

**APPROVED**

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
MARCH 21, 2012  
PLANNING BOARD MINUTES**

Board members present: Robert Mastrantoni - Chairperson, Patricia Dow, Chuck Luke, Dan Wolfield

Absent: Patty Kirkpatrick

Others present: Dan Garay, Kitty Rooney, Monica Proctor, Bob Proctor, Kim Zeppieri, Clare Decker, Melissa Vito, John Ferrone, Robert Gregor, Craig Nicholson, Kathy Bozony

Robert opened the meeting at 7:00 PM.

**TAX MAP: 251.18-3-41**

**APPLICANT: SARAH HANNA**

**ADDRESS: 175 CANADA ST. – MAYARD CENTER**

**ZONE: COMMERCIAL MIXED USE**

**SIGN APPLICATION #1211**

Applicant is opening a new salon in the location of the previously approved salon, Natural Beauty. This salon is located in the Mayard Center and is the last storefront on the northwest side. Applicant is seeking approval of a wall sign which will be hung from the roof projecting overhang; all previously approved signs have been hung from this projecting overhang. (Definition of wall sign - A sign permanently or temporarily attached or affixed to any exterior wall or projection of a structure.) The wall sign is 13.61 square feet which complies with the requirement of not more than 25 square feet. Applicant is also seeking approval of a 3' x 3' A-frame sign. 3' x 3' is the maximum allowable size for A-frame signs.

- Robert asked the applicant to approach the Board and explain what the Board is reviewing this evening. Sarah explained she intends to hang the sign from the current overhang.
- Patricia asked if other signs in the Mayard center contained as much information as the sign which will be hung under the overhang. She understands the necessity for information on an A-frame sign. Sarah explained the Natural Beauty sign which was approved did list the phone number and the services.
- After polling the Board Members for additional comments, hearing none, Robert asked for a motion.

**MOTION:** Chuck Luke made a motion to approve the sign application for Sarah Hanna, in the Mayard Center, with light blue colors and lettering underneath as presented. A-frame is approved, as well.

**2<sup>ND</sup> MOTION:** Dan Wolfield.

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfield
Aye	Aye	Absent	Aye	Aye

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**TAX MAP #251.14-2-27, VACANT LAND  
TAX MAP # 251.14-2-28, SINGLE FAMILY RESIDENCE  
TAX MAP #251.14-2-29, MOTEL  
OWNER/APPLICANT: DAN GARAY  
ADDRESS: 14 MOUNTAIN DRIVE AND 1 OLD POST ROAD  
ZONE: SINGLE FAMILY RESIDENTIAL  
SITE PLAN APPLICATION #1207**

Applicant is: Combining the vacant lot (251.14-2-27) and the lot where the single family residence is located (251.14-2-28) into one lot. Adjusting the property line on the west side of 251.14-2-29 where the motel is currently located. This adjustment will increase the square footage of the vacant land/single family residence lot. This will result in  $\pm$  2291.29 square foot addition to the single family residence/vacant lot and a reduction to the motel lot. The end result will be two lots instead of the current three. The revised two lots will comply with the 10,000 square foot requirement for lots located in this district.

- Dan Garay explained the proposed boundary line adjustment and lot combination to the Planning Board.
- The accessory shed will be moved to a space on the SFR/vacant lot combination.

**MOTION:** Patricia Dow made a motion to approve the combination of the vacant lot on Old Post Road with the lot on Mountain Drive and to adjust the property line as indicated to the West of the motel.

**2<sup>ND</sup> MOTION:** Dan Wolfield.

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfield
Aye	Aye	Absent	Aye	Aye

**TAX MAP #251.14-2-11  
OWNER/APPLICANT: KENNY & DITTRICH, LLC  
ADDRESS: 50 AMHERST ST  
ZONE: COMMERCIAL MIXED USE  
SITE PLAN APPLICATION #1208  
SPECIAL USE APPLICATION #1208SP – PUBLIC HEARING**

Applicant will be creating a commercial parking lot where the current vacant lot is located at 50 Amherst St. The design of the lot meets requirements for commercial parking lots, landscaping, lighting etc. The pavement of the lot will be a permeable surface. Therefore maximum lot coverage is of no consequence. In addition, the applicant will be improving the current parking lot located behind Giuseppe's pizzeria and restaurant.

- Chairman, Robert Mastrantoni opened the Public Hearing for the Kenny & Dittrich parking lot on Amherst St. at 7:20 PM.
- Dave Kenny explained to the Board his intention of having a commercial parking lot on Amherst St. extending through to the back of Giuseppe's Pizza and Giuseppe's Restaurant. Dave introduced his engineer, Tom Nace, to the Board.
- There will be an egress on Amherst St. and one on Route 9/Canada St.
- The egress on Route 9 will be the current egress located between the two restaurants. This area, behind the two restaurants, is currently used for parking, however, it will be included in the improvements.

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- Patricia asked about the permeable surface. Tom Nace explained that depending on the cost they may consider drywells instead. Whether permeable surface is used or drywells “everything that comes off the surface” will be infiltrated. Dave added they are trying to determine if the permeable pavement is going to hold up in this area. Tom Nace indicated they are still looking into it but it appears to make the pavement affordable, there is an asphalt mix which does not hold up in the wintertime. Dave indicated if the permeable pavement couldn’t be done right, they would use drywells and non-permeable pavement.
- Doug explained if the permeable pavement was not going to be used then the design of the parking lots has to be amended to show the location of the drywells. Tom explained the design would be the same however, the grading may be a little bit different.
- A discussion regarding the use of permeable pavement ensued. Doug indicated if a parking area with permeable pavement is salted, sanded and plowed during the winter months a problem could result. If the lot is not used in the wintertime then it wouldn’t be affected as much.
- Dave indicated he would like to make the parking lot available in the wintertime, particularly for school events.
- Doug said the Planning Board can approve the concept but cannot make a full approval of the parking lot unless they know how it is going to be done. The decision of how it is going to be done needs to be made.
- Dave said they would make the decision now to go with what they have submitted so they can get started and if they need to come back they will. Doug explained the Board can approve the plan based on the permeable pavement and if Dave makes changes then he can return to the Board and discuss the changes.
- Dave mentioned he thought the resurfacing of Beach Rd. will be done with permeable pavement. He added it’s not just the price tag but also whether or not it will hold up.
- Robert asked about landscaping and Dave indicated there would be landscaping all around.
- Chuck asked about traffic flow pattern – one way in and one way out or is it going to be two ways? Two ways for each – Route 9 and Amherst.
- The neighbor’s property to the back is fenced off. Dave added they are landscaping the parking lot along Ottawa St. and Parrott St. There is an existing big tree on the neighbor’s property.
- Dan asked if there would be landscaping or a fence at the neighboring property on Amherst – there will be cars pulling in and lights shining in/on the house. Dave indicated there is no room to landscape and the house is very close to the property line as are the parking spaces.
- Chuck expressed the neighbor’s concern about protection at the pool area. There is a fence already installed. Could a cement bumper be installed in this area? Dave indicated there will be a bumper installed. Chuck asked “for the length of the pool area” and Dave indicated this wouldn’t be a problem. The Board referred to this as a wheel stop.
- Dan questioned the flow of traffic in and around the area of Guiseppe’s parking lot. The parking spaces come to an end. Dave indicated he owns all the property.
- Dan expressed concern about traffic coming out of the parking lot onto Amherst St. He suggested having this as just an entrance. Price Chopper is in this location as well as the street that runs parallel to the Price Chopper parking lot. Many cars could be exiting out onto Amherst St. This can create all kinds of congestion. Dave mentioned he thought this would be an easier exit than exiting out onto Canada St./Route 9. Chuck agreed with Dave, traffic coming out of Price Chopper and the light will cause enough delay so people can get in and out. Dan asked if there could be an exit on Parrott St., there’s no traffic and it goes right to Ottawa. Dave indicated there is a business there and he doesn’t want to interfere with that. Dan indicated it would be an easier flow with enough space for cars to line up on Parrott St. Parrott Street is narrow.

