

APPROVED

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
FEBRUARY 19, 2014
PLANNING BOARD MINUTES**

Board members present: Robert Mastrantoni – Chairperson, Patricia Dow, Dean Howland, Chuck Luke, Dan Wolfield.

Board members absent:

Others present: Attorney Mark Schachner – Counsel to the Planning and Zoning Boards for Lake George Village, Dave Kenny – Applicant and Project Sponsor, Tom Nace – Project Engineer, Ethan Hall - Project Architect, Carol Sullivan (Secretary), Doug Frost (Code Enforcement Officer), Elliott Heyman, Judith Frolish, John Root, Barbara Neubauer, Kelly Neubauer, Michael Consuelo, Elizabeth Kenny, Kitty Rooney, Roz Wallace, Ray Perry, Joe Mastrodomenico, Sue Millington, Tony Hall (LG Mirror), Tom Randall (ADK Journal), Jamie Munks (Post Star), Gordon Woodworth (Chronicle) Dave Harrington (Supv. of PW LGV), Tim Schudt (CO Sanitation Plant LGV), Sean Doty (Chazen).

REGULAR MEETING

Robert opened the meeting at 7:32 PM.

TAX MAP: 264.06-2-45

OWNER/APPLICANT: ELLIOTT HEYMAN

ADDRESS: 51 CANADA ST

APARTMENT AT THE BACK OF THE PROPERTY LOCATED ON DIESKAU

ZONE: COMMERCIAL MIXED USE

SITE PLAN APPLICATION #: 1405

Currently this structure consists of an apartment on one side and an attached garage on the other side. The applicant is proposing to convert the garage to an apartment. For purposes of the Planning Board review this is a façade change as the applicant is replacing the roof, replacing the siding, and adding windows and doors.

Elliot explained he will convert the existing garage space into a 2 bedroom apartment. He showed the Board samples of the exterior façade materials. Board and batten (cream) siding will be used, the bottom will be stone, the roof will be architectural shingles (golden cedar). Parking is the existing parking in front. The parking area is “pea-stone” and will not be blacktopped.

MOTION: Patricia Dow made a motion to approve the façade change for the building on Dieskau St. at the rear of 51 Canada St. Colors for the architectural roof shingle, cultured stone and board and batten as presented at tonight’s meeting

2ND MOTION: Chuck Luke

Robert Mastrantoni	Patricia Dow	Dean Howland	Chuck Luke	Dan Wolfield
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nay = 0. Motion carried

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TAX MAP: 251.14-3-9

OWNER/APPLICANT: HUSEYIN CAKAL

ADDRESS: 289 CANADA ST

ZONE: COMMERCIAL MIXED USE

SIGN APPLICATION #: 1403

Applicant is opening a new business – YogurtMoo – in what was Bob's Ice Cream. Applicant currently operates Alibaba Express which one door south of YogurtMoo.

Judith Frolish from Saratoga Sign Pros represented the applicant this evening. Judith explained this is their 4th sign in this building having done ADK Winery, Alibaba Express and Molly Malone's. The location of the sign is pre-established by the framed area above the door which was installed when the building was built. The sign is a laminated, UV protected, digital print which is very durable; the other signs have held-up very well and they are now much older signs. Background color is a milky white and yogurt moo more of a cream.

Patricia pointed out the other signs in the building have maybe one graphic and not a lot of additional wording. She thinks there is a lot of wording beneath the name and would like to know if the applicant would consider reducing some of the verbiage. Dan suggested "a healthy choice" eliminating "for frozen yogurt" because the name implies frozen yogurt. Judith indicated she would have to check with the operator because she wasn't sure if the wording is prescribed by a franchise.

The Board discussed the use of two graphics.

Since Judith has to check with the owner regarding the Board's comments the Board provided her with the following suggestions.

- Less busy,
- Simpler and more elegant.
- Color scheme to correspond with the building, blending in more with the building.
- 1 graphic.
- Shorter verbiage underneath the name.

Judith indicated she would speak with the shop operator and resubmit "something" at a later date.

