about fire trucks, ambulance, policemen vehicles?

QUALITY OF LIFE FOR THE RESIDENTS OF COTTON PT. RD. AS WELL AS RESIDENTS OF SURROUNDING AREAS WILL ALL BE
AFFECTED.

Robert M Donahue

Joe Thouin

From: Cynthia Edwards <cindyedwards457@gmail.com>
Sent: Sunday, December 27, 2020 4:15 PM
To: Joe Thouin
Subject: Proposed addition of docks in Basin Bay

Dear Joe,

I was recently forwarded a copy of the plan that Mr. Finley has submitted regarding the construction of seven boat houses along Cotton Point Road. While I understand his desire to turn a profit and capitalize on the desire for dock space on the lake, I must appeal to his sense of common decency. I could fill pages with sentimental reasons why I would hate to see this project go forward as well as the negative effects of development on the lake, I know that won't matter to anyone else so I will stick to the facts.

1. Where would the boat owners (and their friends who are joining them on their boats) park their cars for the day? This road is narrow, used for recreational walking and bike riding, and could not safely accommodate 30+ cars.
2. What is the environmental impact of such a project? water quality impact? invasive species?
3. How will the current anchoring restrictions in front of this property be revised? Will this simply push boaters over in front of the camps that have been there for decades? That is not an acceptable option. Over the last several years, boaters have been coming in and anchoring in that area for the day. On some weekend days there can be over 50 boats anchoring in that area. It only takes one or two of them to blare their radios and ruin the day for everyone. There are many camps along the bay and the camp owners are quite considerate of each other. No one is out on their docks blaring radios and detracting from anyone else's enjoyment of their time at the lake. However, transient people - people just there for the day - do not have the same consideration. They are there to party and have a fun day and don't take the camp owners into consideration. Boaters are now even anchoring in front of the camps adjacent to the road which makes it difficult for camp owners to get into their own docks.
4. What consideration will be given to the current camp owners in the adjacent properties? Will there be restrictions in place regarding noise levels on the sun decks? bathroom facilities?

This entire proposal is very sad to me. While it is certainly his right to make money, he will be doing so at the expense of a quality of life in Basin Bay that will be negatively impacted irreversibly. There has to be a way to stop it.

Sincerely,
Cindy Edwards

Mrs. Anne Petri
133 Middlesex Road
Buffalo, New York 14216
December 29, 2020

Mr. Joe Thouin
Lake George Park Commission
75 Fort George Road
PO Box 749
Lake George, New York 12845

Dear Mr. Thouin,

As residents and property owners of 95 Cotton Point Road on Basin Bay, my husband, son and I and my sisters and their families are strongly opposed to the Docks, Wharfs and Moorings Major Project (# DWM20-000084) Parcel # 200.14-1-20, Bolton, Cotton Point Rd., proposed by Madison K. Finley.

As the Lake George Park Commission's "broad mission includes the responsibility to manage and regulate boating and other water-based recreation in order to provide reasonable public access to the lake without congestion, overcrowding and safety hazards and to preserve the natural resources of the lake especially its superior water quality.", the proposed Docks, Wharfs and Mooring Major Project is in direct conflict with the LGPC's stated mission, with regard to the following:

WITHOUT CONGESTION, OVERCROWDING & SAFETY HAZARDS: With Respect to Cotton Point Road - The project will cause substantial and detrimental congestion and overcrowding on Cotton Point Road with the overwhelming addition of potentially 47 estimated additional cars for boaters as well as the cars of their friends and families.

All this additional car traffic will create safety hazards for the local homeowners who often walk with their children in strollers or walk their pets. Many Cotton Point Road pedestrians are also older individuals with impaired mobility and hearing, as is my husband, and they will surely be endangered by the huge influx of cars full of persons coming off the lake intoxicated by sun and alcohol or those rushing to get to their boats

or their friends' boats. Cotton Point Road is narrow, barely wide enough for two cars, and is bound between a swamp and the Lake's edge; the proposal will most definitely create congestion, overcrowding and dangerous safety hazards on Cotton Point Road to pedestrians and cars.

WITHOUT CONGESTION, OVERCROWDING & SAFETY HAZARDS: With Respect to Basin Bay - The project will also cause substantial and detrimental congestion and overcrowding to that portion of Basin Bay and the rest of the Bay with the overwhelming addition of potentially 47 estimated additional boats.

Basin Bay is a quiet bay with its considerate, cottage-owning boaters. We obey the speed and noise regulations and watch carefully for swimmers, water-skiers and waterfowl.

Basin Bay is not congested, overcrowded or unsafe except on weekends when the boaters come in from elsewhere and anchor, raft and drink and guess where they do it? ...Right at the site of the proposed Docks, Wharfs and Moorings Major Project. These boaters are loud, raft and tear around, use the lake as their bathroom and leave trash in Basin Bay. The potential additional 47 boats will have the effect of substantially adding to the congestion, overcrowding and safety hazards already plaguing the Southern end of Basin Bay on the weekends, and most likely they will be at the Docks, Wharfs, and Moorings Major Project on weekdays as well. It is already difficult to safely run a boat in that Southern area of Basin Bay on weekends because of the extreme congestion and overcrowding of boaters and the proposed Docks, Wharfs and Moorings Major Project will only make the congestion, overcrowding and unsafe conditions much, much worse.

TO PRESERVE THE NATURAL RESOURCES OF THE LAKE ESPECIALLY ITS SUPERIOR WATER QUALITY: The proposed Docks, Wharfs and Moorings Major Project will cause irreversible damage to Basin Bay and Lake George's natural resources, especially its superior water quality by causing:

Water Pollution from Sewage, Solids and Liquids – The individuals and families associated with the Major Project's 28 docked boats and 19 moorings appear to have no bathroom facilities on land and although they are not permitted to release waste into the lake, it is a concern that they may disregard this regulation and pollute our Bay's drinking water. Waste pollution could be a problem even if on-land bathroom facilities were available and, again, this is the water we Cotton Point Road homeowners drink.

Water Pollution from Oil and Gas - We have such a gift in Basin Bay's beautiful water, but our Bay and Lake are fragile. The estimated additional potential 47 boats (and all those of their friends) from the Docks, Wharfs and Moorings Major Project would spill oil and gas into Basin Bay's water, which our family and other Cotton Point Road families drink, bath in and cook with.

Pollution from Litter in the Water & on Land – Increased trash floating in the water and laying on the floor of Basin Bay and on the shore, as a result of the influx of the individuals, families and friends affiliated with the estimated 47 boats, will result in the degrading of the water quality, the appearance and usability of Basin Bay.

Water Pollution from Invasive Aquatic Weeds – The substantially increased number of boats in Basin Bay due to the Docks, Wharfs and Moorings Major Project will contribute to the spread of milfoil, which is already beginning to take hold, as well as other invasive species.

Noise, Light and Visual Pollution - The site of the proposed Docks, Wharfs and Moorings Major Project has always been a drop-dead, take your breath away, visually beautiful setting. It is the only open stretch of land on Basin Bay with an incredibly glorious view of the Bay, the Lake and the mountains. As this narrow stretch of Cotton Point Road is bordered by the swamp and lake, it's quiet during the day and night and is

very dark at night, as is the rest of Cotton Point Road. The view and setting are a feast for the eyes and senses and but will be obstructed and gone forever if the Docks, Wharfs and Moorings Major Project is allowed to go through. The huge influx of people, boats and cars is unacceptable for this quiet Basin Bay community and would destroy the historically very unique nature of Cotton Point Road and Basin Bay.

Loss of Habitat and Natural Environment and Displacement of Wildlife – The Docks, Wharfs and Moorings Major Project will create the well-documented negative effects of noise and light on wildlife as well as habitat destruction for the waterfowl, waders and diving waterbirds that use Basin Bay's shoreline on Cotton Point Road and the nearly adjacent wetlands.

It would be truly unconscionable to lose the loons that have finally come back to Basin Bay, after being away for so long, as a negative impact of this Major Project and its many boats and people. We are all thrilled to see them in the day and hear them at night.

Basin Bay's Cotton Point Road also has wonderful herons that land on our docks to fish and even baby herons that walk our cottage's shoreline, both of which would be severely and negatively impacted by the increase in boat traffic and people at the wetlands and shoreline site of the proposed Docks, Wharfs and Moorings Major Project. This would be a terrible loss.

Our Cotton Point Road area of Basin Bay also has mergansers swimming with their chicks riding on their backs, mallards, wood ducks and more. We are blessed that all these beautiful birds swim down the bay from the shoreline of the wetland.

The wetland and the shore in front have been untouched for many generations and are a quiet, safe haven for birds and wildlife. The huge influx of boats, structures and people and the resulting noise, light, water and trash pollution, and on a permanent, annual basis yet!, is too much for our fragile Basin Bay and its Cotton Point Road area, community and wildlife.

My sisters and I are the fourth of five generations to live in our cottage, built by our Great Grandfather and Warren County Judge and Surrogate George Sloan Raley, at 95 Cotton Point Road in Basin Bay. My Great Uncle Chuck (Charles Raley) built his cottage several lots down to the right, where it still stands. It is the first cottage after the open area which is the proposed site of Docks, Wharfs and Moorings Major Project (Application # DWM20-000084)...I feel so sorry for them.

As an entity entrusted with managing and regulating boating and other water-based recreation in order to provide reasonable public access to the lake without congestion, overcrowding and safety hazards and to preserve the natural resources of the lake especially its superior water quality, we are asking you to please leave this property exactly as it is.

The seven covered E-shaped crib docks and resulting dramatic influx of boat and car traffic and their owners and friends will create congestion, overcrowding and safety hazards and will not preserve the natural resources of Basin Bay especially its superior water quality.

Thank you very much, Mr. Thouin, for your consideration on behalf of us all and future generations.

Sincerely yours,

Anne W. Petri and Family

Joe Thouin

From: Robert Michaud <bobmichaud@hotmail.com>
Sent: Thursday, December 31, 2020 2:29 PM
To: Joe Thouin
Cc: 'Jeffry Brozyna'
Subject: #DWM20-000084, 7 COVERED DOCKS (BOAT HOUSES), COTTON PT RD. BOLTON LANDING

I BECAME AWARE OF THIS PROJCT, AND NOTICE, THROUGH THE "GRAPEVINE", ONLY YESTERDAY.

AS A SUMMER RESIDENT, AND OWNER, OF 2 PROPERTIES IN THE AREA FOR THE LAST 25+ YEARS, WHO USES COTTON POINT RD. EVERY DAY, I OPPOSE OF THIS PROJECT BECAUSE OF THE ENORMOUS TRAFFIC, SAFETY, AND VEHICULAR PROBLEMS LIKELY TO BE CAUSED IN THE USE OF THE ROAD ITSELF, AS IT NOW EXISTS. HOW WOULD PARKING BE HANDLED, AS ONE EXAMPLE?

THERE HAS TO BE HUNDREDS OF OTHER PROPERTY OWNERS LIKE MYSELF, THAT WOULD BE NEGATIVELY IMPACTED. THIS STANDS TO BE A "CHOKE POINT" AND "BOTTLENECK" FOR ALL OF US OWNERS AND USERS NEAR TO AND EAST OF THIS PROJECT.

