

Minutes of the meeting of the Planning Board of the Village of Rouses Point, New York, held on Monday, April 23, 2012 at Halstead hall, commencing at 7:00 p.m.

PRESENT: Attorney Tom Murnane; Code Enforcement Officer, Michael Tetreault

RECORDING SECRETARY: Carol A. Hanfield, Village Clerk

ROLL CALL VOTE: In attendance were: John Cooper, Shirley Hall and Tom Batha

ABSENT: Donald Gladd and Chuck Roush

APPROVAL OF MINUTES: Shirley Hall made a motion to approve the minutes of December 27, 2011 as presented; Seconded by Tom Batha; Aye Carried

COMMUNICATIONS: None

REPORTS OF COMMITTEES: None

OLD BUSINESS: None

NEW BUSINESS:

ELECTION OF OFFICERS:

Attorney Murnane explained the process for appointing the Officers.

Shirley Hall made a motion to appoint John Cooper as Chairperson and Tom Batha as the Co- Chair of the Planning Board; Seconded by Tom Batha; AYE CARRIED

Attorney Murnane recommended that a letter be sent to the Village Board requesting approval of these Officers.

LIGHTHOUSE POINT MARINA:

John Cooper announced that the purpose of this meeting is for a Special Use Permit for Fairsea/ LLC Lighthouse Marina.

Engineer Doug Ferris, the engineer for this project, asked why a Special Use Permit was required when this was a pre-existing marina that was being re-built from the hurricane of last year and they are looking to rebuild the marina. He asked Attorney Murnane why. Attorney Murnane said that he questioned Mr. Tetreault about that and it sounds like this may be a pre-existing non-conforming use but in the proposal you are expanding the area that previously existed. Under 120-40 Non-Conforming Uses, it does allow a pre-existing non-conforming use to expand an area up to 25% and it was Mr. Tetreault's opinion that this expansion was greater than 25% therefore this would require a Special Use permit to expand to that extent.

Mr. Ferris stated that it is a mis-interpretation of the drawing because it is their position that it does not exceed 25% and if they don't then they do not need a Special Use Permit. Attorney said that that was true. Mr. Tetreault said that he based it on the gas dock that they are building, the expansion of the gazebo and the other.

Attorney asked if they had any DEC or Army Corp permits for this project. Mr. Ferris said that that was in progress. Submissions have been made to DEC and Army Corp and OGS is going out this week.

Mike Tetreault stated that it was because it was over 25% of what was originally there. Mr. Ferris reviewed the plans with the CEO, Attorney and Board. The Attorney asked about the gangway size. Mr. Ferris said that the gangway replacement is wider and about 7% longer. Mike Tetreault asked about the adding of more moorings which is an expansion. Mr. Ferris said that there are 300 slips which stay the same. The mooring blocks are going from 20 to 56. Discussion followed.

John Cooper asked about the breakwater in front of the public access from the Village is that coming back out there. Mr. Ferris explained that this is coming out. It is being used for access during construction. It is not permanent. Mr. Ferris said that he would check on the % of this project.

Attorney Murnane asked if anyone has elected to be the Lead Agency. Mr. Ferris said that he received a notification from DEC that the SEQR process had begun but that is the only communication that he has received so far about SEQR. He has not seen anything else. It was previously preferred that it be a local lead. Attorney Murnane said that this be coordinated with the owner. Attorney Murnane said that if the Village Planning Boards decides to be the Lead Agency for the purpose of SEQR they would have to notify the other entities like Army Corp., DEC, OGS. Mike Tetreault said that Denise Wagner had called him and had told him that other projects were coming up. She suggested that if the Board decides to be the Lead Agency to send them letters. Attorney Murnane stated that the SEQR could not be completed tonight until we send them the letters and they have 30 days to respond. Discussion followed.

John Cooper suggested that the plans be sent to another engineer for their review. Attorney Murnane explained that we are allowed to do this and this has been done in other towns. When certain plans come before us and we don't feel that we have the expertise and background to analyze or interrupt certain questions or issues, then we certainly have that ability. This cost be passed on to the applicant.