TAX MAP:	251.14-2-3, 251.14-2-4, 251.14-2-5, 251.14-2-6
OWNER/APPLICANT:	KENNY & DITTRICH LLC, KENNY & DITTRICH AMHERST, LLC
REPRESENTED BY:	ATTORNEY JONATHAN LAPPER BARTLETT, PONTIFF, STEWART & RHODES, P.C.
ADDRESS:	365 – 375 CANADA ST – COURTYARD MARRIOTT
ZONE:	COMMERCIAL MIXED USE
SITE PLAN APPLICATION:	# 1369
SPECIAL USE PERMIT APPLICATION:	# 1369-SUP – PUBLIC HEARING

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Robert asked Dave Harrington to speak to the Board regarding concerns that have been raised about the sewer capacity and nitrate levels. Dave provided an overview. In 2010 Lake George Village (LGV) began investigating the sewer plant collection system. 1.8 million dollars was spent on the pump station and slip-lining the collection system. Next the Waste Water Treatment plant was looked at for efficiencies and the nitrate problem that exists at the Waste Water Treatment plant. Currently there is a 2.2 million dollar project in place which will address the efficiencies of the plant and increase the capacity of the sand beds. The limitation at the Waste Water Treatment plant is related to the capacity of the sand beds. Studies have shown that the sand beds are "blinded". In re-doing the sand beds it's possible there will be more nitrate removal. Another phase (2015) is currently being looked into. This phase is another 2 million dollars and will hopefully remove all of the nitrate problems at the plant. Next Dave addressed the water flow at the new hotel. Using an additional flow of approximately 20,000 gallons per day Dave indicated he doesn't feel the current nitrate levels will be impacted extensively by this additional flow. Dave mentioned that anytime a major project is undertaken an evaluation of the current infrastructure is completed in order to determine if the infrastructure can handle the new proposals. Chazen Companies conducted the evaluation and Sean Doty is in the audience tonight to answer questions. The report does indicate the possibility of a nitrate increase however, there is no way to detect if the increase is attributable to the increased flow. The Village has already experienced high nitrates at low flow and high flow. Dave explained that the current sand beds have been in existence since the plant was built in the 1930s. Over time sand has been removed to allow for better percolation and it's at the point where they cannot go any deeper to remove the "blinded" layer – the sand no longer percolates. One of the aspects of this project is to remove the blinded material, put the beds back to their original length and width and install 3 to 4 feet of new sand which will allow for better percolation and nitrate reduction. There are 28 beds; half will be done with this project. This first phase will be completed by June 2014. The exact details of phase 2 which is projected for 2015 have not been determined yet. These improvements will address issues which are issues for the entire Village and not just because the new hotel is being built; these issues need to be addressed whether or not the new hotel is in existence. The Village planned on addressing these issues long before the new hotel discussions began. Dave added, the cost of these improvements is a loan (not a grant) and therefore, the cost will be the burden of the Village taxpayers and without development it will make these burdens more difficult to bear. Currently the nitrate level is not violated when the waste water goes out onto the sand beds. The violation occurs in the test wells located near Birch Ave; the plant is below the nitrate levels when the waste water goes out on the bed and then it rises when it's going into the test wells. Capacity is not an issue based on a 2012 study.

Since there were no further questions or comments the Board moved to review of the site plan.

- SP 1- No changes were required.
- SP 2 – Directional signs and stop bars have been added to the driveways within the parking lot. A sign was added - no exit during school - on the Parrott St. egress of the parking lot. People can see this sign before they actually proceed down Parrott St to Ottawa St. A guardrail has been added to both sides of Parrott St. The guardrail on the south side changes to a fence in the area of the deeper grade and then will change back to a guardrail as the grades back to a lessor grade. The 1,500 gallon grease trap will be outside underground.
- SP 3 – Planter boxes on Canada St. have been updated as well as the guardrails as discussed. There are 9 curb openings to the bio-retention basins, erosion control mats will be installed at the openings. Each basin has 3 to 4 openings and they are located in the areas where the water runs across the parking lot.

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- SP 4 - The lighting has been corrected as discussed and a fence detail has been added to the top of the retaining wall. The dumpster will be enclosed by green fencing.
- SP 5 – The retaining wall detail has been changed based on previous discussions.
- SP 6 - Landscaping plan – Updated the location of the two planter boxes on Canada St. Perennial plants will be used as shown and annual plants will be added seasonally.
- SP 7 – There were two lights on Canada St. These were incorrectly placed on previous plans and have been removed from the plans the Board is reviewing tonight. Patricia questioned the increase in the number of lights for the parking area. The current light fixtures are 22 feet high (20 foot poles with the fixture on top). The new lights are 20 feet to grade. In the existing parking lot there are 4 poles with 4 lights on each pole. Now there are approximately 20 – some of the new lights are two fixtures and the new lights around the perimeter are one light. The new lights are a different type of light. The new lights are an architectural design and the lighting does not cover as wide of an area as the current commercial lights. The lumens are very close to the same as the existing lights. Patricia pointed out there are lights on SP 2 along Parrott St. that are not reflected on SP 7. SP 7 is more accurate as it is the lighting plan.