AS TO WHAT THIS PROJECT CONSISTS OF, PLEASE BE AWARE THAT PART OF THE "SITE PLAN" APPEARS TO BE MISSING FROM THE "NOTICE" ATTACHMENT. THE PLAN I DOWN-LOADED SHOWS ONLY 3 1/2 SUCH DOCKS, WHEREAS, THE APPLICATION MENTIONS 7. I REQUEST THAT THE "COMMENTS DUE DATE" BE EXTENDED 30 DAYS, MINIMUM TO ASSURE THAT ALL EFFECTED PARTIES HAVE RECIEVED ALL RELEVANT INFORMATION.

BOB MICHAUD

Joe Thouin

From: JULIAN OFFSAY <j.offsay@comcast.net>
Sent: Wednesday, December 30, 2020 9:47 PM
To: Joe Thouin
Subject: Fwd: Boat House construction at Cotton Point

----- Original Message -----

From: JULIAN OFFSAY <j.offsay@comcast.net>
To: "joe@lgpc.state.ny.us" <joe@lgpc.state.ny.us>
Date: 12/29/2020 8:54 PM
Subject: Boat House construction at Cotton Point

Dear Mr Thouin - As a homeowner at Rainbow Beach (northern shore of Basin Bay) I am writing to express my concern about the proposed construction of 7 boathouses on the southern shore of Basin Bay. It has been difficult to get much information about it, so I am not aware of who owns this property and why they have the right to build there. But it is my understanding that there will be no sanitary facilities or parking in the area for those using these boathouses. The road leading out to Cotton Point is narrow and it does not seem like a good idea to have up to 14 vehicles (or more) parked in that area. The foot traffic on the road will be greatly increased and would appear to create a serious safety issue.

In addition, that wetland area is home to a multitude of wildlife including otters, mink, osprey, fox, mallards and mergansers whose habitat will definitely be disturbed by this significant increase in boat traffic. In fact, that area is already a problem for wildlife due to the number of boats that moor and raft with other boats on that southern shore.

I urge the park commission to deny the application for this construction for due to significant safety and environmental concerns.
Thank you for your attention.

Janet Offsay 860 573-5373
121 Rainbow Beach Road
Diamond Point NY 12824
(summer address)

22512 N Robertson Drive
Sun City West, AZ 85375
(winter address)

December 24, 2020

Mr. Joe Thouin
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845

Re: Application #DWM20-000084 Finley- Cotton Point Road- OPPOSED

Dear Mr. Thouin,

I am a member of the Board of the Cotton Point Association. My husband and I have been seasonal residents on Cotton Point for three decades. Our home is on Basin Bay and overlooks the property proposed for development by the applicant. So we spend many hours each year observing the southern end of Basin Bay. I am also a member of the Board of the Lake George Association, through which I have become familiar with the challenge of managing the protection of the exceptional water quality of Lake George.

We request that you reject this application for new docks. As you already know from the LGPC 2015 Recreation Study, Basin Bay is a “bay of concern” in Lake George, and one that has become increasingly crowded over the last several decades, particularly in the southern end where this project is proposed.

In the Recreation Study report you note that ***“the purpose of the dock and mooring regulatory program is to minimize congestion, overcrowding, and safety hazards and to protect the resources of the lake, especially its exceptional water quality.”*** This proposed project introduces very substantial concerns across all of these factors:

1. **Congestion and Overcrowding:** Per the LGPC 2015 study, there has been a notable increase in the number of vessels observed daily in Basin Bay, from 34 in 2005 to 84 in 2015. This includes a maximum of 55 boats observed anchored at one time. Living across from the site, we can confirm this density has likely increased since 2015, and that much of that anchoring is currently directly in front of the applicant’s property. Below is a photograph from July 2020 showing roughly 70 boats in this location.
 - a. An application for a Class A Marina that added one new docked boat on a property near this project (5220-14-19 M1) was discussed at the May 28, 2019 LGPC meeting. Per the LGPC project synopsis for that application, ***“the addition of another vessel potentially underway in Basin Bay... would increase boat density to roughly 4.1 acres per vessel.”*** As noted in the synopsis, this is substantially higher than the optimal boating density of 6-13 acres per vessel.



1- Southern end of Basin Bay- July 2020

- b. As proposed, this project has the potential to introduce up to 28 new boats to the lake in this very congested area. From the 2015 data, 14 new approved docks introducing 60 new boats to the lake on average. This suggests this project is much larger than a typical request, representing nearly half of new boat traffic from new docks annually.
- c. While it is unclear how the addition of new boats would affect the behavior of those day-anchoring in the bay, our experience with the introduction of the buoys marking 200' from the shoreline line suggests it would not decrease them. As a large, sheltered bay with beautiful views of Dome Island and the Narrows, the south end of Basin Bay is and will remain an attractive anchoring spot. The introduction of the buoys resulted in boats anchoring further out, including in front of existing docks. From our observation, this also resulted in more traffic in and out of the bay. The deeper anchors lack access to the shallow water, and seem to be harder to hold, so people seem to anchor for less time, with more choosing to drift in the bay.

- 2. Water Quality:** As its name implies, Basin Bay is a shallow basin, with a sandy bottom. This feature, which makes it very attractive for recreation, also puts it at risk for environmental threats, including from Asian Clams and Milfoil:
- a. Asian Clams:** Basin Bay is regrettably an ideal environment for Asian Clams. They were first observed in the bay in 2013 in the shallow water just offshore the applicant's property. Two factors appear to have helped keep these sharp-shelled invaders from flourishing in the ideal shallow sandy shoreline there: a solid freeze at the shoreline and restrictions on motorized boats close to shore. Both of these factors would be affected by this project. The solid shoreline freeze currently makes it less likely for Asian Clams to survive and successfully reproduce. This would be compromised by ice eaters or other ways to keep ice from freezing around the proposed new docks. The current lack of motorized boat access near shore is a recent change and is the result of the DEC approving buoys to mark the 200' line from shore. It is our understanding that reducing the potential for the spread of Asian Clams in this area was one factor in the DEC's decision to approve these buoys. This protection from the spread of Asian Clams would be negated by boats going in and out of the applicant's proposed new docks. The 2014 ACORN study by the Darrin Freshwater Institute found that while propwash was less likely to be a vector for long distance spread of clams, it did move clams up to 4 meters from their resting place. The vectors the study found to be more important were from wave action movement, and from anchors pulled from areas with Asian Clams. In this particular location, with boats closely anchored in the shallows just past the 200' line, waves reflecting off the shore, and new propwash from boats going in and out from the sandy shore, it is highly possible these vectors could interact. This should at least be studied further before any docks are contemplated in the lake in areas like those in front of the applicant's property.
 - b. Milfoil:** Basin Bay has pervasive beds of milfoil, despite regular programs to clear them by the LPGC. The increased regular boat traffic from the proposed project increases the likelihood that fragments of milfoil are transported throughout the bay and also carried to other areas of the lake.

- 3. Safety:** At the existing density, current anchoring and boating patterns have already increased safety risks in Basin Bay. So, we are very concerned that the proposed addition of so much new traffic from new docks will substantially worsen this:
- a.** As the number of boats anchored and drifting offshore of the applicant's property has increased, so have the number of boats operating closer to shore to maneuver around them. The increase of traffic and large waves near the shore has already increased risks for swimmers, kayakers, paddleboarders and others operating near shore. It also increases risks when docking.
 - b.** The risks in Basin Bay also increase during summer storms. Boats at anchor cannot see approaching storms over the ridge to the west. As afternoon storms hit, we have observed boats scrambling to exit the bay at the same time as boats are entering the bay to get back home. Adding the significantly increased number of boats proposed by the applicant will likely increase this dangerous cross traffic.
 - c.** For more than 50 years Basin Bay has been known as one of the best bays for waterskiing in the Southern Basin, including one of the best bays to learn to waterski. The increased popularity of Basin Bay as an anchorage has pushed skiers further out. We have observed this to have increased risky interactions between boats pulling skiers, boats anchored in the bay, and boats going in and out of the bay. This risk would be increased further from the boats proposed in this project.
 - d.** Onshore safety on Cotton Point Road, the public road that passes through the applicant's property, is also a significant concern. This road is the only way in and out of homes to the south and east of the applicant's property. It is narrow and heavily trafficked. It is also heavily used by walkers coming from both east and west.

While we value the right of a property owner to have fair use of their property, in this case, the threats to the exceptional water quality of Lake George, and the safety and recreational experience for others who enjoy Basin Bay on and off the water make the applicant's requested proposal unreasonable. Thank you for your consideration of these points.

Mary & Gary Caravella
145 Cotton Point Road
Diamond Point, NY 12824

Joe Thouin

From: SUSAN DeHart <sdehart16@gmail.com>
Sent: Friday, January 1, 2021 4:17 PM
To: Joe Thouin
Subject: Boathouse Development at Cotton Point

I am writing to express my opposition to the boathouse development at Cotton Point.

1. This will be detrimental to the ecosystem in that area.

2. The wetlands in that area are home to MANY wildlife. In the winter, I live in the area of the Chesapeake Bay and NO DEVELOPMENT IS ALLOWED ANYWHERE NEAR THE WETLANDS!!

3. The pristine conditions of Basin Bay will be highly threatened and eventually lost.

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4. The joy of recreational activities are also threatened, kayaking

, sailing, swimming in the local areas and detract from the beauty of the lake that is enjoyed by both residents and tourists.

Please consider these important objections.

Sincerely,

Susan DeHart

Property owner at Rainbow Beach Association, Inc.

Basin Bay

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SOUTH BEACH ASSOCIATION OF LAKE GEORGE, NY, INC.

C/O Jeffry H. Brozyna, President

34 Konci Terrace

Lake George, NY 12845

Joseph Thouin, Environmental Analyst 1

January 1, 2021

Lake George Park Commission

75 Fort George Road

Lake George, NY 12845

Applicant: Madison K. Finley

Application # DWM20-000084

Lake George Park Commission ("LGPC")

Location: Parcel # 200.14-1-20 Bolton

Type: Docks, Wharfs and Moorings

Construct 7 covered E-shaped crib docks

COMMENTS OF SOUTH BEACH ASSOCIATION OF LAKE GEORGE, NY, INC. IN OPPOSITION TO THE REFERENCED APPLICATION

Dear Mr. Thouin,

South Beach Association of Lake George, NY, Inc. ("SBA") was formed in 1946 to promote camping, fishing, boating, swimming and other lawful forms of recreation for its shareholders/members, and for other lawful purposes. For decades SBA has owned 11.5 acres of land a short distance from Basin Bay. Our 31 members, their families and guests must utilize Cotton Point Road as their only source of automobile ingress and egress to State Route 9N. We also use Cotton Point Road as pedestrians for exercise and enjoyment. Our members frequently travel by water to nearby Basin Bay to enjoy boating opportunities. We are very concerned about this application as it harms our road traffic safety, boating safety and enjoyment and has a significant number of negative environmental, scenic and wildlife impacts. This letter constitutes the comments of the SBA Board of Directors and President in our official corporate capacity on behalf of SBA. Also, some of our members have and will share their concerns by commenting individually.

