PRESIDING: Bruce E. Young, Chairman

COMMISSION MEMBERS PRESENT: Dean Cook
John A. Pettica
Thomas K. Conerty
Kenneth Parker
John C. McDonald
Joe Stanek
Michael McMurray
James T. Kneeshaw

COMMISSION MEMBERS ABSENT: David G. Floyd

COMMISSION STAFF PRESENT: Molly J. Gallagher, Interim Executive Director
Keith G. Fish, Operation’s Director
Roger R. Smith, Conservation Operations Supervisor II
Joseph A. Thouin, Environmental Analyst I
Michelle D. Way, Commission Secretary
Lt. Harold G. Barber, Director of Law Enforcement

COMMISSION COUNSEL PRESENT: Eileen Haynes

OTHERS PRESENT: Peter Loyola
Jeff Provost
Chris Girard
Drew West
Brad Dow
Jon Alexander
Chris Navitsky
Robb Hickey
Peter Bauer
Doug Bauer
Tony Hall
John Salvador
Mark Taber
Zandy Gabriels
ITEM #1 — INTRODUCTIONS, ROLL CALL, MINUTES OF PREVIOUS MEETING: BRUCE E. YOUNG

The meeting was called to order at 10:05 a.m. and the roll call was taken.

On the motion of Kenneth Parker, seconded by James Kneeshaw, all members voting affirmatively, the minutes of the previous meeting were approved as submitted.

ITEM #2 — FISCAL ACTIONS REPORT FOR NOVEMBER 2011: PEGGY STEVENS

On the motion of Kenneth Parker, seconded by James Kneeshaw, all members voting affirmatively, the Fiscal Actions report for November 2011 was approved as submitted.

ITEM #3 — PROJECT REVIEW: MOLLY GALLAGHER

Molly Gallagher read from a prepared project review statement and Chairman Young followed up with comments regarding meeting procedures.

Resolution 2011-76 — Project Review Actions Report

Joe Stanek made a motion to approve the Project Review Actions Report. Kenneth Parker seconded the motion, and all Commission members present voted affirmatively.

WHEREAS the Commission has received and reviewed the Project Review Actions Report prepared by staff and dated December 6, 2011, and

WHEREAS the Project Review Committee recommends acceptance of the Project Review Actions Report.

NOW THEREFORE BE IT RESOLVED that the Commission directs that the Project Review Actions Report be incorporated in the minutes of the full Commission meeting.

Molly Gallagher read from a prepared statement regarding the Project Review portion of the meeting and Chairman followed up with some comments regarding the project review procedures.

**Molly Gallagher made an announcement that the Jones and Jersen projects have been removed from the agenda until the next meeting.

Class A Marina Modification Submitted by Salim Amersi, Town of Lake George, County of Warren

Molly Gallagher briefly described the project. She said that Mr. Amersi is planning to offer 10 seasonal berthing spaces and remove two existing wharfs and construct three 40’ long, 40’ wide, “U” shaped wharfs. One will be pile supported and the other two floating.

Jeff Provost of the Dock Doctors spoke on behalf of Mr. Amersi. He said that not much has changed since they last appeared before the board. He said that they have since received all their approvals from the Town of Lake George, the Department of Health, etc.

Mr. Provost said that there is one modification that was made to the dock plan in regards to reorienting and straightening out the southern-most pier. This allows more beach space, makes for a safer egress and safer access in and out of the dock.
A discussion continued regarding the length of the docks, the distance from the property lines and the extension into the lake.

Mr. Provost spoke about the hitches he is proposing to use in the construction of the docks. He said that the hitch is steel and will be anchored into the concrete.

Mr. Provost said that he will be sure to make sure that all aspects of the project are done as they are permitted and will not install any docks until any conditions are met.

Michael McMurray asked if a Floating Object Permit had been applied for and received from the Department of Environmental Conservation.

Mr. Provost said that they did apply for and receive a Floating Object Permit.

Joe Stanek asked for further information regarding the access and pathways at the site. A condition was being discussed.

Mr. Provost said that he is strictly doing waterfront work. He said that there is a plan for the upland parcel but he can’t say anything about what it is.

Chairman Young said that a marina permit is always much more than just the docks.

A discussion continued regarding the upland parcel, congestion of the lake and impacts, if any.

John Pettica had a discussion with Mr. Provost regarding when the construction phase would begin.