The Board began to review the revised building plans (CN). Ethan explained the majority of the changes were to the color on the exterior; the plans tonight reflect the discussions regarding the various colors used and where they are to be used. The basement elevation has been added. Signage has been depicted on the front of the building. On the front of the building grids have been added to the upper transoms and on the south end of the building where there are no transoms, grids have been added to the upper portion of the window to keep the continuity of the windows in the front. A wider vertical separation (mullion) will be added to the windows to the south – i.e. all windows along the bottom on Canada St. will look the same.

There will be wall mounted, down lighting, accent lights, on the front of the building. They are approximately half way up the door. There will be 10 along the front. They are very low lighting – two 13 watt bulbs. There will be very little intensity on the ground.

CN7 – Arborvitae has been added as discussed. As requested, 3 faux windows have been added to the north side to break up the exterior as requested.

Left side - On the left side elevation the plantings have been added. These appeared on the planting schedule but did not appear on this plan. Thicker mullions will be added to the windows.

Rear - The trees have been updated at the rear to match the planting plan. Grids have been added to the faux windows.

Roof plan – Updated to show the Azek composite pavers on the roof seating area. The plan has been updated to show the dedicated walkways and the safety exits.

Dan commented to the Board about the requirements regarding (Article X – Adirondack Park Agency Review) §220-72 B and D of the Village Code “Requirements for Planning Board approval of class A regional projects”. He asked the Board to consider waiting for the APA review before the Planning Board makes a motion.

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Mark counseled the Board regarding Dan's comment. The Board has 62 days from the close of the public hearing to make a motion. The Board can ask an applicant to go to the state agency first but there is no legal basis to require an applicant to go to the state agency first; the Board can't legally say they are not going to decide until they have an APA decision. There are a minimum of 8 factors to consider for Site Plan review and those are the 8 factors are listed in §220-48 D (3). Because this is a Class A regional project for the Adirondack Park Agency there are an additional 4 requirements which must be considered and these are stated in §220-72. All of these items should be considered in any motion that is made for this project.

MOTION: Chuck Luke made a motion to approve the Site Plan for Kenny & Ditttrich Amhest LLC for 50 Amhesrt St., and 365, 371 & 375 Canada St. for the proposed development of a 120 room hotel and conference center with a restaurant and first floor retail shops.

Final color changes as presented on the revised plans this evening are:

- Tuscan changed to Khaki brown
- Dark brown is "Timber Bark"
- Chestnut brown to remain the same
- Country Lane Red for the trim.

Stone work will be quarry stone, natural stone with a field stone pattern cut and sand blasted field stone – samples as displayed to the Planning Board.

Updated architectural plans dated 2/17/2014 and reviewed 2/19/14 as follows:

- CN0 – Basement plan as presented per plans.
- CN1 – First floor plan as presented per plans.
- CN2 – Second floor plan as presented per plans
- CN3 – Third floor plan as presented per plans.
- CN4 – Fourth floor plan as presented per plans.
- CN5 – Fifth and sixth floor plan as presented per plans.
- CN6 – Conceptual front elevation, as presented per plans with one change of adding a thicker bottom piece to the window grids.
- CN7 – Conceptual right side elevation as presented per plans
- CN8 – Conceptual left side elevation as presented per plans.
- CN9 – Conceptual rear elevation as presented per plans.
- CN10 – Conceptual roof plan with composite AZEK pavers, seating capacity not to exceed plan. Roof top bar, restaurant, cell tower, solar panels to require Site Plan review.

All building materials are to be used as described on these plans. Stone work, colors and building materials to be used as presented and described to the Planning Board.

Site Plans as reviewed and dated 1/27/2014 with updates dated 2/17/2014 and presented tonight to address concerns from the Planning Board meeting held on 2/10/2014.

