

**LAKE GEORGE VILLAGE PLANNING BOARD MEETING
JANUARY 15, 2025 – 5:00 PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY
MEETING MINUTES**

Board members present: Carol Sullivan (Chairperson), Patricia Dow, Kevin Merry, Walt Adams, and Dean Howland

Others present: Debonnay Meyers (Planning & Zoning Clerk), Dan Barusch (Director of Planning and Zoning), Jeff Meyer (Village Attorney), Ethan Hall, David Kenny, Jon Lapper, Tyler Lawson, Ronald Viola, Laura Kohls, Heath Mundell, Heather Courtney, and Mark French.

Carol Sullivan called the meeting to order at 5:02 pm.

Carol Sullivan asked if anyone had any time constraints. Ethan Hall said he had to leave at 6:30pm. Carol Sullivan acknowledged Ethan Hall's response and indicated the other applications wouldn't take long. Carol Sullivan asked the Board if they had any objections to switching the order of the agenda to which there were none. Carol Sullivan announced that the new agenda order would begin with Dennis Quirk, then to The Lagoon, then to Adirondack Ice Cream, and end with Marine Village.

OLD BUSINESS:

APPLICATION: SPR#5-2024 (COU)

APPLICANT: DENNIS QUIRK

TAX MAP: 264.06-2-11

ADDRESS: 33 SEWELL STREET

ZONE: COMMERCIAL MIXED USE

Applicant appeared before the Planning Board on April 17, 2024, and obtained partial approval for interior construction only to update the existing laundromat into housing. Applicant also appeared before the Planning Board on October 16, 2024, and the Board made two motions: to table the landscaping and exterior portions and to conditionally approve the change of use with some of the exterior updates. The applicant was informed by the Board that the applicant must provide the following: a detailed landscaping plan that will include the type, the number, and the location for the plantings as well as an updated rendering detailing placement, size, and the look of the windows and doors.

Dean Howland recused himself at 5:02 pm.

Carol Sullivan told the Board that her only question was in relation to the "floating door". She picked up the plans and showed everyone what she was referring to. Dean Howland advised that it wasn't floating. He explained that the point of the plan was to show them the basement level. Carol Sullivan asked the Board if they had any questions. Patricia Dow said she had a question, and it pertained to the landscaping portion of the project. Dan Barusch wanted to explain that the "1's" and "2's" shown in the rendering notate the species. Patricia Dow told Dan Barusch that she wasn't confused about that. She explained that it was more of wanting to know the specifics of the plantings, such as "how long would it take for the tree to get to full size" and "what's the full size of the tree when it's fully matured". Dennis Quirk said the trees on the side would start at four to five feet and end at eight or nine feet while the ones up front would be three to four feet. Patricia Dow told the Board she had no other questions. Carol Sullivan then asked

Dennis Quirk to go over the plans he had for the windows. Dennis Quirk explained that the single pane windows would be come out and be replaced with new windows. The Board indicated there were no other questions for the application.

Patricia Dow made a motion to approve the application created by Dennis Quirk, which is located at 33 Sewell Street, tax map number 264.06-2-11, as presented with the different landscaping plan. Arborvitae taller on the side facing on the left-hand side. The shorter ones to the...

Dan Barusch informed Patricia Dow that she could say "as submitted".

Patricia Dow concluded the motion with as submitted.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Walt Adams	Kevin Merry	Dean Howland
Aye	Aye	Aye	Aye	Recused

Aye = 4 Nays = 0 Recused = 1 Absent = 0 Motion carried.

Patricia Dow added to the motion to include: and the exterior updates as submitted.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Walt Adams	Kevin Merry	Dean Howland
Aye	Aye	Aye	Aye	Recused

Aye = 4 Nays = 0 Recused = 1 Absent = 0 Motion carried.

Dean Howland rejoined the Board at 5:06 pm for the next application.

NEW BUSINESS:

APPLICATION: SIGN#1-2025

APPLICANT: THE LAGOON – JOE MONDELLA

TAX MAP: 251.18-3-57

ADDRESS: 204 CANADA STREET

ZONE: COMMERCIAL RESORT

Applicant is seeking approval for one sign for their business, The Lagoon. It will be an oval shaped sign with a long rectangular base with curved corners. The sign will measure a total of 19 square feet and will be made of wood and PVC. The background of the sign will resemble a natural wood color and will have a one inch painted black border. The letters will be made of PVC and will be black. The letters will measure seven inches and will be raised one inch. The sign will have one graphic, measuring eight inches tall and four inches wide and will be halo lit with LED lighting. The sign will be located above the stairs on the existing sign frame.