Mr. Provost said that everything is manufactured in his facility and he would just need to install the hitches ahead of time.

Dean Cook wondered where the line is drawn. He discussed boat lengths as well as the number of boats allowed.

Kenneth Parker asked about the overall net increase. Mr. Provost said that the Town has out a limit of 17 boats. He said that initially, you could squeeze ten boats onto the dock.

Commissioner Stanek made a motion to table the application for lack of a detailed land construction plan or the schedule of the construction steps as well as the maintenance plan. The motion was seconded by Dean Cook and all members present voted affirmatively.

Chairman Young added that the Commission requests that either the owner or his representative be present at the next meeting to address and answer any questions regarding the upland parcel.

Mr. Navitsky asked for a clarification on the reasoning why the public was not given a chance to speak on this application.

Chairman Young said that the reason he was not allowed to comment was because the members were in the middle of a table motion. He said that even the members of the Commission cannot comment during a table motion.

A discussion followed regarding whether or not the public were given a chance to comment on the application before the Commission members began their discussion.
Variance Request for Wharf Modification Submitted by Sharon Davies, Et Al, Town of Queensbury, County of Warren

Molly Gallagher gave a brief overview of the application. She said that the application was previously heard at the July 2011 meeting where it was tabled for further information.

The applicant is applying to modify their existing “U” shaped dock to increase one pier’s length by 2’, width by 5.5’, boathouse length by 5’ and boathouse height by 3’8” as depicted on the plans provided.

Drew West was present to speak on behalf of the project. He said that the property is located at 12 Joshua’s Rock Road and is also known as “Mellowstone.” Mr. West said that the property has been in his family for a number of years and has a tremendous amount of family value.

Mr. West said that he embarked on a process to work with his family to purchase the property and come up with a plan to renovate both the dwelling and the boathouse before it falls into further disrepair.

Mr. West said that he worked with an architect to come up with a plan that he felt would protect and preserve the historic nature and elegance of the boat dock and to make it more compliant with today’s standards.

Mr. West described some of the issues with regard to the property lines. He said that many years ago the property lines were drawn very poorly which have caused the lines to intersect or cross through the boat dock structure. He said that this is a very peculiar situation and he has been working very closely with the Town of Queensbury.

Mr. West said that he is now submitting the application to the Commission and seeks approval for the variance given the setback requirements of the southern boundary.

A discussion continued regarding the dock design, variance approvals, property closing and disrepair of the structures.

Mr. West spoke about John Salvador coming before the Queensbury Town Board where he has done a tremendous job confusing the board members. He said that he wants the board members here to know that Mr. Salvador’s comments were found to have no merit.

Chairman Young asked if there were any questions or comments.

John Salvador said that he is a resident within the vicinity of this project. He read from a prepared letter.

Mr. Salvador said that he is submitting this letter to record his everlasting contention with this application for a setback variance. He believes that the application should be denied or at the very least tabled until additional factual information can be furnished for the Commission’s benefit.

Mr. Salvador said that he believes the variance being requested is excessive and beyond reason. He also spoke about the original wharf registration from September 10, 1981 after which it received a registration for a single wharf.

Mr. Salvador claims that this wharf did not legally pre-exist the Commission’s predecessor regulations and therefore cannot qualify as an existing wharf. He added that because the structure cannot qualify as an existing wharf it must be evaluated as new construction and because the current ownership is inconclusive
and because the degree of variance requested is beyond reason the Commission is requested to table this application until the applicant can bring the project into conformance.

A discussion continued regarding the required easements as well as variance requirements. Molly Gallagher explained that there was a variance request form that was submitted in July and it detailed the unique and peculiar circumstances.

A discussion followed regarding the financial hardships.

Dean Cook said that he doesn’t see how they could avoid a variance.

Joe Stanek said that he has no problem with this application.

James Kneeshaw said that he would vote to approve.

John Pettica said that the dock is in disrepair and should be made functional.

Michael McMurray believes that the dock could have been scaled back a bit but he is okay with it.

Kenneth Parker said that he would vote in support of the project.

Joe Stanek made a motion to approve the resolution which was seconded by Dean Cook, all members present voting affirmatively.