We have been monitoring Mr. Finley's 4 lot subdivision application for the past two years due to the sensitive nature of the wetlands and the potential negative impacts to the environment, wildlife, road traffic safety and boating congestion. As part of the earlier regulatory process, the wetlands were carefully delineated, proper wetland buffer setbacks were established, and a design developed to provide for emergency vehicles and safety on the subdivision's shared private driveway. A great deal of creative and conscientious work by Mr. Finley and the regulators went into minimizing negative impacts during the earlier subdivision approval process. We were hoping for the same with the dock application.

IN LIGHT OF THIS, WE ARE SHOCKED BY THIS APPLICATION FOR 7 BOATHOUSES WHICH WOULD MAXIMIZE RATHER THAN MINIMIZE NEGATIVE IMPACTS TO THE HIGHLY SENSITIVE WETLANDS AND ADJOINING QUIET RESIDENTIAL AREA! SBA HEREBY GOES ON RECORD AS OPPOSING THIS APPLICATION AND REQUESTS THAT IT BE COMPLETELY REJECTED!

I. 6 NYCRR 646-1.6(a) OF THE REGULATIONS PROVIDES (we are paraphrasing): IF IT IS PROBABLE AN APPLICATION WILL HAVE AN UNDUE IMPACT ON THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC, LEAD TO OVERCROWDING, OR CONGESTION OR CAUSE UNDUE VISUAL OR AUDIBLE IMPACT ON THE NEIGHBORHOOD, A PERMIT SHALL BE DENIED. SBA URGES THE LGPC TO COMPLETELY DENY THE APPLICATION UNDER 646-1.6(a) FOR THE FOLLOWING SPECIFIC REASONS:

1. THE CURRENT APPLICATION DOES NOT APPEAR TO FIT THE DEFINITION OF A RESIDENTIAL APPLICATION AND NEEDS TO BE JUDGED AS A MARINA. Three of the building lots would be allocated two boathouses accommodating up to 8 boats. What residential family needs 8 boats? This is clearly an invitation for the lot owners to rent out the second boathouse. The bathroom, parking, safety features, etc. required of marinas are not present in this application. This current application does not appear to fit the definition of a residential application.
2. ROAD SAFETY ON COTTON POINT ROAD IS GREATLY COMPROMISED BY THE APPLICATION. This Town road is the only ingress/egress for approximately 80 residences. (It is deceptively busy. Assuming only three auto trips in and out per residence per day in the May-October season, a car will pass the proposed boathouses 480 times a day.) The two-lane road is narrow, has no shoulders and is designated as a no parking zone. Despite this, the stretch of Cotton Point Road along Mr. Finley's land along Basin Bay has long created parking, traffic and emergency vehicle access concerns for neighbors. Mr. Finley's representatives agreed with the Planning Board that subdivision lot owners would walk to their docks and not travel by car (Bolton Planning Board Meeting of Dec 12, 2019 Minutes). However, the reality is that automobile, golfcart and 4-wheeler traffic will increase significantly. In addition, since 7 boathouses will attract many guests and party goers, where will they park? Will they park illegally on Cotton Point Road or will they jam the new private subdivision road causing safety issues there? Increased pedestrian and auto traffic are inevitable causing increased risk of accidents and difficulty for the wide emergency vehicles servicing the 80 residences in the neighborhood.
3. THE BOATHOUSES THEMSELVES POSE SAFETY ISSUES. There is no indication they will have bathrooms or electricity. Where will the human waste go? The dock cribs need electricity to bubble the ice away from the structures in the winter. How will electricity be provided? The subject application does not address these considerations. Therefore, SBA is concerned that providing electricity to the boathouses will disturb the wetlands and cause negative environmental impacts despite Mr. Finley's representative's pledge to the Planning Board not to disturb the wetlands in any way (Bolton Planning Board Meeting of Dec. 12, 2019 Minutes). With no electricity, people stepping off the ramps onto the road in the dark will be in danger at night. With lighting brought to the boathouses, light pollution will have a harmful impact on the wetland animals and nesting waterfowl at night.
4. THE WETLANDS AND ITS WILDLIFE WILL BE SIGNIFICANTLY HARMED. Running electrical power to the boathouses would disturb the wetlands. Increased auto traffic will increase carbon emissions. Increased pedestrian traffic will increase litter. Subdivision lot owners will be tempted to pierce the wetlands with unauthorized pedestrian paths as short cuts between their

houses and the boathouses. Swamp animals such as deer, muskrat, mink, beaver, turtles and nesting baby waterfowl such as ducks will be at greater risks passing across Cotton Point Road from the wetlands to the lake. IN ADDITION, IT IS OUR BELIEF THESE PROPOSED BOATHOUSE STRUCTURES ARE WITHIN 100 FEET OF NYS DESIGNATED WELANDS AND THEREFORE SUBJECT TO THE HIGHEST LEVEL OF REGULATORY REVIEW. The wetlands on Mr. Finley's subdivision appear on the on-line "DEC Environmental Resource Mapper" for wetlands as a Significant Natural Community (oligotrophic dimictic lake), Lakes and Ponds ecosystem.

5. THERE WILL BE SIGNIFICANT NEGATIVE IMPACTS ON A SCENIC LOCATION. Currently, the view looking East from Cotton Point Road towards Basin Bay is very scenic. The entire bay can be seen as well as vistas of the distant Eastern shore of the lake including Buck Mountain, Sleeping Beauty and Shelving Rock Mountain. Many pedestrians come to enjoy the view and some visitors are frequently seen painting vistas or taking photographs. These views will be destroyed by seven boathouses.
6. THE PARTY DECKS ON THE BOATHOUSES WILL PRODUCE PARTY ACTIVITY AND INCREASED NOISE THUS DISTURBING THE QUIET ENJOYMENT OF THE NEARBY RESIDENTIAL NEIGHBORHOOD. The adjoining residential neighborhood around Basin Bay begins only a short distance from the location of the proposed boathouses. Noise travels a great distance over water. The existing neighborhood is quiet. The houses in the Finley subdivision will have no other useable water frontage. Therefore, the proposed boathouses will be heavily used by owners, their guests and visitors. A significant risk of noise disturbance is likely from the seven new party decks.
7. THE BOATHOUSES WILL CAUSE SIGNIFICANT DAMAGE TO THE FRAGILE THREE-FOOT STRIP OF SHORELINE. The narrow shoreline is under constant threat of wave, water and ice erosion. The trees and other vegetation on it are frequently undermined thus weakening the shoreline further. Within the past decade or so, ice damage and erosion caused significant damage to the paved road surface of Cotton Point Road which required the Town of Bolton to undertake extensive repairs. Construction of the proposed boathouses and operation of the boathouses will disturb this fragile shoreline still further.
8. ADDING AS MANY AS 28 ADDITIONAL BOATS TO THE BASIN BAY BOAT POPULATION WILL CAUSE DRAMATIC ADDITIONAL CONGESTION, OVERCROWDING AND, THEREFORE, DETERIORATION IN BOATING SAFETY AND ENJOYMENT. Basin Bay is relatively sheltered from prevailing South and West winds. Therefore, it has a long history of multi-purpose recreational boating use including fishing, sightseeing, water skiing, personal watercraft and canoeing. Over the decades, many members of South Beach Association have enjoyed sightseeing and fishing out on Basin Bay. In recent years, the bay near Cotton Point Road has become an anchorage for the general public who stay most of the day in good weather. It is not uncommon for 50-70 boats to be observed there in good weather. These factors combined to steadily increase boat congestion in Basin Bay. The LGPC 2015 Lake George Recreation Survey Report maintains that the standard for safe and enjoyable boating is one boat per 6 acres of lake surface. Basin Bay is identified in the unabridged version of the report (Chapter 5, p. 9) as one of several locations on the lake where negative overcrowding and congestion trends are already in process. The Basin Bay boat count

went from 34 in the 2005 report to 84 in 2015 and boat congestion went from 1 boat per 5 acres in 2005 to 1 boat per 2 acres in 2015. It appears that each of the 7 proposed boat houses could accommodate 4 boats. Adding 28 additional boats to this deteriorating boating safety, overcrowding and congestion situation would accelerate a highly negative, well-documented trend.

9. ADDING AS MANY AS 28 ADDITIONAL BOATS TO BASIN BAY WOULD ADVERSELY IMPACT WATER QUALITY. Asian Clam populations have been present in parts of Basin Bay since 2013 according to the LGPC 2019 Asian Clam Lake Wide Survey. This is not surprising as they thrive in sandy, shallow, warm water conditions. Although the 2014 ACORN study by the Darrin Freshwater Institute found that wave action and water currents are the primary means of spread, boat prop wash can relocate Asian Clams up to 4 meters from their initial resting place. Therefore, additional boat traffic can lead to increased spread of this invasive species. In addition, Milfoil is present in Basin Bay. Increased boat traffic can easily increase the spread of harmful Milfoil around Basin Bay to other locations on the West side of the lake.

BASED ON THE MULTITUDE OF THESE NEGATIVE IMPACTS, THE "PROBABLE" STANDARD OF 646-1.6(a) HAS BEEN MET. THEREFORE, SBA RESPECTFULLY URGES THE COMPLETE DENIAL OF THIS APPLICATION.

II. EVEN IF THE LGPC DOES NOT COMPLETELY DENY THE APPLICATION UNDER 6 NYCRR 646-1.6 (a), SEVEN BOATHOUSES WITH MOORINGS ARE NOT JUSTIFIED. ONLY A TINY FRACTION OF THAT NUMBER SHOULD BE CONSIDERED ON THIS LOCATION FOR THE FOLLOWING REASONS:

1. 646-1.1(c) (7) (iii) AND (iv) SHOULD NOT BE INTERPRETED AS YIELDING A GUARANTEED MINIMUM NUMBER OF BOATHOUSES. THESE SUBSECTIONS LAY OUT MAXIMUM NUMBERS AND CLEARLY THE ALLOWED NUMBERS (if granted at all) MUST BE LOWER IN THIS CASE BASED ON THE PREVIOUSLY DISCUSSED NEGATIVE IMPACTS OF THE OVERALL APPLICATION. Under the formulas, the northern three lots are limited to no more than one E-shaped boathouse. Only the southern lot would potentially qualify for two based on lake frontage. This potentially totals an allowed number of 5 boathouses prior to consideration of negative impacts. However, once the many negative impacts of the application are considered, the allowed number of boathouses (if granted at all) must be significantly reduced.
2. 646-1.1(c) (7) (v) PROVIDES THE LGPC MAY, AS AN ALTERNATIVE, APPLY LAKE FRONTAGE CALCULATIONS BASED ON THE PROPERTY DIMENSIONS PRIOR TO THE SUBDIVISION APPROVAL. In this case, the calculation prior to consideration of negative impacts yields a potential allowed number of 6.7 boathouses. Apparently, this is the basis for Mr. Finley's application for 7 boathouses. HOWEVER, THE APPLICATION OF (7) (v) IS DISCRETIONARY ON THE PART OF THE LGPC AND COMPLETELY INAPPROPRIATE IN A SITUATION LIKE THIS WHICH HAS SO MANY NEGATIVE IMPACTS AS PREVIOUSLY DISCUSSED. Granting additional boathouses under (7) (v) would also increase the number of boathouses on the two middle lots to two each thus making those two lots non-compliant with (7) (iii) and (7) (iv). Also, there is no requirement that an extra boathouse be approved based on only a portion of an additional 150 feet of frontage. BASED ON THESE FACTORS AND MANY NEGATIVE IMPACTS, (7)(v) SHOULD NOT BE UTILIZED AT ALL DURING CONSIDERATION OF THIS APPLICATION.