Mr. Ferris said that he knows that other marinas have come before the board and have they required an outside consultant. John Cooper said after looking at the plan, you are saying that it is 1400' and you are putting in culverts that are 8' wide that is only 40'. Mr. Ferris explained that marina was built on top of a railroad bed and the wooden pilings in there are not alone. There is timber, stone case ons, timber stone cribbings and you could see them with the underwater survey they did. He viewed this on the plans. If you go out there right now you could stand on your knees on top of this material and be above water to your chest. There is a reef there already with culverts passing through and what we are doing is connecting the docks to what is already there and was put there by the railroad. It is not 1400' of blocking the river off because it is already $\frac{2}{3}$ – $\frac{3}{4}$ blocked off. They are going to fill in the gaps keeping some of the gaps open for the 8' wide culverts and he would like the board to compare what they are proposing to do to keep flow moving. They are putting in 8' wide box culverts so people can kayak through there keeping the channel open. Discussion followed.

Mr. Ferris said that if the Board would feel better he could supply the engineering report that shows the calculations for the culverts.

Attorney Murnane said the Property Owner is Patricia Grande and asked if they had any documentation that he and Mr. Walker could speak on her behalf. A copy was submitted to DEC so they will submit a copy to the Board.

Attorney Murnane asked about the parking situation. It states that the proposed amount of parking spaces is 500. Where are they located? Mr. Davis said that they can provide a parking plan. On the west side of Montgomery Street the Marina owns an area there and it will serve as boat storage during the winter and parking during the summer.

Mr. George Walker, Lighthouse Point Marina, stated that he was confused with some of the issues that are coming up. They are not looking to add a number of anything. The existing parking was acceptable and nothing has changed. He noted that he went in front of the Trustees eight weeks ago asking for someone to be the Lead Agency to try and move this along. He said that he was told that this could be done in one night and Attorney Murnane says that it will be 30 days. He commented on Mike Tetreault's son working for another marina owner and he would raise that as a potential issue. Attorney Murnane said that if Mr. Tetreault felt there was some type of conflict he would trust Mr. Tetreault to raise that as an issue. Mr. Tetreault said that he did not see his son here offering comments about this project. Mr. Walker said that this should be an open process and if the Board doesn't have a disclosure policy, but he thinks it should be noted. You are asking for things that other folks have not been asked for. He has been asked about the adjoining property being leased from Delegar. There is nothing he can do about Delegar. Attorney Murnane told Mr. Walker that he is asking for an expansion of what was there before with more moorings. Mr. Walker said that he wants to make sure that everybody has the same rules. He was puzzled to come in tonight for a Special Review and not be talking about SEQR at all.

Ms. Hall expressed her concern about the boats to be allowed to flush overboard. Mr. Walker explained that generally boats have holding tanks and they would be required to go to a flushing station and what they have incorporated in the new docks is a pump out along every dock so that you don't have to move to get pumped out.

Attorney Murnane noted that on page 5 (d) of the EAF form it notes that if the project is an expansion, indicated percent of expansion proposed and it is written 25%.

Mr. Ferris stated to Mr. Walker that as the Attorney pointed out was as SEQR can be in one night it involves a coordinated multiple agency review and they can't finish their review. Everybody does it at the same time. Attorney Murnane said that this was just done a couple of months ago and that required coordinated reviews. Mr. Tetreault said that they had to come back for a meeting because we asked for a return by date. Attorney Murnane said that we can do that again, he is not trying to treat him any differently. Mr. Walker stated that he had started this process eight weeks ago in front of the Board of Trustees and asked who was the Lead Agency and did not hear back from anybody. Attorney Murnane explained that the Board of Trustees are not the entity to decide that. Mr. Tetreault is the Code Enforcement Officer and this is the area to begin with no the Board of Trustees. Mr. Tetreault said that he attended that meeting and he had told Mr. Walker to go to the Zoning Board and never received the application until April 9th. Discussion followed.

John Cooper asked about the height of the new pier being 101'. Mr. Ferris said this was based on what they saw with lake levels. The record high last year was 103.5'. Ryan Davis said that the bottom of the gangway is 104'. Discussion followed.