- SP-1 - Existing Conditions and Removal Plans as presented per plans dated 1/27/2014. There has been no change to this plan.
- SP-2 – Layout and Utilities Plan as presented per plans dated 2/17/2014.
 - Directional signs and stop bars have been added to driveways and the parking lot. A directional exit to Amherst St. on school days has been added.

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- The location of the street tree planter boxes on Canada St. has been coordinated with the architectural renderings.
- A new guard rail has been added to the north side of Parrott St.
- A guard rail and fence to the top of the retaining wall have been added along the north and west side of the parking lot.
- There are two lights on Parrott St shown in the plans. These are incorrectly placed and will be removed.
- SP-3 – Grading and Drainage Plans as presented per plans dated 2/17/2014.
 - The location of the street tree planter boxes on Canada St. has been coordinated with the architectural renderings.
 - A new guard rail has been added to the north side of Parrott St.
 - A guard rail and fence to the top of the retaining wall have been added along the north and west side of the parking lot.
- SP-4 – Site Details as presented per plans dated 2/17/2014.
 - Out-of-date site light detail has been deleted.
 - Fence detail has been added with a note that the fence detail will likely be changed to a decorative wrought iron fence.
- SP-5 – Site and Utilities Detail as presented per plans dated 2/17/2014.
 - Made corrections to the retaining wall detail.
- SP-6 – Landscape Plan as presented per plans dated 2/17/2014.
 - The location of the street tree planter boxes on Canada St. has been coordinated with the architectural renderings.
- SP-7 – Site Lighting Plan as presented per plans dated 2/17/2014.
 - In the front of the hotel two lights were incorrectly placed in the middle of Canada St. they have been removed from the plan.

Note:

- The Lake George Fire Department has signed off and reviewed this project. Sprinkler systems, standpipes, access for emergency vehicles and adequate turning radius for emergency vehicles are all in order.
- Dave Harrington, Superintendent of the Village Department of Public Works has signed a letter stating that there is ample sewer capacity and adequate water supply. Sand drying beds are being refurbished to address nitrate concerns.
- The applicant agrees to work with the Village of Lake George to establish a “concrete crypt” for the tree plantings along Canada St. as suggested by the Lake George Waterkeeper. If said “concrete crypt” design does not meet the Village street scape then the applicant will work with the Village to achieve the same number of plantings as shown on their plans in a manner the Village chooses to be the best design. This has been noted in the updated Site Plan.
- As discussed at previous meetings, the handicapped ramp located on pizzeria which is to the south of the new hotel will be removed.
- Hours of operation sign for the roof area will be posted on the roof.
- There will be a directional sign “left turn only” from Parrott St. during school hours, after school late bus runs and sports activities. This has been noted in the updated Site Plan.
- Any trees which do not survive after they have been planted will be replaced with trees of equal size.
- The dumpster area to be maintained in an orderly manner.
- Drywells to be maintained and cleaned out on a scheduled basis.
- Deliveries will be made at the rear of the building.

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Addressing Article X, §220-72 "Requirements for Planning Board approval of class A regional projects" of the Village Code:

- A. *The use complies with all other requirements of this chapter, including the dimensional regulations of the zoning district in which it is proposed to be located;*
 - The project is located in Lake George Commercial Mixed Use Zone - 6 Story Overlay District and meets requirements and the dimensional requirements for that zone and district.
- B. *The use would be in harmony with the general purpose and intent of this chapter, specifically taking into account the location, character and size of the proposed use and the description and purpose of the district in which such use is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed use, and the nature and rate of any increase on the burden of supporting public services and facilities which will follow the approval of the proposed use;*
 - The project is in harmony with the surrounding properties. The project is a hotel with retail space and a restaurant which is consistent with uses of other nearby properties within the Lake George Core Business District.
- C. *The establishment, maintenance or operation of the proposed use would not create public hazards from traffic, traffic congestion or the parking of automobiles, or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Village;*
 - The project will have an entrance off Canada St. It will have an entrance/exit on Amherst St. and an entrance/exit on Parrott St. The number of parking spaces for this project meets Code requirements. The project has been reviewed and signed off by the Lake George Fire Department for sprinkler systems, standpipes, access for emergency vehicles and adequate turning radius for emergency vehicles. Ladder trucks and additional equipment is available through mutual aid planning. The Superintendent of Public Works has reviewed the project in length and has determined there is adequate sewer capacity and water supply to meet the demands of the proposed project. There is an adequate turning radius for delivery vehicles. Trash dumpsters will be in a fenced/gated area. Turns will be restricted to "left only" from Parrott St. during school hours. In addition, the Warren County Planning Department has requested a traffic sequencing study to be done to minimize additional traffic from stacking on Amherst St. This study is to be conducted in July of the first summer of full operation.
- D. *The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth hereof, and in so doing, the Planning Board shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in this article.*
 - The proposed use for the site will not have a greater overall negative impact on the site and its surroundings than would full development of uses of the property permitted by right.