3. MOORINGS ARE ADDRESSED IN THESE REGULATIONS BUT NO MOORINGS ARE REQUESTED IN THE APPLICATION. Considering the dimensions of the boathouses, potential boat sizes and the population of boats, it would be very difficult to bring a mooring into compliance with the 100-foot restriction and other requirements. FOR THESE REASONS, APPROVALS FOR MOORINGS SHOULD NOT BE CONSIDERED.

BASED ON ALL CONSIDERATIONS AND AVAILABLE DATA, WE RESPECTFULLY REQUEST THIS APPLICATION BE DENIED IN ITS ENTIRETY. WE REQUEST THE OPPORTUNITY TO COMMENT ON ANY AMENDMENTS TO THE APPLICATION. THANK YOU.

Respectfully,

Jeffry H. Brozyna /s/

President and Board Member

South Beach Association of Lake George, NY., Inc.

cc. David Wick, Executive Director LGPC

Joe Thouin

From: Maura Ogden <mogden1@nycap.rr.com>
Sent: Saturday, January 2, 2021 10:14 AM
To: Joe Thouin
Subject: Cotton Point Rd. Development

Happy New Year! Let's hope 2021 improves with each passing day. Looking ahead to nicer weather and spending time on Lake George, I have major concerns regarding the development proposed along Cotton Point Rd. My family has had a summer cottage on Cotton Point Rd. for 40 years. Cotton Point Rd is a residential community that is congested based on road access in the summer months.

The major construction project proposed which includes 3 boat houses and 4 sun decks with 28 boat slips is alarming. Cotton Point Rd. is narrow with blind turns. The roadway is congested in the summer months with pedestrians to the point that vehicles have to allow each other the right of way because the road is too narrow to accommodate 2 vehicles and a pedestrian. The proposed project would substantially increase foot traffic, vehicles, ATV, golf carts etc to allow a large population of people to utilize the proposed boathouses, docks, and sun decks. There is no space to accommodate parking of any type. The narrow road is bordered by wetlands and the lake. The proposed project does not include bathroom facilities. This major development compromises the ecological stability of Basin Bay, the wetlands and roadway safety.

In addition to the above concerns Basin Bay has experienced an increase in boat traffic over the last several years. Leading to disruption of the peace of residents. On some days there are hundreds of boats anchored/ rafting together too close to shore, playing loud music, many boats without bathroom facilities, garbage in the water & along the shoreline, pets coming on shore to be relieved without proper & sanitary clean up. Have we not learned devastating lessons from LOG BAY DAY??? The loss of life is not something easily forgotten. There have been complaints from Basin Bay residents of huge cruisers with underage drinking & young girls topless dancing on the boat decks.

The wetland and wildlife is a real concern. Our responsibility is to preserve the State's wildlife and natural surroundings. Basin Bay has been experiencing an increase in milfoil and black sediment at the shore line over the past several years. The proposed construction project will further compromise the declining condition of Basin Bay on beautiful LAKE GEORGE.

I respectfully request that the voices of the people are heard and are taken into careful consideration during the evaluation of the proposed project. Thank you for your time.

Sincerely,
Maura Ogden

Sent from my iPad

Joe Thouin

From: Bob Higley <rehig321@gmail.com>
Sent: Saturday, January 2, 2021 12:06 PM
To: Joe Thouin
Subject: Application feedback for DWM20-000084

Hi Joe,

This is Bob Higley and I own a cabin in the Grove which is not far from the proposed boathouses being built by Madison Finley. I was very surprised to see the extent of seven new crib boathouses right in the middle of where the lake and wetlands start. The road there is very fragile and it is zoned for no parking on each side. My fear is the damage and congestion it could cause to the road and wetlands. That road was already lifted up by the ice coming out in 2015 and still shows signs of damage from that.

It also seems that the boathouses will be linked to homes built outside the wetlands on top of the hill and accessed off the Bolton Rd. How will these owners get to their boathouse to use them? They cannot build a walkway through the wetlands. They will have to take their car and try to park somewhere near there. Parking is already stressed in the summer months on that road where parking is allowed. It will add much congestion and most likely unsafe usage of the road as many residents use it to access their homes.

Also, will they be able to rent dock space since the proposed docks are much larger than for just one boat? It looks like they could rent 3 spaces per boathouse. That would add 21 more cars, trying to access their boat docked there. Not to mention the other 7 residents that own the boat house making a total of 28 cars. This would truly disturb the peacefulness of the road and even trying to drive through it.

I know people I have talked to on Cotton Point Road all object to this proposal. Please consider the impact the seven boathouses will have on already a very busy bay also.

Thank you for taking time to read this and hope the Lake George Park Commission is really there to keep Lake George from overdevelopment with possibilities of hurting fragile wetlands.

Bob Higley
The Grove #5
Cotton Point Rd.
Bolton Landing, NY
cell 518 307-1099

Joe Thouin

From: Craig Rivers <bmwride2012@yahoo.com>
Sent: Sunday, January 3, 2021 3:19 PM
To: Joe Thouin
Subject: Re: Commercial Boat Houses

Craig A. Rivers
251 Town Hill Road
Poultney Vermont

Dear Sir,

I have been a resident of Cotton Point for 6 decades.

I am concerned about public safety regarding the commercial boat houses proposed for the entire length of the water front on Cotton Point Rd.

From the road leading into the new subdivision off of Lake Shore Drive to where the last boat house would be built on Cotton Point Road is 0.5 miles.

The people renting or using that dock space will have to drive their cars, golf carts or ATV's down to the boat houses to load and unload boating equipment at the boat houses. They would have to drive on Lake Shore Drive illegally with golf carts or ATVs There is absolutely no place on the road to park or even pull over to unload.

I imagine people will try to park on my property or Hemlock property rather than drive 1/2 a mile back to the subdivision.

I already have a problem with people parking on my property, using our restrooms, and using our garbage cans to dispose of their trash. I can only imagine with several dozen people using the boat houses with no sanitation facilities that the wetlands will become their toilet facility.

If two cars are passing one another and there is a pedestrian, one vehicle must yield and allow the other car to pass before passing the pedestrian.

This safety hazard will be multiplied by the dozens of people renting one of the 28 boat slips and exiting the boat house right onto a public road.

If emergency vehicles have to go down that road on a busy weekend to the almost 90 houses on Cotton Point, South Beach, or Hemlock Point they would be hindered by vehicles stopped along the road or by pedestrians exiting the 7 boat houses right onto a public road with no sidewalks.

I would hope that the LGPC would reject this proposal because of the safety issues aforementioned as well as the over utilization of Basin Bay boat traffic which your organization has been concerned about for a number of years

Thank you for you attention to this matter

Craig A. Rivers
Managing Partner/ Owner
Grove on Lake George LLC

January 3, 2021

Joe Thouin
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845
Via email joe@lgpc.state.ny.us

Re: Application #DWM20-000084 for
a proposed construction project of
seven new docks on the Cotton
Point Road

Dear Members of the Lake George Park Commission:

We live in the middle of Basin Bay (as we have for more than six decades), and we have learned of a proposal pending before the Park Commission for approval of seven new crib docks and boathouses to line the Cotton Point Road in a narrow strip that currently has neither houses nor docks. We write because we do not believe that the proposal, as currently described, merits approval.

As we understand the governing rules for the Lake George Park Commission, the evaluation of new docks requires consideration of congestion, crowding, safety hazards, and the quality of lake water. The proposal for the docks, were it permitted, would bring substantial new congestion, create new hazards during construction and undercut the safety on and the quality of the water. Below, we explain each of these points.

As you know, Basin Bay is primarily residential, and the density of houses and docks has increased over the decades. The proposed project would substantially increase the number of docks and slips in Basin Bay. One estimate we have heard is that more than sixty boats could dock in the spaces sketched in the proposal.

As of now, those docks would be free-standing, in the sense that no homes have been constructed, nor as we understand it, have the lots been sold to homeowners. That fact raises the concern that, were the proposal to be approved but no residences built - or not built for some years - the owner of the docks would seek to rent them, and potentially (with or without permits) create a de facto commercial marina (or, indeed, marinas). Moreover, given the lots are full of wetlands, whether each could gain the requisite permits for building is a question that should be answered long before dock permits are issued.

The worrisome prospects of docks without houses and many new docks and boats are coupled with other serious concern about the problems entailed with such a large construction project on Cotton Point road. That narrow strip is the only means of access to Cotton Point, South Beach, Hemlock Point and the Grove properties. This road is used by all those families and by pedestrians, regularly running on it or walking dogs.

Emergency vehicles as well as householders rely on this road. On one side of the narrow road are wetlands, and on the other are the few feet of drop-off to the lake, which is shallow in many parts of that stretch. We have not seen proposals that lay out how ready and safe access would (or could) be maintained, as the road would have to be used by the trucks needed for construction, the dumpsters for debris, and the people on the work crews.

In addition, the many proposed docks would add too many boats to a bay that is already crowded. During the last several years, the bay has been a haven for kayakers and people on paddle-boards, and this area, in particular, is used by swimmers and water-skiers. Dozens of additional boats going in and out of the proposed sweep of docks would not only undercut those uses but also put people at risk of injuries due to the resulting congestion.

Traffic is already a problem in Basin Bay, and that problem has been exacerbated with the expansion of Blue Water Manor; people now drive by boat to its restaurant. As the Park Commission also knows, next door to Blue Water Manor is Cool Ledge, which has operated an unlawful marina and, as reported to the Commission in the summer of 2020, continued to rent docks to customers of Blue Water Manor.

We can report that since the uptick in boat traffic, our shorefront has had a significant increase in waves, and on weekends, the swell runs from morning until evening. Simply put, the major infusion of boats by seven new docks/boathouses would be detrimental to the safety of the many people already using the Bay.

We are also concerned about water quality. The narrowness of the lakeside on the Cotton Point Road means that runoff from construction would be one problem. It is unclear how wastewater, sediment, and run off and erosion would be controlled, either during the construction of docks or of homes.

Another problem is what happens to water quality, were the docks to be in place. Last September, we saw two crews (from either the Jefferson Project or another lake-preservation group) diving in the Bay to try to remove milfoil that has now taken root. In addition, Basin Bay has recently become a site for Asian Clams. We are told that one way to reduce the threat of both invasive species is for winter freezes to be solid enough to interfere with survival. But the dock construction and resulting bubblers to push ice away would undercut that possibility.

We believe that, because of all these factors, this major dock project should not be approved. We also request that unless and until each of the subdivisions has been granted specific permits for residential construction, and that building of homes has begun, no docks for that parcel should be approved.

Thank you for considering this submission. We request that, were the Commission is consider approval of any of the seven docks, it would convene a public hearing so that more information can be provided and responses made to questions that any of the submissions raise.

Respectfully submitted,

Judith Resnik, Denny Curtis, and Jonathan Curtis-
Resnik (Rena Road, Basin Bay, Bolton Landing New
York)

Joe Thouin

From: william farstad <46wehike@gmail.com>
Sent: Monday, January 4, 2021 6:20 AM
To: Joe Thouin
Subject: Madison Finley application

Hello,

I would like to comment on Madison Finley application.