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- Patricia pointed out that from the exit on Amherst to the light on Canada St. there may be room for 6 cars plus. There are cars from Price Chopper and the other street that are feeding to the light. Robert said he would rather see the cars on a side street rather than trying to get out on Route 9; there's congestion on all streets when there is an event. The Board continued to discuss the flow of traffic.
- Dan asked if it is a fee lot and if there will be attendants. Dave said there is a fee and the lot will be attended; he will have it monitored 24 hours a day. Doug pointed out that Village Law requires there be an attendant present during hours of operation.
- Dave indicated the hours of operation will match the hours of the parking meters in the Village.
- 4 handicap parking spots will be available.
- Pointing to the plans the Board asked where the lighting fixture will be placed. Tom, pointing to the plans, indicated where the lighting will be placed.
- The Planning Board discussed the plantings that will be installed.
- Dan asked if there is any reason why Parrott Street could not be used. Doug indicated he did not know. Doug indicated there is a certain spot where it is not paved. Dave mentioned it's a narrow road and may not be utilized for an in/out flow of traffic. Delivery trucks use it and back into it. Dan asked if in/out is allowed on Amherst would Dave give consideration to just an exit on Parrott. Dave indicated this might be a possibility when there are events but not 24/7. There is some question about who owns the property where there is a gate.
- Dave indicated he has 22% green space (20% is required). The permeable surface is not included.
- Robert asked if the public had any comments:
  - Kathy Bozony (with the office of the Lake George Waterkeeper) commented on traffic flowing in and out and someone trying to back up from the parking space nearest the liquor store. Has any thought been given to entering from Iroquois and exiting from the main spot? Tom responded that the entrance/exit is 24 feet wide and should provide plenty of room – Kathy - for even the people backing up and looking in both directions? Tom indicated it is not any different than any other parking lot. Dave mentioned his concern with Iroquois is the businesses that utilize the street. Kathy mentioned they were excited that Dave was going to use permeable pavement. She indicated she is aware it is quite an expense and that the companies that produce it have to shut down their entire plant in order to start producing it. It will be used on Beach Rd and probably will not require much sand or any salt because it is permeable it does not ice up. She indicated Beach Rd. is going to be a test area and will be looked at for 3 years and if it is not a good product it will be replaced. She suggested that Dave could look into having his parking lot laid at the same time. Permeable pavement definitely requires maintenance as do all stormwater management devices. Permeable pavement has to be vacuumed. There is permeable asphalt, permeable concrete which are options. Also, which might be nice for a public parking lot, there are concrete blocks with grass in it. Kathy offered to send information to Dave because there are a lot of options. The property has been used and the soil is very dense right now. In order to install permeable pavement the soil will need to be conditioned and prepared for permeable. Kathy indicated she did look at the landscape plan – none of the plants are native. Two may be invasive - the Norway spruce and the Goldmound Spirea. Kathy encouraged the Board to ask for native plants that don't require watering. A rhododendron will require more care than a native plant and the flowering time is limited. Native plants don't require anything once they are established. There are hundreds to choose from that would be very comparable to what has been chosen here. Also, Kathy wanted to encourage Dave to look at what can be done with the green spaces whether the pavement is permeable or drywells

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are used; the water can be used to infiltrate the gardens serving as water for the gardens. Instead of creating a curb where the water runs up to it and then flows down into a drain into the drywell, the curb can be broken so that it goes into the garden area. It would be great if we started seeing some of this green infrastructure in the Village of Lake George. Again, these native plants don't require any fertilizer which is really critical because all that water goes right into the lake and they don't require pesticides. The main focus should be on native plants. Spireas go everywhere but Kathy isn't familiar with the "golden" variety Dave is planning to use. Norway spruce is one the Lake George Waterkeeper tries not to include planting. There are other varieties available – cedar and arborvitae are very sensitive to salt. Dave suggested he would be amenable to sitting down with the Lake George Waterkeeper to discuss changes.

- Patricia asked to revisit the idea of a fence for the property to the West. Currently there is a fence from the tree to the end of the property. That's an existing fence. Then there will be wheel stops installed all along Dave's property. What about a fence, from the birds-eye view, to the left side of the existing tree? Dave indicated there is only a chain link fence around the pool. Patricia asked about fencing that is low enough so the headlights won't be shining into the building. Dave believed the neighbor's concern was about protecting the pool area. The neighbor can install a privacy fence. Patricia asked – just wheel stops and no other fencing? Dan had mentioned fencing where the building is, there is a chain link fence near the pool area. Dave indicated the building is empty now and he understands it will be used as a commercial building. He doesn't feel a fence would be very attractive. There was living space on the upper floor. There is a house in the back where the swimming pool is but that is fenced in. Dave mentioned the building (aka the old hardware store) has been vacant for quite a while and no one really knows what the property owner's plans are. Robert asked if the Board was OK without a fence in this area and the Board indicated they were.
- Dave indicated the meters in the parking lot will run the same time as the Village meters and while the meters are running the parking lot will be manned. There will also be cameras installed. The cameras will send a signal to the 24 hour desk clerk at Marine Village.
- Patricia asked about the exit out onto Parrott St., particularly when there is a festival event. Can that be looked into? Dave indicated he would look into that. Dan asked if the Board could propose it as "if possible", if possible there will be a gate. Dave indicated he is open to the idea and needs to talk with the neighbors and property owners. Dave indicated if it is possible, he has no problem manning the gate.

**MOTION:** Robert made a motion to close the public hearing.

**2<sup>ND</sup> MOTION:** Chuck Luke.

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Aye	Absent	Aye	Aye

**MOTION:** Patricia made a motion to approve the Special Use Permit for Kenny & Dittrich at 50 Amherst St. for the parking lot, considering that it meets the criteria of the compatibility proposed use with the Comprehensive Plan, adjoining properties and the overall impact having considered those things and the location and healthy mix of uses, to approve this proposal for a parking lot.