Carol Sullivan asked the Board if they had any questions. Patricia Dow said she had some and that her question was geared towards the graphic. She indicated that she knew the Board approved a similar sign earlier in the year for their patio; but she wasn't sure if the Board considered their graphic as a single or as

multiple. Carol Sullivan said she couldn't recall what was discussed but advised that that answer would be in that meeting's meeting minutes. She then indicated that she remembered the Board approving Riley's sign, which was similar to The Lagoon's. Patricia Dow said it could be interpreted as multiple graphics, but she herself wasn't sure if it would constitute as one or multiple. Mark French said that his patio sign was approved as presented; and indicated that the patio sign and the proposed sign would match.

Carol Sullivan explained to Mark French that the Board wasn't stuck on the colors, but rather how the graphic was interpreted. Carol Sullivan then advised the Board that she would have to refer to the minutes to see how they went about it. Dan Barusch said that they most likely overlooked it because at that time, it looked like one large graphic to them. Dan Barusch explained it didn't have a graphic on either side of the business name. It had one large graphic that contained different features, but those features weren't separated throughout the entire sign. Therefore, tonight's proposed sign should be labelled as having only one graphic, not multiple. The Board accepted Dan Barusch's explanation. Carol Sullivan asked the Board if they had any other questions to which the Board said no.

Walt Adams made a motion to approve the application created by Joe Mondella, The Lagoon restaurant, located at 204 Canada Street, Lake George under tax map 251.18-3-57 as presented.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Walt Adams	Kevin Merry	Dean Howland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Recused = 0 Absent = 0 Motion carried.

APPLICATION: SIGN#2-2025

APPLICANT: ADIRONDACK ICE CREAM – SABRINA CHAWLA

TAX MAP: 251.18-3-56

ADDRESS: 216 CANADA STREET

ZONE: COMMERCIAL MIXED USE

Applicant is seeking approval for one sign for their business, Adirondack Ice Cream. Applicant will appear before the Zoning Board on January 8, 2025, for a variance regarding the four-color maximum. The sign will measure 23.5 square feet and will be made of wood and PVC. The background of the sign will be magenta and will have a one-inch wooden blue border. The signs shape contours the outline of the lettering and the graphics. The letters will be made of PVC and will be light pink and blue. The letters will measure between eight to fifteen inches and will be raised. The sign will have graphics; two ice creams on each side of the lettering and a lake silhouette of Lake George. The sign will be halo lit with LED lighting.

Carol Sullivan stated that at the January 8th Zoning Board meeting, the Zoning Board approved the application, which allowed the applicant to have more than four colors on their sign. Walt Adams asked Carol Sullivan how many colors were on the sign. Carol Sullivan replied with six. Patricia Dow shifted the conversation to talk about the graphics as she noticed there were three on there. Heath Mundell advised that she was incorrect. He explained that the lake wouldn't be considered a graphic because it was just missing material from that layer.

Carol Sullivan polled the Board for their thoughts, starting with Kevin Merry and ending with Patricia Dow. The Board indicated that if the lake were to be labelled as a graphic, they can't approve the sign as the sign would have three graphics. Heath Mundell indicated that it shouldn't be labelled as that because it's missing space. Patricia Dow asked Heath Mundell if the applicant requested to have the lake and the two ice creams in the application. Heath Mundell said yes. Patricia Dow rephrased her question to inquire if the applicant requested all three graphics in the variance application. Heath Mundell replied with no but mentioned that the Zoning Board had no problem with the sign. The Board indicated that because the graphics wasn't part of the variance request, the Planning Board can't approve the sign with three graphics on it. Carol Sullivan asked Dan Barusch if it would be a good idea for them to vote on it. Dan Barusch said he wasn't against it.

Dean Howland asked Heath Mundell if the lake graphic had to be on the sign. Heath Mundell said the lake graphic basically told the customer that they were at the Lake George store, not the Albany store. Dan Barusch stated that the business owners didn't have another store. Heath Mundell mentioned an Albany store but concluded that he wasn't sure if they had another one or not. Dan Barusch explained that keeping the lake graphic would basically table the application and would make them go through a longer process. The process would include bouncing between both Boards, which would take time and money; plus, could affect the business because their new sign wouldn't be up for the season. He added that if they went for it and got denied, they would have to present a new sign to the Planning Board. Dan Barusch concluded his explanation by saying that the decision was ultimately theirs and they must determine what route they want to take. After some consideration, Heath Mundell said he would take the lake off and round the bottom of the sign. Carol Sullivan asked the Board if they were ok with that to which the Board said yes.