Application# DWM20-000084

Location: Parcel# 200.14-1-20 Bolton

Type: Docks, Wharfs, Moorings

7 Covered E-shaped crib docks.

This application seems very excessive for a 4 lot subdivision. Why do 4 homes need room for over 20 boats? It seems this application should be commercial not residential. Is the plan to have a residential Marina along Cotton Point road?

I for one am very concerned about the increase in vehicle traffic, pedestrian traffic, bicycle traffic and parking. People will be entering and exiting these new docks right from the road. Basin Bay has become a very popular spot for boaters anchoring in the bay.

When considering this application

Please keep in mind the safety of everyone involved.

Thank you for your time.

Bill Farstad

South Beach association)

Joe Thouin

From: Erin Avery <erin.avery@oracle.com>
Sent: Monday, January 4, 2021 9:36 AM
To: Joe Thouin
Cc: bmwride2012@yahoo.com; mogden1@nycap.rr.com
Subject: Please Confirm this Email

To the Lake George Park Commission and other concerned community members;
Lake George known as, 'Queen of American Lakes', it is undoubtedly the most beautiful lake I have ever seen and enjoyed time on for the past 54 yrs. of my life. Our family has been resident on Cotton Point Rd. for 40+ yrs. The draw was always the simpler way of life and quiet time spent with generations of family and friends.

The proposal that reflects boathouse structures to include sundecks and space for a total of 28 boats is concerning on multiple levels;

The number of structures and boat slip availability is more a commercial endeavor as opposed to a residential one. Cotton Point Rd. is 70% residential.

The road is extremely narrow and has suffered through years of shoreline erosion that the town has had to continually address by building up the shoreline to secure. Changing the conditions to accommodate these structures could pose a significant risk to the road, shoreline, wetlands and wildlife. Car and pedestrian traffic is extremely tight already, there is nowhere for 28 new proposed families to safely access this area without complete disruption to the road congestion and shoreline views. Additional lake front boat slips will only encourage more visitors coming to the bay by boat to anchor which will only exacerbate an already challenging community problem. This is documented in the 2015 Lake George Study, the study points to a ratio of acreage to boats/ boat density. This was already not in balance as of 2015. The population, visitors, boats launching for day use, boat rentals and seasonal docking have all increased since 2015.

Basin Bay has experienced an increase in boat traffic over the last 6+ yrs. This has led to complaints from the residents to local authorities; anchoring too close to shore, concerns of excess partying, loud music, garbage in the water, boats that stay all day and have no bathroom and pump out tank, pets coming on shore to be relieved.

The wetland and wildlife is a real concern. Our responsibility is to preserve the State's wildlife and natural surroundings. This proposal is sad as it threatens to forever change the face of Basin Bay. The lake has already changed over the years as we've all watched the tiny cabins in the woods disappear from season to season being replaced with overwhelmingly large, extravagant homes.

Basin Bay has been experiencing an increase in milfoil, black sediment at the shore line in the past 7 yrs. Increasing the population both onshore and in the water will not improve this declining condition.

I appreciate your time and ask that anyone who reads this consider all the facts being presented by many concerned residents and make a difference by honoring the Lake for all its beauty as a natural resource that is not renewable.

Respectfully submitted,

Erin Avery

Erin Avery

Customer Success HCM - SME

Mobile: +1.518.860.6926

Customer Success and Renewals

Oracle | Greater NY Area | NY | 12866

January 4, 2021

Joe Thouin
Lake George Park Commission
75 Fort George Road
Lake George, NY 12845
Via email joe@lgpc.state.ny.us

Re: Application #DWM20-000084 for a proposed
construction project of seven new docks on the
Cotton Point Road

Dear Members of the Lake George Park Commission:

We are writing as the owners of property on Basin Bay (under the name Middlebrook Cooperative Corporation). Our family has owned our property on Basin Bay for roughly 75 years.

We are writing to object to the plan submitted by Madison Finley to build 7 boathouses on the southern end of the bay. We understand that Mr. Finley has sub-divided his property and created four new lots, but, as of now he has not made any proposals for building on those lots, nor does he have any of the necessary permits to do so. Given that most, if not all of the land on these lots is designated wetlands, the permitting process, if there ever is one, will be long and complicated. In addition, he has stated that there will be no direct access to the boathouses from the buildings because of the wetlands in between.

Therefore, we conclude that the boathouses, as his developer has stated, will be rented until the houses are built, if ever. Renting the boathouses will constitute the creation of a marina, for which there are, of course, other permits required. As you know, we have argued for years against the creation of an additional marina in Basin Bay, at the Cool Ledge location, and we will object just as vigorously to the creation of any additional marina in Basin Bay.

The bay endures heavy boat traffic, particularly in recent years, with the growth of the Blue Water Manor bar and restaurant, accessible by boat, with the illegal marina operated at Cool Ledge (many of whose docks are now rented to Blue Water Manor), and with the publishing in Lake George guide books of the southern part of the bay as a place for anchoring and rafting. It is growing less safe to kayak or water-ski in the bay every year, and our shoreline is battered by non-stop heavy waves from 8AM to 6PM. The addition of up to 28 new boats docked on the bay, as Mr. Finley's plan would allow, will be a huge addition to an already over-populated and unsafe situation.

We urge you to reject Mr. Finley's request to build the boathouses. If he intends to use the boathouses as a commercial marina, he should try to get the appropriate permits first. And if

he intends that the boathouses should be for the buyers of the lots, he should get building permits for the lots first.

Sincerely,

Alan Fein

Michael Fein

Karen Fein

Elliot Breslau

Lynne Breslau

Lee Breslau

Sarah Breslau Barnett

Joel and Bernice Breslau

12/29/2020

Christine Bevilacqua
54 Ponderosa Rd.
Carmel NY 10512

The Lake George Park Commission
PO Box 749, 75 Fort George Road
Lake George, NY 12845



Dear Mr. Joe Thouin:

It has come to my attention that an application has been filed with the Lake George Park Commission for the construction of 28 boat slips at the south end of Basin Bay. I own a cabin right near the proposed site and I'm alarmed at what that might do to Basin Bay, and Lake George as a whole. In 2015, the Lake George Recreation Study sponsored by the Lake George Park Commission noted the increased congestion in the area, which was already exceeding the recommended capacity of 6 acres per boat. More than five years ago the boat density was down to 2 acres of boatable area, and it has become increasingly more congested since then.

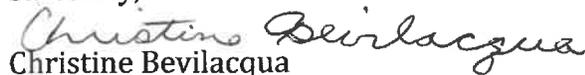
Basin Bay, as noted by your own study, is a prime area for swimming due to the sandy bottom and lack of aquatic plants growing in the area. Since the study was done, the boat traffic has increased dramatically. I have been swimming, kayaking and paddle boarding in the bay for a number of years. There has been a noticeable difference in the clarity of the water over the last several years, as well as boaters who are not aware of swimmers and non-motorized watercraft. The addition of 28 boat slips in the area would make it very dangerous for all types of water activities. It is a recipe for disaster and should be avoided. It would not only make it more dangerous for anyone swimming in the water, but has the potential for serious boat accidents as well.

In addition to the dangers presented on the water, there is no street parking near the proposed site and Cotton Point Road is not wide enough to accommodate the additional cars the boat slips would bring. It would also create serious traffic hazards, as numerous people walk and jog on the road along the lake. There are also no public bathrooms in the area.

The area on the other side of the road is wetlands, and was also noted in the study as playing an important role connecting Basin Bay to Boon Bay. It would not be feasible to use that area for parking or rest rooms for the proposed boat slips.

It would due irreparable damage to one of the most scenic parts of Lake George to allow a commercial dock of this size in the area.

Sincerely,


Christine Bevilacqua

Brett Peter Linn, Esq.
54 Ponderosa Road
Carmel, New York 10512



Joe Thouin
Lake George Park Commission
75 Fort George Road
P.O. Box 749
Lake George, NY 12845

December 29, 2020

Re: Application #DWM20-000084
Finley, Madison K
Parcel 200.14-1-20 Bolton

Dear Mr. Thouin:

I am the co-owner, with my wife Christine Bevilacqua, of a cabin located in The Grove on Lake George, Cotton Point Road, Bolton, NY (Cabin #20) (“the Grove”). I draft this letter, in my personal capacity, to oppose the application of Madison K. Finley seeking permission to construct seven covered E-shaped crib docks/boathouses on the south shore of Basin Bay adjacent to Cotton Point Road premises parcel #200.14-1-20.

It would appear from the plans submitted by Mr. Finley that he plans to construct a series of seven (7) covered crib docks/boathouses adjoining four (4) proposed subdivided parcels. Each configuration would occupy approximately 680 square feet of waterfront; each measuring approximately 40 feet long and 36 feet wide. Given the scale of this initiative, including some 28 boat slips, it is obviously commercial in nature.

As the Commission noted in its 2015 Lake George Recreation Study:

Basin Bay is primarily residential. The south corner of the bay contains an important wetland complex that connects Basin Bay with Boon Bay to the south. The natural lake bottom is sandy and largely free of aquatic plants making it conducive for swimming.

(5-9). Even back in 2015, the Commission expressed concern that:

This area is attracting an increasing number of boats that are anchoring and rafting together. The lake assessment survey indicated a marked increase in boat traffic from 2005 to 2015, which in 2005 exceeded the 6 acres per boat capacity. **Increasing numbers suggest the congestion is increasing,** since in 2005 the maximum total was 34 boats, and in 2015, there were 84 total boats, with 43 occupying usable lake area.

(5-9 [emphasis supplied]).

From personal experience during summers spent at the Grove, it is clear that these 2015 observations are as accurate now as they were then, and even more so. First, the area is primarily residential in nature. The Grove and surrounding communities are family-oriented environments generally suitable for children and personal recreational uses such as swimming, kayaking and other aquatic activities. The longstanding private community residents have, so far, enjoyed a relatively safe and peaceful atmosphere with family and friends.

However, during recent years increasing numbers of outside recreational boats have been anchoring and rafting together in close proximity to the bay's south shore. Certain boats often stay overnight – sometimes days at a time. There have been times when congestion is so dense as to make it unsafe for swimming and other enjoyable use of Grove property. Occupants of the anchored boats have played loud music; tied floats and other paraphernalia to their vessels; attracted visitors on personal watercraft; and, at times, rudely interacted with residents on shore.

Additionally, Cotton Point Road is a narrow roadway containing few areas that are safe for vehicle parking. Notwithstanding this, as Basin Bay becomes more popular there are many times during summer months when numerous outside vehicles not only traverse back and forth, jeopardizing pedestrian safety, but park and further obstruct safe passageway. This area simply cannot safely tolerate additional outside vehicle traffic, boat and pedestrian congestion

The construction or modification of docks and similar constructs are subject to regulation and approval by the Commission (*Matter of Tedeschi v. Lake George Park Commission*, 50 N.Y.S.3d 28 [Table] [2016]). In discharging this duty:

Prior to granting any permit relative to a dock, wharf, mooring or marina, the commission shall ascertain the probable effect of the proposed facility and the operation thereof on the health, safety and welfare of the public and on resources of the park. The commission shall also ascertain the impact of the proposed facility upon the congestion of Lake George and the probable visual, cultural and audible effects of the proposed facility on the neighborhood in which the facility is proposed and on the park. Where the commission determines that the facility will have an undue impact upon the health, safety, or welfare of the public or the resources of the park, lead to overcrowding or congestion, or cause undue visual, cultural or audible impacts on the neighborhood or the park, a permit shall be denied.