**2<sup>ND</sup> MOTION:** Robert Mastrantoni

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Aye	Absent	Aye	Aye

**MOTION:** Chuck Luke made a motion to approve the Site Plan for Kenny & Dittrich as presented with a permeable pavement, with resubmission if drywells and other options become necessary. A light will

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be added, that is already planned, near the tree on the West side, facing in. Bumpers or curbs will be added to the West side of the property adjoining the old hardware store for that whole section. You will make changes to the plants; you will work with the Waterkeeper on native species. You will provide access to Parrott St. as an exit for special events providing ownership of the property and all the details can be worked out. The hours of operation will be essentially like the Village metered operation. There will be 4 handicapped parking spots near the Giuseppe's exit. Entrance and exit on Amherst St. and the entrance/exit on Canada St. through Giuseppe's lot.

**2<sup>ND</sup> MOTION:** Robert Mastrantoni

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Aye	Absent	Aye	Aye

**TAX MAP: 251.14-3-21**

**APPLICANT: JOHN FERRONE – TAMARACK RESTAURANT**

**ADDRESS: 440 CANADA ST. (CORNER OF CANADA AND LAKE AVE.)**

**ZONE: COMMERCIAL MIXED USE**

**SITE PLAN APPLICATION #1209**

Applicant is adding a 13' x 41' ground level deck to the north side (Lake Ave.) of the restaurant. The deck will be used for outdoor dining and satisfies the 5 foot setback requirement. The egress will be an outdoor ramp.

- John Ferrone explained he would like to build a deck on the North side (Lake Ave.) of the Tamarack restaurant.
- Robert asked if the deck will eliminate parking spaces. John explained there is still plenty of room for parking; he will have at least 20 spots even after the deck is built. Employees park in the back.
- Dan asked if parking will be allowed or if there is enough room to park cars facing the deck. John said no, there is no room because of the 5 foot offset.
- Patricia – pointing to the plans asked about the entrance. John pointed out the entrance, the seating area and an extension of his back porch. The extension will be the service ramp; employees will use this ramp to service the deck from the back of the restaurant.
- John handed out a green space plan.
- John also showed the Board the composite decking he will use and the color – made by Trex.
- Dan asked if there is access to the deck from the restaurant. There is not. People can park or walk and walk to the deck area.
- Patricia asked about the pavement and green space. John indicated there is about 100 square feet of green space at the end of the deck. There are existing shrubs which will remain and the deck will be built around them; this is existing green space and will add to the drainage. Whisky barrels will be used with plantings.
- County permits are required, therefore, railings and the deck structure will be built according to the appropriate NYS Code.
- Trex decking is very strong; it doesn't require as much maintenance as wood, it's washable.
- The main part of the deck will be built with treated lumber. The upper rails will be mahogany.
- The lighting will be low voltage lighting. It will be mounted on the top of the mahogany 4 x 4 rails. The lights will surround the entire deck. They are 20 watt lights with diffusers. There shouldn't be any glare and there will be no spotlights. The street lights on Lake Ave. are pretty bright and will provide light on the deck. There will be low voltage accent lighting on the back wall where the fireplace is. Neighboring motels also provide some lighting.

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- The deck will be open until about 10 – 10:30 at night. It's not going to be an entertainment deck; food and alcoholic beverages will be served.
- Dan asked if any thought has been given to protecting the deck from people potentially driving off Lake Ave. into the deck? The street and deck are close in proximity. John indicated he had not thought about this issue. The deck is 10 feet from the curb.

**MOTION:** Patricia made a motion to approve the application from John Ferrone for the Tamarack Restaurant to add the 13 foot by 41 foot ground level deck (extending higher than ground level as it is built towards the lake) on the north end of the restaurant as presented. With the materials as presented and shown in the literature he's given us. The lighting as presented. The egress as presented.

**2<sup>ND</sup> MOTION:** Chuck Luke.

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Aye	Absent	Aye	Aye

At this point Robert adjusted the Agenda items, allowing Adirondack Entertainment & Recreation to present their project before Lochlea Lot 2 stating the Board believed this project would progress more quickly than the Lochlea Lot 2 project.

**TAX MAP: 251.18-3-71**

**OWNER/APPLICANT: ADIRONDACK ENTERTAINMENT & RECREATION INC.**

**ADDRESS: 4 BEACH RD**

**ZONE: COMMERCIAL RESORT**

**SITE PLAN APPLICATION #1212**

Applicant is changing the roof façade of Mazzarella's pizzeria. This area suffered severe water damage and must be replaced. Applicant is proposing a bronze or copper top to the building. Applicant is changing the gift shop/convenience store (Gifts Galore & Convenience Store) to a dining area. Change of use must be reviewed by the Planning Board. Applicant will be adding an awning to patio area located on the south side of the sub shop. Applicant will be adding an awning to the current patio area located at the rear of the building facing the amusements. At the February 15, 2012 meeting the Board agreed to review the change of use (Gifts Galore to indoor dining), awnings, lighting and façade/roof change of Mazzarella's pizza at tonight's meeting under this new application.

- Kim Zapijerri, 1<sup>st</sup> addressed the changing of the roof at Mazzarella's. It will be changed to a copper roof similar to the roof currently on Riley's at the Lake across the street.
- The gift shop will be changed to a dining area with an egress through Beach Road or the pizzeria. Robert pointed out that the change from a gift shop to a dining area is considered a change of use.
- Patricia asked for the location from the pizzeria. Kim explained the entrance to the pizzeria is on the corner of Canada and Beach and to the left (from inside the pizzeria) one can enter the dining area. Patricia pointing to the plans indicated that it appears one would walk either to the restroom or the prep area. Kim pointed to a hallway which used to be a restroom – when you walk through the front doors into the pizzeria the kitchen is to the right, there is a restroom, there was a closet next to that and it goes down to the gift shop. Dan pointing to the plans indicated what he thought to be the hallway and Kim confirmed that it was the hallway and there are three stairs down into the gift shop (now the proposed dining area).
- Dan asked where food would be ordered. Kim stated that food can be ordered at the front counter after entering the pizzeria and there will be wait service in the dining area. Dan asked - there will be

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a choice of ways to dine – come into the pizzeria through the main doors, pick up a slice and exit or pick up a slice and go to the dining area or enter the dining area from Beach Rd. and have service.

- Pointing to the plans, Dan asked for confirmation that the other door goes into the arcade area...Kim confirmed that it does.
- Dan asked if the covered deck remains and Kim confirmed that it does. In the covered deck area there will be seating; that seating has already been approved. An awning is being added off of the lower covered deck area over the patio.
- There will be another awning on the, pointing to the plans, South side of the sub shop and about 12 seats.
- The color of all awnings will be hunter green.
- Sub shop will remain the same.
- Patricia asked if the area next to the sub shop (on the south side) is already paved. Kim indicated that it is "stamped" concrete.
- Chuck asked if there is seating under the awning under the current patio area? Robert indicated it is a waiting area for the carousel and Kim agreed.
- Robert polled the Board for other questions; hearing now he asked for a motion.

**MOTION:** Chuck Luck made a motion to approve the change of use for Adirondack Entertainment & Recreation Inc., 4 Beach Road. They are changing from a gift shop to a seating area for the pizza, 44 seats.