WHEREAS the applicant has applied for a permit to modify an existing U-shaped dock to increase one pier's length by 2', dock width by 2', boathouse length by 5' and boathouse height by 2'4"; and

WHEREAS the Lake George Park Commission has reviewed the application, supporting documents, comments received and other information which appears in the record; and

WHEREAS the Commission has made a determination pursuant to 6NYCRR 645-3.6 and the State Environmental Quality Review Act 6NYCRR 617.5 that the project is a Type II action and does not require further review of potential environmental impacts pursuant to this act; and

WHEREAS the action is considered to be a Minor project pursuant to 6NYCRR 645-5.3 and public notice has been published and distributed; and

WHEREAS the applicant has requested variance from 6 NYCRR 646-1.1(c)

(11) Every dock or wharf constructed shall have a minimum setback of twenty feet from the adjacent property line extended into the 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; and

WHEREAS the applicant has demonstrated that strict conformance with the regulations will cause unnecessary hardship due to unique and peculiar circumstances which impose substantial financial, technical and safety burdens; and
WHEREAS the Commission finds that there is no reasonable possibility that the applicant's property will bring a reasonable return following conformance with the regulations; and

WHEREAS the Commission finds that the project represents the minimum necessary variance required to alleviate the hardship; and

WHEREAS the Commission finds that the project will have no adverse impact on the health, safety or welfare of the public, the environment or the resources of the Park; will not alter the essential character of the area in which it is proposed; will not lead to congestion in the Park and will not have an undue visual, cultural or audible impact on the neighborhood or the Park.

NOW THEREFORE BE IT RESOLVED that the Lake George Park Commission hereby approves the request for variance and approves the above application as proposed.

Variance Request for Wharf Modification Submitted by Sagbolt, Ltd., Town of Bolton, County of Warren

Joe Thouin introduced the application submitted by Sagbolt, Ltd. He said that the applicant would like to remove four existing docks and expand the most northern dock to 7' wide, 50' long with the purpose of finding a suitable docking location for the Morgan.

Mark Taber of the LA Group was present to speak on behalf of Sagbolt, Ltd. He said that they are seeking approval for two variances for the elimination of four fingers of one dock and the extension of another finger to accommodate the cruise ship the Morgan which takes passengers up and down Lake George.

Mr. Taber said that the purpose for this request is that the location where the Morgan currently docks is in the front of the Sagamore. He said that the Sagamore has been making some significant waterfront restoration projects over the past couple of years and this is an area that has been targeted.

Mr. Taber said that part of the reason for this is because the back of the house services such as maintenance and repairs have to use this location to do that and with the ship docked there they have to go around and enter areas where people are congregating. He said that the owners feel this is a safety concern as well as an aesthetic concern.

Mr. Taber also discussed some of the reasons for choosing this location. He said that it will be closer to the maintenance facilities and restocking facilities. He said that there is also more boat traffic on that side and this is the same area where the Morgan is during the winter months (dry dock).

Dean Cook asked if this was a part of a larger project.

Mr. Taber said that this project is a piece of several other projects. He spoke in further detail regarding the hotel expansion.

A discussion continued about the Article 78, lawsuit agreements and the dark sky compliant lighting with regards to the Sagamore facility and the bridge.

Zandy Gabriels spoke on behalf of the application. He said that he thinks this is a good move and said that this was the original proposed location for the Morgan.
Joe Stanek made a motion to approve the resolution which was seconded by John McDonald, all members present voting affirmatively.

WHEREAS the applicant has applied for a permit to remove four existing docks and expand a dock to 7' wide, 50' long; and

WHEREAS the Lake George Park Commission has reviewed the application, supporting documents, comments received and other information which appears in the record; and

WHEREAS the Commission has made a determination pursuant to 6NYCRR 645-3.6 and the State Environmental Quality Review Act 6NYCRR 617.5 that the project is a Type II action and does not require further review of potential environmental impacts pursuant to this act; and

WHEREAS the action is considered to be a Minor project pursuant to 6NYCRR 645-5.3 and public notice has been published and distributed; and

WHEREAS the applicant has requested variance from 6 NYCRR 646-1.1(c)

(2)(i) No dock or wharf may extend offshore for more than forty feet beyond the mean low water mark where the wharf intersects the mean low water mark.