(6 NYCRR 646-1.6). Respectfully, these guidelines require a denial of the pending application.

As detailed above, the Commission was concerned about increasing boat congestion in Basin Bay as far back as 2015. This congestion has only worsened since then, and it has already jeopardized the health, safety, welfare and peaceful enjoyment of lawful residential occupants. The additional boat and ancillary traffic caused by the construction of a commercial 28-slip facility would be devastating.

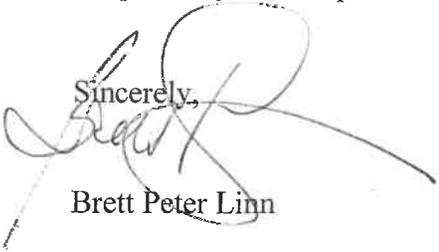
Under 6 NYCRR 646-1.1(c)(3), “[n]o dock, wharf or mooring shall be constructed or placed so as to interfere with normal navigation or reasonable access to adjacent docks, wharfs, moorings or lands”. The multitude of slips sought by the applicant, cumulatively occluding some 4,760 square feet of water (680 sq ft x 7), would undoubtedly interfere with safe and normal navigation

not only by residential occupants with private docks but by the increasing number of outside users who come to anchor their boats.¹

It is lastly reiterated that the south shore of basin bay is an environmentally sensitive wetland complex that will be negatively impacted by the encroaching docks, spiraling traffic, congestion and commercial use. I do not purport to have any expertise in such matters, but nevertheless submit that this proposed project must be subjected to intense environmental scrutiny.

Respectfully, it is requested that the pending application be, in all respects, denied.

Sincerely,



Brett Peter Linn

¹ I have not reviewed all applicable regulations, but respectfully refer to 6 NYCRR 646-1.1 & 1.6, and 9 NYCRR 570.3 (definitions), among others.

Mary Jane Adams
17 Waverly Place
Queensbury, NY 12804



December 28, 2020

Joe Thouin
Environmental Analyst
Lake George Park Commission
75 Fort George Road
PO Box 749
Lake George, NY 12845

Mr. Thouin,

I am the owner of 49 Hemlock Point Road, a property located off of Cotton Point Road. I am writing to express my concerns regarding the application of Mr. Finley to build docks along Cotton Point Road.

In the summer the road is already very busy, as it is the single access and egress for over 75 homes. Adding to the congestion is the recently increased boat traffic in Basin Bay. Boaters come out of the water and sit along the side of the road and sometimes spill out into the road as one drives by, creating a dangerous situation.

Additionally, the road does not have a shoulder on either side. With wetlands to the immediate south and the lake shore immediately to the north (crowded with trees and shrubs), there is little margin for driver error.

The number of vehicles, bicycles, and swimmers that are already sharing this road have caused it to reach maximum capacity; any additional structures built that have the potential to increase the traffic will prove to be a certain danger for all parties involved. It is difficult to picture how docks will be integrated into the current landscape without escalating an already precarious situation.

I am imploring you to take these important factors into consideration with regard to Mr. Finley's application.

Please let me know if you have any questions.

Sincerely,

Mary Jane Adams

TO: Joe Thouin, Lake George Park Commission
Joe@lgpc.state.ny.us

FROM: Christopher Warner
103 Cotton Point Rd

DATE: December 30, 2020

RE: Madison Finley, Seven Covered Crib Dock Application # DWM20-000084



On behalf of myself, and my two sons, the owners of 103 Cotton Point Rd, Bolton Landing, NY, I am writing to express our opposition to the above-noted application. Besides altering one of the few remaining unobstructed views in the southern Lake George basin, our concerns with the application include:

Lack of Parking

The application does not address parking areas or even pull-off spots to unload people and gear, for boating activities and use of the sundeck. Cotton Point Road is a narrow road, with most of the surrounding area of the proposed docks being protected wetlands on the south-side, or located right along the water with no shoulder, or room to park on the north-side. With no room for parking or pull off areas, additional auto, golf cart, bicycle and/or wagon traffic, on the already-narrow Cotton Point Road, is inevitable, making for very hazardous conditions.

Lack of Restroom Facilities & Trash Disposal

The application indicates dock space for 14 to 28 boats, as well as sundecks. What facilities are being planned for potential owners/renters, and to protect surrounding areas, i.e.- restroom facilities, trash disposal, etc.? The location of the proposed docks are located in a sensitive environmental area of protected wetlands, etc, not including the lake itself, that do not appear conducive for added restroom facilities, due to the location, for this proposed development. Another case scenario includes dock-slip rental, where the Lake George Park Commission has requirements for Class A and Class B Marinas (646-1). Requirements such as parking, adequate garbage disposal facilities, and restrooms (including toilets) are outlined.

Lack of Electricity

What is the proposal for addition of electricity to these crib docks, (for a bubbler system, night use, rest rooms, owner/renters use), and where would the original power source be originating from? Would it most likely mean passing through existing protected wetlands, and possibly destroying some of the local vegetation, and causing wildlife to have to relocate.

Traffic Flow and Safety

As potential renters/owners pursue water activities, as this is a very shallow, sandy area of the lake, and would highly likely include them-- swimming, water-skiing, etc. right in the vicinity,

and surrounding the location of the docks, where will these people enter and exit the lake? The 2-lane road presently has no shoulder at all, and little clearance for current traffic flow. Boats entering and exiting these covered crib docks present an added safety issue to Basin Bay, as this area is also an extremely popular location for day-boaters to moor, swim, waterski and wakeboard.

Environmental Impact

We also feel the environmental impact to the lake of the proposed docks is detrimental to the environment of the lake, and the surrounding vegetation, due to the increase in people, and boat traffic.

As noted on the LGPC website, "Cribs that are constructed right up along the shore tend to collect debris and vegetation along the shoreline." Given the concerns about Lake George water quality and environmental impact, this application seems contrary to these serious issues. In addition, it has been determined that crib dock ice eaters are not good for the lake and its shoreline when keeping large areas of water open, allowing ice to move with momentum.

Reference

Lake George News, Winter 2008, "For many, dock damage is a big, expensive headache," p.2
<https://www.yumpu.com/en/document/read/24768202/winter-lake-george-association>

In Closing

It is our position that the review process of this application/proposal should NOT be a case where the developer applies for seven boathouses, with the outcome of a compromise, reducing the numbers to two or three boathouses. The location of this proposal for seven crib docks, is a very sensitive environmental area that would be altered forever, be it approval of one crib dock, or seven crib docks, would forever alter the essential character of the area. Thank you for your time, consideration of options, and review in regard to this proposal.

Contact Information

We would appreciate your sharing all dated materials, and proposed meeting-times with all those involved, giving us sufficient notice to participate.

The Birches - Warner Camp

103 Cotton Point Road, Diamond Point, NY 12824

Christopher P. Warner

518-441-0366

cw@alexanderpoole.com

Physical Address:

The Birches - Warner Camp
103 Cotton Point Road
Diamond Point, NY 12824

Mailing address:

Chris Warner
6 Morgan Terrace
Castleton, NY 12033

JENNIFER J AND EDMUND M SCHEIBER JR

HEMLOCK POINT ASSOCIATION

51 HEMLOCK POINT ROAD

BOLTON LANDING, NY 12814

518-668-5566

December 28, 2020

Mr. Thouin,

We are writing to state our firm opposition regarding the "Madison Finley, Seven Covered Crib Dock Application, #DWM20-000084. **We are steadfastly opposed** to this project for several reasons; specifically:

1. It is well known that Cotton Point road along the shoreline of Basin Bay is narrow and not conducive to traffic. The town of Bolton has placed no parking signs along the bay to preclude any parking which would disrupt the flow of traffic for all; to include the entry/exit of fire and rescue vehicles entering and leaving the greater Cotton Point area.
2. Should this area become congested with vehicles, golf carts, bicycles, pedestrians using the area, and other such obstacles, the opportunity for an accident is extremely heightened. With the lack of any shoulder, people currently walking must walk on the road which is already a hazard. Adding more people entering and exiting docks would pose an increasingly more hazardous situation. It is not uncommon for those anchored in the bay to come ashore and "come out of nowhere" into motorized traffic; a very dangerous situation. I have personally experienced such "close calls."
3. The number and configuration of docks suggests that many more boats, other than those of the land owners, could be accommodated. This suggests that the rental of dock space becomes a possibility. Where do renters park their cars?
4. The wetlands are an extremely important element to the health of the lake. How would these lands be impacted by the sale of homes on the Finley property should there be an attempt to gain access through them to Basin Bay? Since wetlands cannot be filled in, this would certainly impact the direct access of homeowners.
5. Access to subject crib docks at this time is certainly restricted due to the wetlands and stopping/parking along the shoreline. Any access should be given very serious consideration as to its threat to public safety

6. The proposed application, in our estimation, is “extreme overkill.” Finley is proposing two docks each for three of the properties and one additional per the four lots he has for sale. Approval of such an application would definitely (negatively) alter the landscape of the area, and cause congestion and hazard to the area as well. I believe that the Town of Bolton supervisor and town board would be opposed to any project that would negatively impact the shoreline area, the wetlands and the safety to the residents of the entire area.
7. We would also be opposed to the approval of less than the number of docks requested. By approving any docks, a precedent would be set for future requests for more structures.
8. Crib docks seem to be a design of the past due to their susceptibility to damage from ice in the spring. Dock builders, such as The Dock Doctors, are installing pilings rather than cribs in today’s construction to reduce the impacts from the movement of ice. Even so, many owners are using bubbler and ice eater systems which require electricity. What would be the source for that electricity?
9. Would the construction be accomplished completely from on the lake or would there be construction vehicles/workers who need to have access from the road? Again, another opportunity for congestion and hazardous conditions!
10. We believe any approval would indirectly have a potential for wetland impact. Approval might well present a request for shoreline access through the wetlands. This certainly would cause significant disturbance and approval would be required. This would have the potential for serious degradation and should not be allowed by whoever has the approval authority.

We recognize that this application places significant pressure on the LG Park Commission and its review process. It’s not clear if there will be a public hearing as well as the submission of impact statements by all area residents. This time of year is not conducive to a public meeting since many of the residences are seasonal and not available to attend.

We trust you will consider all the negative impacts to the area should this application be considered for approval. We request the application be denied.

E. M. Scheiler, Sr.

Joe Thouin

From: Tyler Moseman <moseman97@gmail.com>
Sent: Tuesday, December 22, 2020 10:06 PM
To: Joe Thouin
Subject: Stop the Boat Houses

Hello Joe,

I am sending this note to show my disdain for the proposed boathouses in Basin Bay. The bay is already congested due to Blue Water Manor, this would further destroy what is left of the natural beauty and isolate the wetland. It further encourages and sets a horrible precedence around the entire lake that anywhere these are shore lines, you can put a dock.

Please let me know anything else I need to do to formally show opposition to this project.