**2<sup>ND</sup> MOTION:** Dan Wolfeld

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Aye	Absent	Aye	Aye

**MOTION:** Chuck Luck made a motion to change the roof façade of the existing pizzeria to a copper roof. As well as the addition of two awnings; one on the South side of the sub shop for coverage of 12 seats an additional awning off the current patio area, there will be no seating under that awning, it's just for protection and waiting for the carousel. Both awnings are to be hunter green in color. The existing awnings on the sub shop are going to be changed to match the new awnings and they will be hunter green.

**2<sup>ND</sup> MOTION:** Patricia Dow

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Aye	Absent	Aye	Aye

Prior to reviewing the next agenda item Doug advised the Board there is an issue that needs to be resolved which may impact the review of the next item. The Board has two letters - one from Kitty Rooney and one from the Waterkeeper. The Board also has the minutes from the March 2009 meeting and the August 2009 meeting. Kitty provided a letter from Sean Doty/Chazen Co.

- The Board questioned Doug about the 50 foot setback. Doug explained that it is a DEC requirement. The 50 foot, the DEC put it in there but they also provided a letter stating their opinion about the 50 feet about this particular lot (secretary's note – the letter is not from the DEC. There is an email from the Proctors regarding their conversation with the DEC.) That is a DEC setback, it is not a Village setback. They addressed it and as far as the Zoning Office is concerned they need to meet the 20 foot setback that is the Village's requirement.
- Robert asked if the new house that is proposed will meet all the setbacks – Doug advised that could be addressed in a minute. Initially the first phase should be figured out before moving forward.
- The February 2009 minutes indicate the footprint of the houses will be approximately 1,100 square feet, however, the motion makes no reference to that. Doug advised the Board that he called the



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Village Attorney, Mark Schachner on the issue before the Board because the Waterkeeper has one opinion and Kitty Rooney (representing Lochlea Partners Inc.) has another. Doug spoke to Mark about the nature of the motion that was made on that particular day. Doug advised the Board Mark feels the discussion about the 1,100 square foot was a discussion and it was an approximation and not necessarily binding as far as they had to meet the 1,100 square feet – it is an approximation. Mark's opinion is that this is not binding. Mark also said that when the Planning Board is looking at this they should look at it as if they can meet the criteria of what the Board believes is necessary for this to work on this particular lot. The Village does not control the size of homes. The Village addresses particular issues by lot coverage, by setbacks, and by stormwater but the Village does not set any physical limitations, other than a height limitation, on the size of a home as long as they meet the requirements the Village of Lake George has on its books. Mark did say it is up to the discretion of the Planning Board to look at this and determine how they feel about this particular house on this particular lot. Doug mentioned this issue should be resolved now in determining whether or not the Board feels the house should be a certain square footage. It's up to the Board to make this decision at this point. The motion indicates it was approved based on the plans that were in front of the Board. Doug mentioned he went through the Chazen booklet, he did not see anything where the footprints of the houses would be a certain size - because if they did and the motion was made based on that, then it would be binding.

- Patricia, indicated she believes there was a presentation that was made (and to her not so much about the square footage) about the look and the feel with the existing cabins – the look and the feel of them and that was represented as what would happen. So it doesn't contain a square footage but it does say that the flavor of it would be in existence with what is already there. Obviously there is no mention of square footage. The decision should be does it fit the lot – that is how the Board has reviewed things in the past. That was the purpose in having it come back in front of the Board so at that point in time the Board could look at the specific plan and the house proposed to see if it fit the lot and stormwater management.
- Robert - At the time we said we needed to see this individually. He thinks if it fits the lot and meets stormwater and everything then the house can be built. The 1,100 square feet was never in the motion.
- Chuck – Anytime the Board looks at a lot the first thing they look at is whether the setbacks are met. From there we have to look at water run-off but once it fits the setbacks then we want to see if it's going to fit into the neighborhood and we look at the aesthetics.
- Dan – Agrees with Chuck but asked if the cabin/camps on the other lots are still there? Board - Yes. Dan – the estimated size of those is around 1,100 square feet at the time the motion was made? Kitty Rooney responded that some of the existing homes are a 1,700 footprint.
- Kitty indicated the only reason they (Lochlea) was before the Board that night was to change lots 1 and 4, existing lots, so we wouldn't have to get a variance. Patricia made the motion, there is nothing in the motion about size of houses. In fact, we didn't have the subdivision approval yet. The approval was granted in August (2009). Even at that time the maps show preliminary pictures of the proposed houses but it never says anything about square footage.
- Robert opened the meeting for public comment.
- Bob Proctor - In the subdivision there are some new homes being constructed in the Town that have been approved and they are a lot bigger in square feet. So the Town on this issue has ruled that it is OK.
- Kitty Rooney – The Village allowed the Town to take the lead on the subdivision and that is why it was approved by the Town in August of 2009. Doug explained the Town took the lead on the SEQRA, not the actual subdivision. There was some discussion regarding when the subdivision

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was approved. Doug pointed out the subdivision was approved however, the issue is whether or not the Planning Board feels there is a limitation on the footprint that can be used – that's the question that needs to be answered first.

- Kitty – There is no place on the subdivision plans – any of the maps – that says anything about square footage. It is in the Offering Plan and it doesn't say 1,100 square feet.
- Kathy Bosony (representing the Lake George Waterkeeper) – biggest concern with what is being proposed on these lots – in this one instance, on the Proctor's lot, they are actually clearing right to the stream. Clearing to English Brook, it's been done before, we saw the consequences of it during the heavy rain storm this year. It is not helping the lake. When the Town of Lake George granted the variances for the subdivision, because variances were needed because they do not have the same rear setbacks as the Village, the minutes and tape (Town) state that Sean Doty or Chris Round – not sure which - stated these are not going to be large homes. These are going to be in the character of the existing neighborhood, 1,100 square foot footprint with 2,200 total building space. Including the garage. So the first house that came into the Town of Lake George is a 3,400 square foot footprint. The issue is this is a beautiful property, big old trees, very fragile in that it has a Class AA stream running down through it with wetlands. Those areas, the wetlands, the stream, the non buildable areas on this property were never subtracted from the density calculations. Neither the Village Code or the Town's Code says non-buildable lands, meaning environmentally sensitive, steep slopes, bedrock, areas that are not good for building on should be subtracted. The majority of areas that are like us, with beautiful natural resources, adopt those codes into their plan. They are really important because it takes a property like this that certainly could be developed with only 5 homes for many years and it just maximizes the density on the property. It makes what could be a really great subdivision into something that may be impacting the environment. These are my main concerns; it's not the size of the house it's the fact that this subdivision both in the Town and the Village were presented as going with the character of the neighborhood, small lots and the issue is the clearing on this lot. If you look at what was approved for this lot the clearing limitations are nothing like they are right now. At this point it is almost, I don't know the percentage, it looks like it is almost 100 percent. It's very close to the majority of the lot. If you look at what was presented by Chazen back in 2008 and 2009 they had set it way back from the stream and giving the stream the benefit of the doubt of putting a building right on the stream bed. Kathy indicated she did read the letter from Mark McGlorie (DEC), what he's saying is because the stream in that location is channelized, it's got a retaining wall, it's not a natural stream. Well, it still is. Yes, we changed the nature of the stream and it's not flooding the way it naturally would but it doesn't mean that stream is not important and we shouldn't adhere to setbacks. As I stated in the letter, and this was the first Lake George Park Commission proposal which hasn't gone anywhere for stream protection in the Lake George Watershed, they recommend a 100 foot setback. Granted there are a lot of properties that couldn't have that but you need to try and maximize what we can do. Looking at this proposal with virtually no setback, the house is 20.2 feet from the stream, that's OK for a rear yard setback in a neighborhood but it's not OK for protecting our water and our stream. Again, it's not the size of the house that has any issue here. It's really the fact that this size house does not fit on that property the way it was presented to the Boards when they approved the subdivision. The Planning Board at the Town of Lake George on April 3 (2012) will be discussing this again. They were presented, again, with another very large home and they're saying, wait a minute, this is not what we approved for this subdivision; that's what they said at the March meeting. They will be discussing two properties at the April 3<sup>rd</sup> Planning Board meeting. I can't imagine that we would be building homes 20 feet from a stream like English Brook at this day and age, knowing what we know about the importance of our streams and the importance of flood plains