Dean Howland created a motion to approve the application that's created by Sabrina Chawla of Adirondack Ice Cream located at tax map 251.18-3-56 for the sign as presented with the changes of removing the lake at the bottom of it and filing the curb. Round out the bottom like an inverted curve towards the ice cream.

2nd MOTION: Kevin Merry

Carol Sullivan	Patricia Dow	Walt Adams	Kevin Merry	Dean Howland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Recused = 0 Absent = 0 Motion carried

PUBLIC HEARING:

APPLICATION: SPR#13-2024

APPLICANT: MARINE VILLAGE – LAURA KOHLS

TAX MAP: 251.14-3-31

ADDRESS: 370 CANADA STREET

ZONE: COMMERCIAL RESORT

The Village of Lake George will conduct a public hearing for Marine Village's project that will remodel and expand an existing structure and update the facade on their property. The remodeling will include adding a second story to an existing one-story building for that building to offer seven additional guest

rooms and a deck. Owners Laura Kohls and Dave Kenny with their attorney Jon Lapper appeared before the Planning Board on November 20, 2024. The Board created a motion to table the application due to the Board needing more information and for the public to comment and to schedule the public hearing.

Patricia Dow recused herself at 5:15 pm.

Carol Sullivan indicated that she would open the public hearing once the Board had the opportunity to speak to the applicant. She indicated that there were some late entries; and that Dan Barusch would present those. Carol Sullivan instructed everyone to raise their hand, wait to be called on, and state their name before speaking. Carol Sullivan summarized the details discussed at the prior meeting and stated that the Board was willing to accept any new information based on the new details brought before them tonight.

Carol Sullivan asked Ethan Hall and Jon Lapper to speak on behalf of the applicant. Jon Lapper introduced himself as Marine Village's attorney. He said that their purpose was to seek approval to add a second story to an existing building. He reminded the Board that the second story would house seven additional motel rooms and would offer a deck for their guests. He continued to explain that there were no requests for variances as removing the corners of the building would make it be turn from nonconforming to conforming.

Jon Lapper shifted the conversation to discuss the neighbor's complaints, starting with noise. He explained that they shouldn't be going after Marine Village for this because the neighborhood was surrounded by other businesses that contribute to the noise. He said there was a bank, a café, and two very loud bars around them; so, the accusation of noise shouldn't be all on Marine Village. Jon Lapper then explained that they were working hard, both privately and during public meetings, to make changes as needed to mend the neighbor's concerns. He said that they changed all windows to opaque and that there were plans to plant trees on the southeast side of the property. He also added that they were planning to change the pavement area into a green space, so that way it would be greener on the neighbor's side of the property. He continued with listing changes such as adding siding to the concrete block and reducing the deck size to mend the concerns as well.

Ethan Hall used his blown-up version of the site plan, specifically pages A-1 and A-2, to aid his explanation. Ethan Hall indicated that the one maple tree and three of the trees nearby the laundry room would be cut down. He also added that six to eight red cedar trees would be planted in the back of the property. Ethan Hall further explained that the plans would show the removal of the building's corners as well as show the corners being detached. He stated the corners of the building would remain in the ground as there were serious concerns about removing them. He stated he would make the corners into retaining walls and would fill them with grout. He stated that on the back end, there was a corner that was higher than the others; so, that corner would be cut 18 inches and would follow the same filling process as the others. Ethan Hall then began to discuss the layout of the deck. He indicated that it was requested by the Board to be included in the plans. He informed the Board that the deck looked different than what was originally proposed due to the feedback received from the prior meeting. He explained that he pulled it back farther, so that way the deck lined up to the edge of the stair tower. He concluded that he did include the screening wall, which is shown in the plans.

Jon Lapper informed the Board that they were unable to put up the balloons because of the recent weather conditions. Dan Barusch approved using the height poles. Jon Lapper continued to explain that he reached out to Dan Barusch to let him know that the poles were up; so that way Dan Barusch could inform the Board to come by the property. Jon Lapper concluded by stating that the current height of the poles would show the highest level of the peak; therefore, the height of the back façade wouldn't be as high as the poles show it to be currently. Ethan Hall indicated that the back façade was lower than the proposed high peak of 38 feet; so, if the highest peak would be 38 feet, the back façade would be at 36 feet.