Best,

Tyler Moseman

Joe Thouin

From: Tony G <tga0679@gmail.com>
Sent: Tuesday, December 22, 2020 10:01 PM
To: Joe Thouin
Subject: Concerns with Proposed Cotton Pt Rd Boathouse Construction

Joe,

I am a local resident of Diamond Point and would like to voice my concern with the construction of boathouses along Cotton Point Rd. As you are likely aware, this is along wetlands that are crucial to native species of the area who already have seen their habitat decay over the years from construction along the road. This construction would destroy their safe passage between the lake, where many of them find food, and their home habitat. Additionally, I've been on this road many times- there is no area between the lake the the road. I can basically touch the lake from the road. This is a major safety issue with increased pedestrian traffic along a narrow and curved road with absolutely nowhere to go in the event of a dangerous situation. There is always a fine line between homeowner rights and environmental concerns and safety, a line people walk tightly, but this isn't even close. This is a disgrace to the Adirondack region and what is left of the natural areas for native species to subside after decades of development.

Joe Thouin

From: W. Michael Reickert <wmr@ifollc.com>
Sent: Tuesday, December 22, 2020 9:40 AM
To: Joe Thouin
Subject: Application DWM20-000084, Major Project

Mr. Thouin:

I am the owner of a property located off of Cotton Point Road (55 Hemlock Point Road) and I received in the mail this weekend the Notice of Availability of Review for the above application. Our family has been traveling on Cotton Point Road for the past 17 years. During that time, the stretch of road where the crib docks and boathouses are proposed has become, in my view, increasingly dangerous. In the past 10 years, Basin Bay has become very popular not only for boats to anchor and tie off to each other but for people to access the water on foot. Even prior to Basin Bay becoming popular, Cotton Point Road was already quite busy, between pedestrians, cars and guests of Nate's Bayshore Cottages. The increase in people accessing the lake from the road as well as people from boats walking out on to the road has been dramatic.

The danger is increased due to the vegetation on the shoreline. Driving down the road it is not uncommon to have a dog, an adult and even a child "pop" out onto the road from behind something, without warning. While parking is not allowed on Cotton Point Road, it is also not uncommon for there to be cars stopped on the road to load/unload passengers, increasing the driving hazard.

I am concerned that the proposed docks will make a hazardous road even more so. If the current project is allowed to proceed, my request is that it be conditioned upon:

- a) a reconfiguration of the road and reduction of the vegetation to minimize/eliminate the obstructions
- b) an increase in the enforcement of no parking on Cotton Point Road
- c) a plan for the legal parking for cars of people that will access the proposed docks

Please let me know if you have any questions. Thank you.

Sincerely,

W. Michael Reickert

Joe Thouin

From: Resnik, Judith <judith.resnik@yale.edu>
Sent: Tuesday, December 22, 2020 11:40 AM
To: Joe Thouin
Cc: Kathy Doheny (dohenkw@icloud.com); Alan Fein; rbeebe@beebelaw.com; Resnik, Judith; Curtis, Dennis
Subject: major proposals for docks near the wetlands on the Cotton Point Road: request to participate and question on timing

Dec. 22, 2020

We have just learned of a proposal that would work a major transformation of Basin Bay - by seeking to add a series of docks to the strip of land near the town road and wetlands on the Cotton Point Road.

We plan to write with more detail but first wanted to understand the time frame for the LGPC decision-making and more about the process. We assume that the Park Commission will be holding a public hearing, and we request an opportunity to participate. Further, we will be providing more written submissions, as the idea of seven new docks on a narrow slip of land in a shallow area of Basin Bay is, we believe, misguided.

As the Park Commission knows well, Basin Bay is already dense with boats. We believe it would be inappropriate to add many more docks without a clear understanding of ownership, use, and ways to protect the water from run off. We believe a subdivision of the parcels went through the Town of Bolton in 2019, but that because the Town does not have jurisdiction over docks, that issue was not in focus. As of now it remains unclear (as we understand it) about ownership of the land; a developer seems to be central to the proposal and, given the wetlands, the risk is that an attempt would be to turn the docks into rental spaces.

Noise, congestion, pollution, and safety are all at issue, and more investigation and fact finding is essential. Hence, do let us all know your time frame and how all of us, affected as we are proximate, can participate in the hearing.

Thank you and of course, with hopes for 2021 and more health and safety.

Judith Resnik
Arthur Liman Professor of Law
Founding Director, Arthur Liman Center for Public Interest Law
Yale Law School
127 Wall Street, New Haven, CT 06511
P.O. Box 208215, New Haven CT 06520-8215
Tel: (203) 432-1447

Fax: (203) 432-1719
judith.resnik@yale.edu

Joe Thouin

From: Todd Baright <tabaright@gmail.com>
Sent: Monday, December 21, 2020 1:45 PM
To: Joe Thouin
Cc: Gary Baright
Subject: App #DWM20-000084. Basin Bay 7 Docks. On 200.14-1-20
Attachments: IMG_6153.jpg; IMG_6152.jpg

* We own two properties just north of this proposal.

Dear Mr Thouin,

Thanks for allowing comments.

Our concerns are as follows:

A) Lack of Parking

- 7 docs with 14 boats times Two cars per boat totals some 28 vehicles.
- Plus we might as well add a few more vehicles and another 20+ potential people for the party decks proposed on top of the docks.
- It seems pretty obvious there are substantial wetland areas across the street.
- There are no sidewalks (And seemingly no extra width to construct a sidewalk),
- No safe way to walk on cotton point Road even if they are proposing parking down the street someplace.

B) Noise

Obviously there is a concern for increased noise generated by non-residents simply renting a dock and party deck, seems very conducive to excessive noise etc.

C) Turnaround point lacking

- There is no or very little natural / existing turnaround area further out cotton point Road, no real cul-de-sac.

D) Electricity proposed or specifically disallowed?

- We will certainly be even more concerned if there is electricity proposed for these docs and party decks. (at them, on them or near them)

I would think they will need electricity for deicing efforts which would then be allowed (or very specifically disallowed by you or the governing agency) for the tenants use, no doubt extending the evenings and noise.

E) Lack of restroom facilities.

Most other docks at a commercial establishment or a personal home have restroom facilities available. Lacking them seems to create a major sanitation and personal hygiene concern.

Respectfully submitted by Todd Baright

VIA MAIL AND E-MAIL

61 Hemlock Point Road
PO Box 1632
Bolton Landing, NY 12814
December 19, 2020

Mr. Joe Thouin
Environmental Analyst
Lake George Park Commission
75 Fort George Road
PO Box 749
Lake George, NY 12845-0749

Re: Town of Bolton Tax Map Lot No. 200.14-1-20
Owner: Madison Finley, Trustee
Contract Vendee: Mike Caruso

Dear Mr. Thouin:

Thank you for notifying us that a dock permit application has been filed with the LGPC for the above-referenced property. We reside at 61 Hemlock Point Road in Bolton Landing and use Cotton Point Road, the only road serving our neighborhood, to enter and leave our residence. We are strongly opposed to construction of the proposed docks for many reasons, as set forth below.

A. Background

Any docks on the above-referenced property, which we understand is in the process of being subdivided, would essentially be on Cotton Point Road. The remainder of the usable portion of a dock owner's lot would be separated from the dock not only by a public road, but by extensive wetlands. Cotton Point Road serves as access and egress for over 75 residences, is narrow, has no shoulder and thus, no parking. The road is immediately bordered on one side by wetland and on the other, by Basin Bay.

B. Environmental Protection

1. Wetland Disturbance--as mentioned, wetlands immediately border one side of Cotton Point Road and comprise a major portion of each proposed dock owner's lot. Because there is no shoulder and no parking area on either side of Cotton Point Road, wetlands are likely to be disturbed whenever a driver attempts to park along the road while accessing a dock or sundeck. Wetlands might also be disturbed if a property owner seeks to shorten the distance to his dock by traversing the wetlands that make up much of his property.
2. Visual Impact--the waterfront along Cotton Point Road is one of the few remaining stretches of undeveloped shoreline south of the Narrows, with spectacular views to

the east and northeast. The beauty and tranquility of this stretch of shoreline is enjoyed by all who live nearby as well as by boaters in Basin Bay. The seven proposed E-shaped docks with sundecks above would obviously eliminate this pristine, natural resource.

3. Noise--the boat traffic at the seven proposed docks, as well as the people using sundecks above these docks, would substantially increase noise on this section of shoreline, without any limit on when, for how long or at what volume, the noise occurs.

C. Public Health and Safety

1. The location of the proposed docks relative to Cotton Point Road and the number of residents already served by the road, present several concerns:
 - Emergency vehicles--ambulance, fire and police access to the residences served by Cotton Point Road would almost certainly be compromised by the proposed docks, especially if dock users park along the road while boating or using the dock sundeck
 - Motor vehicle accidents--increased use of Cotton Point Road, whether pedestrian or vehicular, resulting from the proposed docks, would substantially increase the risk of property damage and personal injury on a public road that is already stretched to capacity
 - Lack of bathroom facilities—given the distance to the remaining usable portion of a dock owners lot and the lack of any public restrooms in the vicinity, it is unclear how sanitary waste disposal would be accomplished with respect to sundeck use.
2. Basin Bay is already above the maximum desirable boat density of six acres per boat. Seven new docks would further increase the number of boats in the Bay above this density limit, thereby increasing the risk of boating accidents, property damage and personal injury. The section of the Bay near Cotton Point Road is particularly shallow and sandy and is densely populated by boats at anchor, especially on summer weekends. Boaters frequently swim off these boats at anchor and if boats come and go from seven new docks, there would be an increased risk of personal injury to those swimmers enjoying the waters of Basin Bay.

We are strongly opposed to the proposed docks for many reasons: environmental degradation due to wetland disturbance, visual impact and noise and serious threats to public health and safety due to a very high volume of car and boat traffic on Cotton Point Road and in Basin Bay.

Please do not hesitate to contact us if you have questions. Thank you for considering our concerns.

Sincerely,

Elizabeth Brainard and John Maier

Joe Thouin

From: Holly Pajak <holly@seniormovesny.com>
Sent: Friday, December 18, 2020 6:59 PM
To: Joe Thouin
Subject: FW: Finley Docks Cotton Point Rd.
Attachments: image001.jpg

Follow Up Flag: FollowUp
Flag Status: Flagged

Hi Joe,

I was contacted yesterday by a neighbor in regards to the application for dock permits by Mr. Finley. I have not yet received notification directly from the LGPC, however I want to be proactive and write on behalf of my family to express our opposition for this proposed application for the dock permit in Basin Bay, Cotton Point Rd.