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and the importance of heavy vegetation on the stream and shoreline buffers in order to infiltrate and utilize the nutrients.

- Doug advised the Board they should decide whether or not they are going to put a limitation on the footprint. Once that decision is made we can move forward. The only issue on the table is whether or not we're going to limit.
- Patricia indicated she would like to go back and look at the material that was presented. She has the material and would feel more comfortable looking it over and trying to reconstruct what she was looking at when she made the motion and what she felt she was being promised when this was happening.
- Robert feels that if Patricia does have something to add to this then perhaps this should be tabled.
- Chuck - asked Patricia if her concern was she thought the footprint was only going to be 1,100 square feet. Patricia - no, I don't know. Patricia indicated her concern is she doesn't know - it was 2009 and she hasn't looked at what was presented at that time in order to make the decision. She stated - according to the motion she doesn't think she thought it was 1,100 square feet - that it was set in stone - but as far as what the rest was, she honestly doesn't know. She remembers thinking there would be a combination of protection of English Brook, however, she needs to look at what was presented that night. She indicated the Board could move forward, she is one vote, she will abstain. She mentioned she doesn't feel comfortable unless she can go back and look at it and see if there are any more clues than what she has before her this evening.
- Patricia said she could look at the past material and there could be a Special Planning Board meeting in order to get this moving. Dan indicated he was open to this and Chuck indicated he was ready to move. Chuck indicated he understood Patricia's concern but it wouldn't change if it fit all the setbacks. Chuck mentioned he wasn't sure what could be found outside of the setbacks. Robert indicated a special meeting can be held.
- Kitty Rooney – The final approvals, all the maps and approvals say nothing about any kind of square footage. No matter what is stated or said, the motions that gave approval and all of the plans do not mention anything about it.
- Bob Proctor - I purchased the property based on the approved subdivision plans that were sealed by the Town. I reviewed those very carefully and I read everything in those plans and there is nothing about a size restriction on the house. That's a legally binding thing. When we purchased the property based on these sealed plans. If the plans change after I purchased the property that would be a problem.
- Bob Proctor – Some of the concerns about the Brook really don't have to do with the question you're considering right now. Maybe once you did your site plan review about the stormwater management and those issues and heard the proposals about the trees and this and that your questions would be at least addressed and answered. But that doesn't have to do with the issue you're considering right now. So some of the answers you've got in front of you for the Site Plan review for what I just said, the runoff, the water management and the trees and other things.
- Doug – The issue right now is whether or not there is a limitation as to the footprint based on that motion or based on the discussion. I think that is the key discussion right now. Mark's comment to me was that the discussion is not binding. If this gets tabled at this point I'm going to get a written interpretation from our attorney so you can see it from him. I'd like to make sure I'm saying this correctly but again, he reiterated that the binding aspect of this is the motion and the motion is based on the plans and if there are not things in that plan that speak directly to the size footprint that is required on a parcel, then these people would fall into the criteria for any other person that came to the Village of Lake George for a building and that would be to meet the setback requirements, to meet the lot coverage requirements, to address the stormwater issues which we

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would require of any applicant who came in front of us at any time. The fact that there is a brook here may make circumstances a little different where you might want to look at the site plan, you might want to look at the stormwater a lot more closely because its proximity to the stream. You might want to put things in there that are going to make you feel more comfortable that the protection of the stream is taken care of but the question right now is whether or not we are going to say that there is a limitation as to the footprint. As far as I know we have never had a limitation as to a footprint size. Addressing the Board – I respect your decision and you make the decision however, you see fit. If you want to table it, that is up to you.

- Kitty - To clarify, the sole purpose of the March meeting before this Board was to revise lots 1 and 4. There was no purpose to come before this Board except for that. That is stated in the Lochlea subdivision project, revise Lot 1 and 4 – that's where we presently live. That was the only reason we came before the Board that night. That's what Patricia Dow's motion dealt with that night. There was no motion in front of the Board, at that time, about square footage. That was never the purpose of coming here, it was only about enlarging lots 1 and 4.
- Melissa Vito (lives in Diamond Point) – I have a 25 year history of studying this lake – what it's all about, how it works, what they're predicting is going to happen to this lake if we don't protect it. In all these years I don't see people focusing on this issue first. This lake when I first came here it was pristine, it had ???, there wasn't any algae. They just had done a huge study on why is the lake getting dirty. It isn't the way it used to be in the sixties. They saw that it was primarily stormwater runoff. And the ??? have continued to follow, to research whatever aspect of the lake and it's care and what damages it, what we have to be doing all this time. I've done a lot of teaching to kids about this. I was kind of the founder of the floating classroom of the Lake George Association – trying to teach kids about how important it was so their parents would know how important it was. Somebody said tonight this Board has discretion to provide for the extensive areas for stormwater control and also to be consistent with the ??? I don't know why people who have owned this wonderful property and people who have purchased parts of it aren't primarily concerned with being a part of the solution about the terrible problems we are having. You could swim to the area where the dead zone is from this property. When I first learned about this they were saying do you know if we don't take care of this property we could have dead zones. We could have algae all over the place. The lake has even been declared impaired pursuant to the Clean Waters Act. This is the Queen of American Lakes. This is a pristine Adirondack lake that is known to be a miracle of a coming together of certain properties certain... it's just an accident that we have this small watershed, we have no rivers coming in, we have a deep lake bed so that things got cooled, a moderate temperature of just the latitude. Now we have limestone in the bottom of the lake, the buffer of acid rain. We have low calcium levels where the zebra mussels...this is a miracle, this lake. What are we talking about here, numbers of feet of setback. Can I have my house that covers this property as long as my setback is according to the numbers in the document somewhere. Why aren't they saying we have just purchased a piece of this incredible watershed, it is right beside one of the wonderful rushing brooks that is just so gorgeous and so wonderful to hear and so full of pollutants at this point. How can we take our little piece and build something that doesn't damage this wonderful spot on earth. Why aren't you using your discretion approaching people like Kathy and saying you know we got this...what can we do. We're going to leave as many trees as we can. We're going to make a small little place that fits in with the character of what was here before. With the character of an Adirondack camp. Mostly we want no pollution running by ??? property. How can we do that? I just don't hear anything like that. Last night in Bolton, the guy had made a prettier house and so he got to put his house right on the lake. Am I making my point? It's really just heartbreaking that we aren't here...they want a house but they ought to want to

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protect the brook and the lake, absolutely. That is their first, the first thing that comes to their mind. That they have...this is...this was a world class lake. It isn't anymore.