Mr. Ferris asked the Attorney if he thought there might be any potential implications from the DEC having put in writing that the SEQRA has begun. Do you think that action might have triggered some kind of clock for the SEQRA process? This letter was received in February. Mr. Murnane stated that we have not received anything from DEC asking for input from us. Mr. Tetreault stated that the clock

does not start until someone is deemed Lead Agency. Mr. Ferris stated that there is a timetable from when the application is submitted. Discussion followed.

Ms. Hall inquired with additional parking across the way will they need more lighting. Mr. Walker stated that there will be additional lights and they will be directed down.

Mr. Murnane inquired about how many slips there will be. Mr. Walker included them in the plans – 300 slips, 56 moorings. Currently, there are 20 moorings.

Mr. Batha questioned Marina Information on the application step #3 on-site petroleum products but doesn't state volume of gallons. Mr. Walker stated that there are three tanks currently - one diesel and two gasoline. No. 5 – Mr. Batha does not feel that it is adequately answered. He feels work has been done just needs to be included on application.

Mr. Tetreault questioned where the gas dock is, there will be a fire boat. He stated that he would like to know what the plan is for fire prevention. There will be a fire boat on both sides of the dock. Discussion followed.

Mr. Tetreault asked about the restaurant, pool, deck, office. Mr. Walker stated that they will probably not be open this summer but there will be again.

Mr. Tetreault asked about the bathroom facility to be built on the far end. He asked for details of elevation and how the building will look. Mr. Walker stated that the DEC/Army Corp had asked about that also. Mr. Walker will be providing those details.

Mr. Murnane questioned two structures on the plan. They are storage and the ship's store. There is also a gangway.

The Army Corp has requested additional submittals. The applicant is on their fourth or fifth round with the Corp. The Village will be receiving a copy.

Mr. Tetreault inquired about what will be done with all the tires that were used as a breakwater. Mr. Walker stated that many tire structures that are still attached. It will require having divers to detach them. They are planning on working with Mr. Mott to clean up to the old beach.

Mr. Murnane stated that the Planning Board can make a motion tonight to being the Lead Agency for purpose of SEQRA and indicate that we want to proceed with a coordinated review by the other agencies involved, send letters to those agencies and ask them to respond prior to the May meeting.

Mr. Batha made a motion to deem the Rouses Point Planning Board Lead Agency for purposes of SEQRA on this application and to have a coordinated review with other agencies involved, seconded by Mr. Cooper. Roll Call Vote: Mr. Batha – Aye, Ms. Hall – Aye, Mr. Cooper – Aye.

Mr. Batha made a motion to deem this an Unlisted Action, to have a coordinated review with other agencies involved for purposes of SEQRA, and send letters to these other agencies identified as DEC, Army Corp of Engineers and OGS and ask them to respond by 21 May 2012 with their comments, seconded by Mr. Cooper. Roll Call Vote: Mr. Batha – Aye, Ms. Hall – Aye, Mr. Cooper – Aye.

Mr. Murnane stated that we need to wait for these responses by next month's meeting so that we can complete SEQRA. Mr. Walker needs to supply the board with a parking plan.

Mr. Batha inquired if they were planning on building a boat barn to replace the one that burned. Mr. Walker said in the future. Mr. Batha was concerned about the parking when this building is rebuilt.

The application has been sent to the County Planning Board and comments should be returned after their meeting on 2 May. Mr. Murnane encouraged the applicant to attend the County meeting on 2 May at 5 p.m. at the County Government Center in case the County Board has questions.

Mr. Batha made a motion to table this application and schedule the Public Hearing for 29 May 2012, seconded by Mr. Cooper. Carried

There were no comments from the public.

Mr. Murnane inquired if the Board wanted to have another Engineer look at the plan. Mr. Murnane and Mr. Tetreault will contact another Engineer to look over the plans.

Ms. Hall made a motion to adjourn at 8:05 p.m.

Next meeting 29 May 2012

Respectfully Submitted,



Geri Favreau
Planning Board Secretary