Carol Sullivan wanted to go over previous conversations that were documented in the prior Zoning Board meeting. She indicated that there were numerous comments about the number of the trees being taken down, so she wanted a clear number for the record. Laura Kohls indicated that the 10 mentioned early on were already done earlier in the season; so, the only trees that were coming down were the four shown in the plans. Carol Sullivan then inquired about the dimensions of the proposed deck. Ethan Hall said from the front of the building to the back of the deck would be 45 feet and from the stairwell to the east side of the building would be 23 feet. Once the dimensions were given, Carol Sullivan calculated how many square feet the deck would be. She determined it would be 1035 square feet of usable space. Carol Sullivan then informed all that she had the meeting room measured from her vantage point, so that way she could visualize how big the deck would be. She said from the wall with all the pictures to the wall with the windows was 17 feet and from the corner in the back to the crack in the railing by the tv was 30 feet. So, usable space would be 510 square feet. Therefore, the size of the deck would be double the size of the meeting room.

Carol Sullivan posed the question about furniture. She stated that the plans showed a couple of couches, tables, and chairs; but based on the square footage, it could fit more furniture on there. She questioned the furniture number because the Board needed to know what and how many items were going to be on that deck. Ethan Hall said that he counted five couches, six tables and some Adirondack chairs. Carol Sullivan asked who would be in control of the deck during fireworks night. She indicated that she has seen the Village meeting room get packed with people for various projects; so, she was curious as to how they would solve a situation like that if it happened on their deck. Laura Kohls said that the managers on duty would address those situations; but if it were to happen, they would follow certain protocols. Laura Kohls explained that a lot of guests move to the beach because the beach has the best vantage point for fireworks. She also added that the proposed deck would have pine trees around, so it would affect the visibility. Laura Kohls then explained that Marine Village doesn't allow non-guests on their property as they require all guests to wear specific wristbands. She added that each guest gets checked by their employees to ensure they have the correct wristband on. If they don't, they're not allowed to be on the property.

Carol Sullivan expressed that she would like to hear from the Department of Health as to how many can occupy that deck safely. Ethan Hall indicated her inquiry was a building code inquiry, but he could calculate it according to code. Ethan Hall said if they divide 1034 square feet by seven and a half, that would be the answer. Kevin Merry said the answer would be 138. Laura Kohls indicated that with four to five guests per room, it would total to a maximum of 35 people up there. Carol Sullivan asked if other guests within Marine Village could migrate to that deck and Laura Kohls said they could. Laura Kohls then reiterated that guests would rather be on the beach or by the patio by the pool than on a deck that's blocked with trees.

Carol Sullivan indicated that the residents listed several, valid concerns, such as safety, noise, and privacy. She indicated that having a deck that size could lead to amplification of those concerns. Carol Sullivan then asked the Board to share their thoughts. Dean Howland suggested reducing the deck by two-thirds. He said that doing so would put more distance between the deck, the neighbors and the lake but also would allow Marine Village to have that deck for their guests. Ethan Hall said it wouldn't be feasible because of the stairwell location. Ethan Hall then reviewed the site plan and offered to remove an additional 12 to 15 feet from it. Jon Lapper asked Ethan Hall for the new dimensions. Ethan Hall said it would measure 28 feet by 23 feet. Carol Sullivan calculated the dimensions to state that it would be 644 square feet. The Board indicated it would be a little bit bigger than the meeting room measurements. Carol Sullivan asked the Board how they felt about the reduction. Dean Howland said he was ok with the new measurements.

Walt Adams asked about stormwater run-off. He indicated that there was a sink hole prone area around the beach, and he wanted to know how they would handle that with the new addition. Dean Howland said it wouldn't matter because the deck wouldn't add anything. Carol Sullivan asked Ethan Hall to provide a full explanation of their gutter system. According to what was stated, the water would go through the piped gutter system to the catch basins. Then it would go through the drywell to disperse the water to the ground. If there was access water that the drywell couldn't handle, it then would go through their existing 48-inch pipe to the lake. Carol Sullivan asked the Board if they had any other questions about stormwater to which the Board said no.

Carol Sullivan indicated that she had reviewed the prior meeting minutes. She stated that the Board requested Marine Village to review their plans to see if it would be feasible to reduce the number of windows. She asked Ethan Hall if that was completed. Ethan Hall said they did look into it, and two out of the seven units could be reduced to one window. Carol Sullivan asked which two and Ethan Hall replied with the two furthest away from the Marine Village property. Dan Barusch asked for clarification on the number of units that would have one window to which Ethan Hall said three units. Jon Lapper reminded the Board that all windows would be opaqued.