(Secretary notes - ???/recording inaudible. .../speaker trailed off.)

- Kitty Rooney - I feel very strongly that we have been great stewards of the lake and the brook. To mention just what we've done – we teamed up with the Lake George Association 3 years ago. We helped fund a study for them and us in conjunction, together, to install an aqua swirl to save all the runoff from all the way up route 9N – as far as Diamond Point – to capture that runoff before it enters the brook. That aqua swirl was installed in the Spring – last May and June. We are very much in tune of being stewards of the brook and protecting it.
- Bob Proctor – I'm confused because it seems like we're breaking this meeting up into two pieces but it has merged back into one discussion. I don't know if I should be speaking to this now.
- Doug and Robert – We're just trying to give everyone an opportunity to speak.
- Doug – The Planning Board understands that the issue here is the square footage of the footprint.
- Patricia – I can agree with the square footage. It was not stated in there. So the eleven hundred was not. The consistency with the existing cabins was stated, however, there's no square footage attached to that. So I can totally agree on that. The rest of it we can deal with site plan.
- Doug – I think there should be a decision made as to fact that there is no stipulation to the actual footprint and that the issues that are being brought up will be discussed during the site plan review.

**MOTION:** Patricia Dow made a motion that the eleven hundred square feet is not included in the motion made on March 18, 2009. Therefore, my understanding is, there is no square footage allotment one way or another. Each house comes in front of us and we determine at that point if it complies with the existing zoning.

**2<sup>ND</sup> MOTION:** Robert Mastrantoni

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Aye	Absent	Aye	Aye

**TAX MAP: 251.11-2-1.3**

**OWNER/APPLICANT: BOB & MONICA PROCTOR**

**ADDRESS: LOT 2**

**ZONE: SINGLE FAMILY RESIDENTIAL**

**SITE PLAN APPLICATION #1201 – SKETCH PLAN REVIEW**

Applicant is building a single family residence in the recent subdivision of Lochlea. Lot # 2 is located in the Village on the southern side of English Brook.

- Robert reminded Monica and Bob Proctor that this was a Sketch Plan review intended to be an exchange of ideas.
- Bob mentioned that they purchased the property in May 2011. They love Lake George, have been visiting for 12 years, camping on the islands. He pointed out the previous discussions about the lake they agree with. It is the most beautiful lake they have ever seen. They want to protect the lake. They purchased the property because it is next to English Brook. They love that aspect of it and do want to protect it. They spent a lot of time researching. They did not do anything for 9 months. They read all the Waterkeeper materials and the English Brook study that was sponsored by the Lake George Association. They have read the DEC and Lake George Park Association documents. There's a lot of information about protecting the stream and it is very new material.
- Bob mentioned they have spoken with the DEC. The concern around the stream buffer is that the stream can erode away the banks and that silt will then deposit into the lake. That is definitely a

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concern. So there should be plantings along the side to hold the stream bank in place. The reason there is such a big delta off of English Brook is really from the Northway. Sand has been put down on the Northway and washed down through the English Brook out into a massive delta. The aqua swirl will help, it's going to sift away a lot of the stuff coming from above.

- Bob pointed out that their lot is ledge along the sides. It's not a stone wall, it's a rock ledge. There are pictures in the Concept Plan submitted with the application. When they spoke to the DEC the DEC indicated there are no issues with erosion because of the rock ledge. Bob mentioned the DEC has no concerns that anything they are doing on the lot, within the building lines, would have any impact on the stream. They agree that trees are good because they shade the brook, they help fish and they keep the water cooler.
- Bob indicated they have been very careful about looking at the trees, planning and keeping trees. Bob mentioned that any arborist would tell you that large trees, with large crowns, compete with one another. A tree, like an oak, should be able to spread its crown; it's healthier for the tree. Air should flow through the tree canopy. This keeps insects down and allows birds to fly in and air flows through preventing fungus, molds and mildew. Bob indicated they are concerned about the larger trees. There is an 80 foot pine with a branch union. A branch union weakens a tree. This tree represents a hazard to the house. The DEC defines this very clearly. Bigger trees, especially pines that are weak soft wood are a concern.
- Bob mentioned that they have spent a lot of time developing the Concept Plan: "we did that for folks like the Waterkeeper". Bob indicated they do care a great deal about the environment; they spent a lot of time and effort analyzing and running the plan by the various individuals and the Lochlea Partners. Bob said they are trying to create something with lots of green space, lots of open space, low impact and smart design that takes into account stormwater management. The subdivision has a tremendous amount of stormwater management, more than any property Bob has seen. The properties have a tremendous amount of stormwater management. Bob feels the subdivision could become a great reference site on how properties should be developed. Bob feels they are setting a great example of what should be done.
- Bob indicated their design is Adirondack with a stone base. It has mixed shingles, clapboard siding and log piers. It is in the style of the old great camps in the Adirondacks. That's what they are trying to capture. A less expensive design would not have captured that style.
- Bob handed out additional information which expands on the Concept Plan. He provided stormwater management plans with the tree plan and the landscaping plan. Before going over these plans Bob let the Planning Board know that he is aware of their concern that this plan meets all the building requirements, restrictions and all the codes.
- Bob provided a spreadsheet depicting the codes of the Village, Lochlea Association and New York State. The column marked "Defined" indicates the defined requirements, either in the Homeowners Association or in the Village Code. In the column marked "Spec" that's what the house actually is. The Lochlea Homeowners Association defines total interior space as being less than 4,000 square feet. The Proctor's house has 2,926 square feet of heated space and is well below the limits of the Homeowners Association. Lochlea Homeowners Association states that the footprint of the home must be less than 2,700 square feet; the proposed home is 2,330. Lochlea imposes a height maximum. There is one section of the proposed home that exceeds the Lochlea height restriction – it is located where there is a walk-out door on the eastern side. Bob mentioned his plan includes an elevation picture that will show where the elevation dips below the 32 foot mark. The rest meets the Lochlea Association height requirements and the door dip adheres to the Village Code requirements of 35 feet. Lochlea imposes a 2 story maximum. Bob believes there is some confusion about what constitutes a story and went on to explain that the eastern view of the house

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could be viewed as 3 stories. According to the New York State Residential Code a story above grade is defined as a floor above a basement at least 6 feet above ground level for more than 50 percent of the perimeter. Only a small section of the proposed home, the eastern side, is more than 6 feet between the first floor and the basement or the ground level around the basement. The rest of the perimeter of the house is only about 2 feet from the ground level to the first floor. Bob believes the basement level does not qualify as a story. This is a two story house, meeting the Lochlea restriction for a 2 story house. Lochlea also has a paragraph which describes the style of the house and this proposed home definitely meets those requirements, as well. Lochlea has approved the design for the proposed house. Bob addressed the Village Code requirements: minimum lot size is 10,000 square feet, this lot 11,978 square feet. The Village requires a maximum of 50 percent impervious surface. The proposed home and plan accounts for 26 percent impervious surface. This number does not include the driveway, however, the driveway will be a permeable surface. The house and the garage is a total of 3,000 square feet and that is the number that was used to achieve the 26 percent. If the driveway were impervious surface the house plan would still meet the Village's impervious surface requirements. The building height is 34 feet; the Village is 35. Bob pointed out all of the building setbacks have been met and while the Village does impose a shoreline setback, this lot is deemed as not a shoreline lot.