(11) Every dock or wharf constructed shall have a minimum setback of twenty feet from the adjacent property line extended into the 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; and

WHEREAS the applicant has demonstrated that strict conformance with the regulations will cause unnecessary hardship due to unique and peculiar circumstances which impose substantial financial, technical and safety burdens; and

WHEREAS the Commission finds that there is no reasonable possibility that the applicant's property will bring a reasonable return following conformance with the regulations; and

WHEREAS the Commission finds that the project represents the minimum necessary variance required to alleviate the hardship; and

WHEREAS the Commission finds that the project will have no adverse impact on the health, safety or welfare of the public, the environment or the resources of the Park; will not alter the essential character of the area in which it is proposed; will not lead to congestion in the Park and will not have an undue visual, cultural or audible impact on the neighborhood or the Park.
WHEREAS the Commission finds that the proposed project is reasonable and necessary and will not cause unreasonable, uncontrolled, or unnecessary damage to the natural resources of the state, including soils, forests, water, fish, shellfish, crustaceans and aquatic and land-related environment; and

NOW THEREFORE BE IT RESOLVED that the Lake George Park Commission hereby approves the request for variance and approves the above application with the following condition:

- Dock lighting to reduce visual impact will be installed.

**Variance Request for Wharf Modification Submitted by Inwald Enterprises, LLC, Town of Queensbury, County of Warren**

Molly Gallagher introduced the application. She said that the applicant proposes to construct a new boatcover/sundeck on an existing wharf.

Peter Loyola of CLA Site was present to speak on behalf of the project. He said that they are proposing to build a boathouse over existing approved docks and unfortunately do need a variance for this activity.

He described the alternatives locations that were looked into to avoid a variance.

Chairman Young asked if anyone had questions for the applicant. There were no questions for the applicant.

Chairman Young asked if anyone was present to speak for or against the project. No one was present.

Joe Stanek read and moved to approve the resolution which was seconded by Michael McMurray, all members present voting affirmatively.

WHEREAS the applicant has applied for a permit to construct a new boatcover/sundeck on an existing wharf; and

WHEREAS the Lake George Park Commission has reviewed the application, supporting documents, comments received and other information which appears in the record; and

WHEREAS the Commission has made a determination pursuant to 6NYCRR 645-3.6 and the State Environmental Quality Review Act 6NYCRR 617.5 that the project is a Type II action and does not require further review of potential environmental impacts pursuant to this act; and

WHEREAS the action is considered to be a Minor project pursuant to 6NYCRR 645-5.3 and public notice has been published and distributed; and

WHEREAS the applicant has requested variance from 6 NYCRR 646-1.1(c)
(11) Every dock or wharf constructed shall have a minimum setback of twenty feet from the adjacent property line extended into the 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; and

WHEREAS the applicant has demonstrated that strict conformance with the regulations will cause unnecessary hardship due to unique and peculiar circumstances which impose substantial financial, technical and safety burdens; and

WHEREAS the Commission finds that there is no reasonable possibility that the applicant's property will bring a reasonable return following conformance with the regulations; and

WHEREAS the Commission finds that the project represents the minimum necessary variance required to alleviate the hardship; and

WHEREAS the Commission finds that the project will have no adverse impact on the health, safety or welfare of the public, the environment or the resources of the Park; will not alter the essential character of the area in which it is proposed; will not lead to congestion in the Park and will not have an undue visual, cultural or audible impact on the neighborhood or the Park.

NOW THEREFORE BE IT RESOLVED that the Lake George Park Commission hereby approves the request for variance and approves the above application as proposed.

ITEM #4 — PUBLIC COMMENTS

Chris Navitsky, Lake George Waterkeeper

Mr. Navitsky said that he clearly thinks that there was no request for public comments during the Amersi application. He also wished everyone happy holidays!

Tony Hall, Lake George Mirror

Tony Hall asked about progress with the funding for the Aquatic Invasive Species Strategic Action Plan.

Chairman Young said that a Request for Qualifications (RFQ) was sent out. He said that a RFP was not sent out because we would need to know exactly what we want and would need funding which we do not have.

Mr. Hall also asked about the progress with appointing a new Executive Director.

Chairman Young said that there is a process for appointments.

ITEM #6 — ADJOURNMENT
On the motion of Thomas Conerty, seconded by Kenneth Parker, the meeting was adjourned.

SECRETARY’S NOTE: The next Commission meeting is scheduled for Tuesday, January 24, 2012, 10:00 a.m. at the Holiday Inn, Canada Street, Lake George, NY.