We have adjoining property (73 Cotton Point Rd.) with the above mentioned shoreline and want you to consider the following concerns we have with the proposal:

- Basin Bay has become increasingly populated over the past 20 years and adding up to seven docks with room for 28 more boats is contributing to the overuse and overpopulation we already see every season, with day trip boaters anchoring in the bay and tourists who do not respect that they are surrounded by private family homes.
- The road that runs parallel to the shore line is very narrow, sits adjacent to protected wetlands and is the only access road for communities such as the South Beach Assoc., Cotton Point Assoc., Hemlock Point Assoc., and many other individual properties, including our own. Where does Mr. Finley intend for these dock owners to park? The road is already busy enough with the traffic from homeowners as well as sightseers and there is not enough room for parking on the side of the road.
- The visual impact by these docks/boat houses on an already crowded shoreline on the whole of Lake George. While we are not opposed to changing/upgrading and improving the communities built on Lake George, the immense way in how developers have reshaped the shoreline is concerning and my family and I want to protect this beautiful lake for generations to come.
- Lastly, and most importantly, the ecological and environmental impact of adding additional docks into the lake, with more boats and more people disturbing the natural wildlife, littering and contributing to contamination of the water is extremely concerning. As mentioned above, these docks would also be across the road from a protected wetland that

should not be disturbed. While we can not accurately predict who would potentially be the owners of these proposed docks, the last 20+ years of tourists in Basin Bay (and the lake as a whole) has shown us that there unfortunately many people who do not show the same respect to the lake as people and families who have been here for generations.

Please consider the impact of this proposed project on the communities of Basin Bay, many of whom have been home and land owners for 60+ years and passed down through families who love Lake George and want to protect the water and surrounding land and keep it beautiful for years to come.

Regards,
Holly Pajak
Trustee of Provost Family Trust

1200 Hillside Ave. #306
Schenectady, NY 12009

518-339-7361

Haley Denisoff

404.520.0326

On Thu, Dec 17, 2020 at 12:37 PM Holly Pajak <holly@seniormovesny.com> wrote:

Joe,

I was contacted yesterday by a neighbor with regard to the application for dock permits by Mr. Finley. I have not as yet received notification directly from the LGPC. I am writing on behalf of my family to express our opposition for this proposed application for a dock permit in Basin Bay, Cotton Point Rd.

We have adjoining property (73 Cotton Point Rd.) with the above mention shoreline and want you to consider the visual impact by these docks/boat houses on the beautiful shore line would be greatly impacted as have many lovely shore on Lake George. Basin Bay has become increasing populated over the past 20 years and we can't conceive the concept of adding up to seven docks with potential to add 28 more boats to the bay that is already over used.

The road that runs parallel to the shore line is very narrow and sits adjacent to wets lands. Where will the dock owners park? The road is very busy which is the only access to South Beach Assoc., Hemlock Point, Cotton Point and many other individual properties. Not to mention the site seeing traffic that runs in and out on a constant basis.

Please consider the impact on this already over populated area when making decisions on this project.

Regards,

Holly Pajak,

Trustee of Provost Family Trust

1200 Hillside Ave. #306

Schenectady, NY 12009

holly pajak

518.339.7361

holly@seniormovesny.com

www.seniormovesny.com

www.facebook.com/seniormovesbydesignny



December 21, 2020

Joe Thouin, NYS Lake George Park Commission

Reference: Application DWM20-000084

Construct 7 docks along Cotton Point Road by Madison Finley

As a part-time resident of Cotton Point Road, I object to development on this road (locally nicknamed "Bay Road") where it passes along Basin Bay. I have listed several reasons below why not to approve this project or institute mitigations:

- This roadway is used by many pedestrians and bicyclists including children. The presence of 7 dock structures would entice parking of golf carts or other vehicles used by dock users. This could result in cars weaving around them and endangering pedestrians. If these docks are built, designated parking and walkways should be considered and that may not meet wet land and other regulations.
- The narrow riparian zone between the pavement of Cotton Point Road and shoreline is already weak. Dock construction could make this worse or shoreline improvements should be included in the project.
- There is already an excessive amount of boats using Basin Bay. If these 28 additional dock spaces are authorized, please consider not allowing anchoring / rafting of boats in the bay.
- This item is not part of the dock application but the overall development project; Water runoff into Basin Bay is my concern. If the upland and wetland areas of these parcels are developed, runoff water flow could adversely affect Lake George. I propose that 100% of the runoff water be collected and treated.

The cost of all construction and mitigation should be on the developer / owner and not public funds or volunteer organizations such as LGA.

Thank you for considering my input,

James Beyerl
90 Cotton Point Road
Diamond Point, NY 12824
904-477-6813

205 Hollywood Forest Drive
Fleming Island, FL 32003

Joe Thouin

From: Diane haley <dhaley1513@gmail.com>
Sent: Sunday, December 20, 2020 9:47 AM
To: Joe Thouin
Subject: Fwd: Basin Bay

Sent from my iPad

Begin forwarded message:

From: Diane haley <dhaley1513@gmail.com>
Date: December 20, 2020 at 8:10:37 AM EST
To: joe@lgpc.state.ny.us
Cc: Jeff Brozyna <jhbrozyna@gmail.com>
Subject: Basin Bay

Hi Joe!

I'm sending this pic of Basin Bay taken from Cotton Point Road. This stretch is one of the few places in the South basin that is still pristine. The last thing the lake needs is more docks, more people, and more boats. There is already a virtual flotilla of boats anchored in Basin Bay along this shoreline every weekend. Adding additional docks would make the circus complete.

Another issue to be considered is the traffic along Cotton Point Road. It is a popular spot for walkers to enjoy and take in the scenery. It would be a threat to the safety of the families, kids, and dogs to increase the number of cars along the road. A lack of parking would also be problematic as the other side of the road is a designated wet land.

I hope that you will consider these issues when deciding whether or not to approve the application.

Sincerely,
Diane Haley



Sent from my iPad

Joe Thouin

From: David Van Aken <davandor@gmail.com>
Sent: Sunday, December 20, 2020 10:08 PM
To: Joe Thouin
Subject: Cotton Point Road

Mr. Thouin:

My name is David F. Van Aken. I am a member of the South Beach Association located in the Cotton Point area of Lake George in the Town of Bolton, Warren County. As of December 24 of this year I will be 91 years old and have spent the majority of my life enjoying the pristine beauty of the "Queen of American Lakes". The only access to the location of my cottage is by way of "Cotton Point Road" which serves property owners of Cotton Point and Hemlock Point along with many others. This access, somewhat less than a mile in length, consists of a narrow two lane paved road which traverses along Basin Bay offering a pristine view of the lake on one side and an impenetrable swamp on the other. At times, because of this being the only way in and out, traffic on this road is considerable and quite constant. By the way, in its wisdom, the Town of Bolton posted "No Parking" signs along the lakeside portion of the road some years ago.

It is now my understanding that Mr. Madison Finley, who purportedly owns the land consisting of the swamp, and whose father, many years ago, deeded a right-of-way of passage along what is now "Cotton Point Road" to the Town of Bolton, has made application to construct several boat house structures along the water side of the road

along Basin Bay. Aside from the obvious aesthetical degradation to the area one must consider the traffic safety issue that will arise with people, especially children, coming and going to access the boat structures. Mr. Thouin, I see a possible recipe for disaster in this proposed construction of boat docks along the Cotton Point Road in its present configuration.

Hans Wawrousek, DDS
122 Pine Drive
Black River, NY 13612

December 17, 2020

Mr. Joe Thouin
Lake George Park Commission
75 Fort George Rd.
PO Box 749
Lake George, NY 12845

Mr. Thouin,

Both my wife and I are strongly opposed to the project proposed by Madison K. Finley (Application # DWM20-000084, Major Project, Docks, Wharfs, and Moorings, Parcel # 200.14-1-20, Town of Bolton, Cotton Point Rd.). We are opposed to this proposal for the following concerns:

1. Congestion on Cotton Point Rd.: Many people walk on this narrow two-lane road with no shoulder. Increasing the number of pedestrians and motor vehicles would just increase the danger to personal injury and/or vehicle damage.
2. Parking: Where would the patrons of these facilities park? There is no parking on Cotton Point Road. One side of the road is wetlands; the other side is the lake shore.
3. Pollution:
 - a. Water pollution from a potential 47 additional boats on the southern end of Basin Bay is a concern.
 - b. Sewage, potentially both solid and liquid, from those people who would be docking in this proposed area is a concern. Simply put, where would these people go to the bathroom?
 - c. At this time, this is a pristine setting. Adding docks, wharfs, and moorings would simply be visual pollution.
4. Danger: Adding an extra 28 docked boats plus, potentially 19 moorings, and the additional personal water craft would certainly increase boating congestion on Basin Bay. At the present time, the Bay becomes overpopulated with anchored boats during most of the boating season and, in our opinion, is dangerous. Adding these extra boats to mix would certainly become more dangerous.

We propose leaving this property exactly as is.

Thank you for your consideration.


Hans Wawrousek, DDS

Joe Thouin

From: Robert Stupp <rstupp@att.net>
Sent: Thursday, December 17, 2020 2:08 PM
To: Joe Thouin
Subject: Finley Dock Permit (TM# 200.14-1-20)

Re: Proposed dock construction lands of Finley on Cotton Pt Rd in Bolton (TM# 200.14-1-20) 12/17/2020

Dear Mr. Thouin,

We have become aware of a proposal for the construction of a series of docks and boathouses along Cotton Point Road in the Town of Bolton. Our family have been residents on Hemlock Point which is accessed by Cotton Point Road since the 1950's and are more than familiar with the degradation of the property on both sides of the narrow town road as it borders Basin Bay.

Over the years, ice movement has eroded several feet from the north side of the road and heaved much of the remaining shoreline lakeward of the road such that much of it remains a berm several feet high above the road surface. The permit plat provided by Mr. Findley is incorrect as it shows a continuous 4-5 foot strip of land between the pavement and the waters of Lake George. In many cases this "land" is less than two feet from the edge of pavement to the water.

The relatively recent repaving and striping of the Town owned road by the Town of Bolton has resulted in a marginal, narrow, unlit thorough fare that will barely allow two vehicles to pass. Two sharp, blind corners at each end of the Finley property contribute to the hazard of the existing road. Environmental considerations have previously prevented the widening of the road prior to repaving and I trust that the regulations have not been relaxed.

The proposed dock/boathouse/marina construction and resulting congestion would serve as a threat to safe ingress and egress to our property as well as the other homeowners who must use this sub-marginal roadway to access their property on a year around basis.

Traffic and congestion along the road would likely delay Medical, Fire and Emergency services contributing to the loss of life, limb and property of the numerous residents of Cotton Point, South Beach and Hemlock Point communities.

If the construction is approved, the proposed dock and boathouses and numerous boats could hold a population exceeding 100 people at a time who would be forced to access these docks by walking along the already burdened Cotton Point Road. Pedestrian injury or deaths by vehicular collisions would be virtually assured. There is obviously no place to park along the road.

Where will the 100 people go to the bathroom? Does the APA, Town of Bolton or LGPC expect them to walk or drive to a public facility in Bolton? Your organization is aware of the sources of pollution in the Lake and the big one is still untreated sewage. Boaters using the shallow sandy bottom of Basin Bay are already coming ashore to find a bush.

Lastly, I have enjoyed water skiing along that stretch of unspoiled shoreline since childhood. Presently, it is an extensive, unspoiled stretch of land with no signs of development from the water

and as such a welcome visual oasis in the south basin for all to enjoy. It is not the location for a marina development.

We are very much opposed to any development along this portion of the lake front, especially since it would have a tremendously negative impact on the health and beauty of the lake as well be an ongoing hazard and another source of congestion in an already overcrowded area of the lake.

Please add us to the list of those notified regarding the resolution of this permit.

Sincerely,

Robert and Pamela Stupp

PO Box 1444

Bolton Landing, NY 12814