- Bob addressed the stream buffer imposed by the DEC. Bob described it as, if you're going to disturb within the 50 foot buffer the DEC might require a permit. Bob stated that they had spoken with Mark McGliore at the DEC and Mark said there is no problem with being inside the 50 foot stream buffer because the stream is channelized at that point.
- Bob referred to Town sewer and Town water. (This Secretary notes a correction; it is actually Village water and Village sewer.)
- Jarrett Engineering has completed the stormwater management plans. Jarrett Engineering calculated 881 cubic feet needs to be retained. Bob believes that was based on 2.5 inches of water per hour. The proposed plan exceeds the requirement because it has 5,156 cubic feet of holding capacity.
- At this point Bob indicated they believe they have met the requirements in their design and that they feel comfortable that they are being responsible in terms of developing the lot and not impacting the stream or the environment.
- Bob discussed the tree plan and the concerns that have been expressed about clear cutting. Bob mentioned there are beautiful trees on this lot; there's a basswood tree towards the front. Pointing to the tree plan, he described it as # 140 – the blue dot in the center. It has a 2 foot diameter and a large crown. Basswood trees form a very large crown, have big leaves and provide a lot of shade. These are the types of tree they want to save. There are a number of trees back toward the stream that they also want to save. When the tree plan was done, it is done based on the diameter at breast height which is 6 inches. Trees below that level are not recorded. What you see on a tree plan is the larger trees. Their Concept Plan shows that the area around the brook is pretty well forested; there are lots of little saplings. The problem is the saplings are so close to each other they are all struggling. Growth is difficult for them; there isn't enough sunlight, there's a canopy of pines over them therefore, they will never reach full mature status. The Proctor's proposal is to let some of the saplings take hold, clear out some of the upper level pines and allow the saplings to have enough space to start to grow and get a crown. They already have roots that are settled into the banks so they are well established. The tree plan doesn't depict the full number of trees because it's of trees that are all 6 inches or above. There will be more trees than what is shown and Bob indicated they would like to plant more trees. They would like to plant some birches along the stream buffer.

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- The landscaping plan provides more detail on the tree plan; it really shows how much foliage they plan to put in. Right now along the stream bank there are some pines and pine needles, there is no undergrowth at all. Bob indicated they would like to plant some low shrubs, ferns, low bush blue berries and plant smaller trees like birches that have smaller leaves and don't grow as tall that will provide better shade to the brook. If a pine is 70 feet tall the top of the pine is about 20 feet and the rest of the pine is empty, there are no branches. Most of the shade goes across the brook because the pines are so tall. A smaller tree with a denser crown would provide better shade to the brook. Bob indicated they believe this proposal is a very native approach; all of the species that have been picked are from the Waterkeeper's website. Bob indicated they have tried to stick to using native species, fertilizer will not be needed and they will grow on their own. Bob indicated they believe they have developed a responsible environmental plan.
- Monica indicated the packet also contains a stormwater management plan that Tom Jarrett proposed with all the rain gardens in the front yard to capture all the water that hits the house.
- Chuck Luke indicated he believes the design of the house fits the area. Chuck asked what would prevent moving the house ten feet away from the stream. Bob indicated they had looked at this option, however, Tom Jarrett is concerned about the basement being below the stream level. Tom is concerned that once you get below that water level there will be water in the basement. So the floor of the basement has to be up pretty high. The slope and the grade of the lot, there's the English Brook drive and then the slope goes up about 6 to 8 feet and then it comes back down towards the brook. If the house was brought forward on the lot a retaining wall would be required. This retaining wall would be about 8 feet with stairs to climb up to the front door because the basement would have to be kept up higher. If the house is pushed back, as shown on the site plan, there are steps going up about 3 to 4 feet and then there is 3 feet in grade and then there are two more steps at the front door to get up the 8 feet of grade. If the house is moved forward the steps to the house become like a ladder. Monica added that Tom Jarrett wanted to keep the rain gardens in the front, pointing to the site plan, she pointed to a corner which is the lowest point on the lot. Naturally, water will flow to that corner. Tom was adamant that a rain garden was needed at this location. Bob added that Tom was concerned that the rain gardens should all be towards the front. On the original Chazen plans the rain gardens were all in the front of the lot.
- Dan following up on Chuck's question – as he is looking at the plan - if the house was moved 10 feet forward the difference in grade is only 2 feet based on what Dan sees in the grade. That may require two more steps in the front. Dan indicated he did see the problem with moving the house all the way to the front setback line, there would be an 8 foot wall. Dan added the stormwater drain pools are approximately at the low point - 330 feet. To pull the house forward 10 feet forward you would still be at 335 feet – your current grade is approximately 337 – 338 feet. Dan believes this would be a happy medium, it would add a few extra feet in the back and bring everything in a little bit closer and there would be more area and space in the rear area which is where everyone's concerns are. At this point Bob indicated the engineer is also concerned about the grade of the driveway being too steep and the grade up to the front walk is steeper than that and Tom is concerned as you get to that steep grade it's very easy to slip if it's icy. As one gets older it's more difficult to climb the grade. Tom considers the grade of the driveway too steep and recommended lowering the garage, however, Bob indicated they are trying to grade everything somewhat evenly. He also stated they wanted to have the house sit somewhat back on the lot because Scrimshaw is right across the road and they are literally 5 foot from the English Brook Drive. He added there is no buffer at that point. Bob added they plan to plant holly bushes to buffer their house from Scrimshaw because it's very close to where the Proctor's house is located. If it were towards the front of the lot it would literally be just be the road between the two houses.