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A "Stormwater Management Report and Stormwater Pollution Prevention Plan - Narrative for the New Hotel on Canada Street, Lake George" was prepared and presented by Nace Engineering to the Planning Board. Parking lot and roof run-off will be contained on the property via a drywell system and infiltration. 10 year, 25 year and 100 year storm plans were presented. The stormwater management system will be completed per plans.

2ND MOTION: Dean Howland

At this point Mark Schachner counseled the Board regarding two points made in the motion. The first was the reference to a wrought iron fence (SP4 above) and whether or not the wrought iron fence would be a requirement. Chuck replied that it was not his intent to make this a requirement. The second was in reference to the traffic sequencing study (§220-72 C above) in that it is not clear who is conducting the study and who will be paying for the study. Chuck responded indicating the applicant will conduct and pay for the study.

MOTION: Chuck made a motion amending his previous motion to clarify - The applicant is responsible for conducting the traffic sequencing study suggested by the County and paid for by the applicant.

2ND MOTION: Dean Howland

Robert Mastrantoni	Patricia Dow	Dean Howland	Chuck Luke	Dan Wolfield
Aye	Nay	Aye	Aye	Nay

Aye = 3 Nay = 2. Motion carried

MOTION: At this point the Board voted on the motion.

2ND MOTION: Dean Howland

Robert Mastrantoni	Patricia Dow	Dean Howland	Chuck Luke	Dan Wolfield
Aye	Nay	Aye	Aye	Nay

Aye = 3 Nay = 2. Motion carried

Patricia Dow asked to have the following statement put into the record (verbatim) to reflect why she made a "no" vote.

- "I'm concerned that more information is needed on this project to determine if it would indeed have no impact on the environment as stated in the Class A regional projects for Adirondack Park. I'm also concerned about the impact on the current wastewater treatment facilities in place. The cost of the necessary upgrades will be a burden on the public, who is charged with supporting these things. I also feel strongly that the architecture of this 6 story building does not fully comply with the new architectural standards adopted by the Village of Lake George. The roof line is not varied with gables, stepped roofs, dormer windows, etc. The mansard roof is not consistent with the other architecture of the building. The apparent mass of the building is not adequately reduced as the standards wish and state as a condition by the use of recesses, offsets, changes in height, projections, etc. It remains visually a large basically unadorned rectangle which is not what the newly adopted architectural standards envisioned."

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TAX MAP 251.18-3-35

16 MCGILLIS AVE.

SITE PLAN APP. # 1318

Kim Butterfield has made changes to her approved site plan for the exterior of her building. Doug showed the plans to the Board and the Board agreed the changes do not necessitate a return to the Planning Board for review. Dean raised a couple of issues which Doug will check on and resolve before allowing Kim to go ahead with the changes.

MINUTES

MOTION: Patricia Dow made a motion to approve the minutes of January 15, 2014 as presented.

2ND MOTION: Chuck Luke

Robert Mastrantoni	Patricia Dow	Dean Howland	Chuck Luke	Dan Wolfeld
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nay = 0. Motion carried

MOTION: Robert Mastrantoni made a motion to approve the minutes of November 20, 2013 as presented.

2ND MOTION: Patricia Dow

Robert Mastrantoni	Patricia Dow	Dean Howland	Chuck Luke	Dan Wolfeld
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nay = 0. Motion carried

MOTION: Robert Mastrantoni made a motion to adjourn the meeting at 9:20 PM.

2ND MOTION: Chuck Luke

Robert Mastrantoni	Patricia Dow	Dean Howland	Chuck Luke	Dan Wolfeld
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nay = 0. Motion carried

Respectfully submitted,

Carol Sullivan

February 25, 2014