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- Dan pointed out if the garage were 10 feet forward it is just a 1 foot change in grade. Bob indicated there is only a 4 foot grade to the garage location. Monica added that the garage needs to line up with the corner of the house because there is a utility room door coming out and there is a door into the garage. So it's not just that the garage can be pulled up. Dan mentioned he was thinking the garage and the house and the change is only about 2 feet total in grade. Dan pointed out the 50 foot line, which he understands is not mandatory, would wave through the back of the house; it would follow the back line of the house with an approximate 10 foot move forward.
- Robert asked why it had to be 10 feet. Dan indicated it doesn't have to be. Robert said it could be 5 feet. Bob indicated another concern they have is there will be a house next to their house; it's under contract and their application should be coming into the Village. Bob indicated the house will be on Lot # 3 and they want to keep the houses offset so they are not looking right into the other house. Monica pointed out both lots on the plans and Bob indicated where the lake is located. Bob added if they were trying to look at the lake they would end up looking at the house next door but with their house in the proposed location they can see the lake.
- Looking at (??? the subdivision plan) Dan pointed out that the house placement is right up against the front setback. Monica pointed out there is a statement regarding that these are preliminary in nature. Dan asked if this is what they saw in 2009. Monica indicated that it was and it is the stamped plan. Bob added he believed the house placement adds to the confusion because they are very small houses and people thought that was what was going to be built. Dan pointing to the buffer zone asked Patricia if this is what she saw originally was in front of the buffer zone.
- Patricia mentioned that it seems like a lot of the trees are coming down. She added she understands about the growth and the canopy, however, when looking at the plan it looks like the trees that are going to be removed are numerous compared the trees that will remain. She also mentioned she thinks Dan makes a good point about moving things further. Some consideration to Dan's suggestion would be helpful in terms of the feeling among the community. Speaking for herself, Patricia feels compromise from the Proctor's standpoint of trying to shift this around, if it's a slight change in grade – you bought this lot knowing it had dips and swirls. You walked into this lot as it was. Patricia thinks a compromise would be most helpful in terms of just reconsidering it. The impression that was given was location in the back. Scrimshaw has been there, you bought the lot knowing that Scrimshaw was right there. Patricia said there can be plantings used as a shield from Scrimshaw. Bob responded that when they bought the lot they read the blueprints very carefully and read the Village Code and it was pretty clear that your building lines define where the buildings can go. When they bought the lot they had the impression they could build anywhere within that envelope. Bob added that was the intention when they bought the lot, they knew where Scrimshaw was, they knew what the codes were, they knew what the sealed prints were for the subdivision and the building lines are clearly drawn. Patricia said that in the spirit of the event and the lake and loving the lake making some compromises might be in order. Monica indicated they would take it back to the engineer but the rain gardens in the front are pretty substantial to capture everything. If the rain gardens are squeezed Monica is concerned they may not be able to provide the stormwater management they need. Bob added they would have to move it back towards the brook because they would be opening up the lot space towards the back of the lot and there is a lot of stormwater management. Bob indicated that most of the front yard is divots, there is not a lot of flat space except right in front of the house, and the rest is all dug out. The engineers have even made a big section along the right side of the house. Bob asked the engineers about having a rain garden in this area because it is so close to the brook. They indicated it was OK because the garden was only draining the roof into that and that's OK according to code and there cannot be other run-off going into that rain garden. The engineers are adamant that any other run-off had to go in front of

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the lot. Monica pointed out the stormwater management plan from the engineer has a little bit of a parking area in the front so a car can be parked parallel to the road for when there are visitors. The driveway and this space in the front can be utilized. That is another consideration for why it is built there in that way. Monica said if they squeeze more the other way they won't be able to capture the rain gardens, the run-off and there won't be space for parking. Bob added they have spent a lot of time with the map and flipping it.

- Chuck added with the positioning of the basement and the earlier comment regarding the basement, it looks like that was taken into consideration with the placement on the lot. Bob said, it was a big concern and he and the engineer actually went out to the brook, they measured the brook levels, they went onto the land and measured how deep they could go into the land. They also had to be concerned about ledge. There are some pit holes that were already there and they are pretty deep so Bob indicated they have an idea that there is no ledge where they want to go. They were able to measure how deep the brook would be, the height of the brook water, and that's where they came up with the base height for the foundation.
- Dan added the house looks great, the pavers the rain gardens are wonderful – he doesn't have an issue with the landscaping. His concern is going back to the stream and the location to the brook. The brook naturally helps to defer things like acid rain and other things through the ground as the ground does its job. It's not just the house and erosion from the stream but he agrees with Patricia regarding compromise of trying to pull the house forward a little. Based on the grades he sees Dan doesn't see it as an issue but obviously there are things somebody might be able to look at.
- Doug talking to the Proctors mentioned some of the reason for the Sketch Plan Review is so they can hear what the Board's concerns are. Their concerns should be taken seriously because even though the setback might say 20 feet, based on the location they can probably stretch that out a little bit. So what the Board is saying needs to be taken into consideration because that's what this meeting is about.
- Robert suggested they see what they can come up with. Monica indicated they would ask the engineer. Chuck suggested there may be other alternatives, maybe not a full 10 feet but maybe 5 feet on one corner and something else on another corner. Maybe the garage could be moved up and the utility room instead of being on a corner is in the middle. Dan asked another question and added it would be totally up to the Proctors - would they be able to add vegetation on the back side of the stream especially when the Waterkeeper and other people are concerned about trees. He mentioned the Proctors could contact the Waterkeeper or the DEC or someone they feel comfortable with to see what might work for everyone. Bob indicated they would love to do that. They want to make the area in the buffer as environmentally responsible as they can get it. Right now the buffer is wild and many would say that is good but in this case there is no under growth at all. Dan mentioned there are a lot of things the various agencies have explored, they know what works and what doesn't and they can pass that along.
- Robert indicated he likes the house, the run-off plan is very well done and hopefully you can talk with your engineer and see what can be done. Patricia added she thought it would be beneficial to spend time with the Waterkeeper; Patricia indicated she didn't think the DEC had as much experience with regard to planting and buffers. Kathy Bozony indicated she would be willing to sit down with Bob and Monica and make suggestions.
- Melissa Vito – we're trying to solve a terrible problem. Somebody might suggest making the house smaller. Maybe taking the basement out. Bob indicated that originally they were looking at a smaller house but they are planning to have this as a permanent residence, we have family, we have to have storage and the basement will provide that. Bob indicated they didn't feel they could go much smaller. Patricia asked if the basement could be downsized and Bob responded that they

**APPROVED**

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
MARCH 21, 2012  
PLANNING BOARD MINUTES**

have already made it smaller – the section under the bedroom is a slab; the part of the house that juts closest to the stream will be slab.

**APPROVED**

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
MARCH 21, 2012  
PLANNING BOARD MINUTES**

**MINUTES**

February 15, 2012 (RM, PK,CL, DW)

**MOTION:** Robert Mastrantoni made a motion to approve the minutes as presented.

**2<sup>ND</sup> MOTION:** Dan Wolfeld.

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Absent from the Feb. mtg	Absent	Aye	Aye

**MOTION:** Robert Mastrantoni made a motion to adjourn the meeting at 10:10 PM.

**2<sup>ND</sup> MOTION:** Dan Wolfeld

Robert Mastrantoni	Patricia Dow	Patty Kirkpatrick	Chuck Luke	Dan Wolfeld
Aye	Aye	Absent	Aye	Aye

Respectfully submitted,

***Carol Sullivan***

April 11, 2012