Kevin Merry then shifted the conversation to the wall that was by the blue house. He asked for the height to which Ethan Hall replied around eight to ten feet down. Ethan Hall then told the Board that he spoke with the arborist, and they said that the red cedar was the fastest growing tree. Dean Howland inquired on the height of a full-grown red cedar and Ethan Hall replied with 40 feet. Carol Sullivan asked how they would maintain the trees. She stated that the area around the proposed trees looked tight. Ethan Hall said there was enough room for them to prune them, which was recommended by the arborist. Dean Howland indicated that they should control the tree's height so that way it wouldn't be higher than the roofline. Dan Barusch said he didn't recall the trees being placed near the deck. Ethan Hall said two of the trees would be near the deck, but the other four were at the back of the property. Dan Barusch told the Board that it would be ok if the trees grew because the point of them would be to block the view of the building.

Carol Sullivan asked about the corners of the building. Jon Lapper indicated that per Dan Barusch's determination letter, the corners would be considered retaining walls if they were disconnected from the building. Therefore, they plan to move forward with disconnecting the corners from the building. Jon Lapper explained that the corners would be saw cut, buried underground, and filled with soil. Ethan Hall added that the area would be seeded and sodded. Ethan Hall added that the retaining wall would technically be invisible as it would be 18 inches below grade. Carol Sullivan said she understood that it

would technically become fill, but she still had some questions about it. She inquired if the building would be structurally sound to which Ethan Hall said yes. Laura Kohls reminded the Board that they submitted the engineer's letter saying such. Carol Sullivan indicated that she thought that was for the previous plans that were submitted on December 30, 2024.

Dan Barusch told the Board that the letter was specific to the new footing only. He then asked them if they wanted details on the bank's stability to which the Board said yes. He informed them that a civil engineer would handle that, not a structural. Dan Barusch told them that the applicant's plan was to leave the retaining walls there so it would provide some stability for the immediate area. Jon Lapper stated that it would be smarter to leave them there because of how close the neighbor's property was. Dan Barusch stated that he wasn't an engineer by any means but couldn't disagree with Jon Lapper's statement.

Dan Barusch began to discuss his determination letter. He asked the Board if they saw it and if they had any questions about it. The Board confirmed that they saw it, but expressed they wanted to know more information on it. Dan Barusch advised the Board that he received a letter from Miller and Mannix that basically questioned Marine Village's proposed plans. More specifically, they questioned the intact footings and why it wouldn't need a variance. Dan Barusch expressed that it was good question because it led to him to review the code before replying. He explained that after researching, he felt that as long as the corners were disconnected from the building and that there was no increase on a non-conformity, there was no need for a variance.

Dan Barusch then informed the Board that another letter was sent via email and unfortunately, he couldn't share it with them because it was received 30 minutes before the meeting. He explained that it was from Miller and Mannix and that it also included an engineer's letter. Carol Sullivan advised all that because Dan Barusch received the letter at 4:30pm, the Board was not given the opportunity to read and/or digest what was sent. Therefore, the letter would be reviewed at the next meeting. Dan Barusch told the Board that he would forward it to them in the morning. Jon Lapper asked Dan Barusch if he could forward it to his team as well and Dan Barusch said yes.

Carol Sullivan asked Ethan Hall if the building had an inside sprinkler system and Ethan Hall said no because the building is residential. Carol Sullivan stated that in the prior meeting minutes, there was mention of one. Ethan Hall explained that there wasn't one right now but there would be one installed. Carol Sullivan questioned if the installation would include the whole building to which Ethan Hall said yes. Carol Sullivan then notified everyone that she read both Zoning's and Planning's meeting minutes; and that led her to find that a discussion about Marine Village's five-star resort vision. She indicated that she was curious about their future plans. Jon Lapper said there was discussion of adding other projects in the future; but that was not their focus right now. Carol Sullivan asked if this plan was part of the five-star process. Jon Lapper stated that creating nice rooms and fixing an unattractive building was a step up for the property. Dave Kenny indicated he wanted to say a couple words. He indicated that his establishment doesn't allow off-property people, and that includes them coming in via boat or by street. He also stated that he ensures that his employees actively check for wristbands. Carol Sullivan said she understood what he was saying, but she was trying to get details on possible future upgrades. Dave Kenny said he was making Marine Village a five-star resort for the guests, not for the Village of Lake George. He also added that his guests believe that his business is a five-star resort.

Laura Kohls stated that eventually the rooms would need updates, and they may have to offer new amenities; but before they do that, they need to see the outcome of this project first. She then explained the timeline of ownership for Marine Village. Laura Kohls explained that her aunt owned the property for a long time, and her aunt did not do any advancements to it. So, to work on improving the property, Laura Kohls bought the property from her aunt and labelled that property as an investment. Laura Kohls said she planned to be here for the next 20 years, and there would be times where she had to update to the times. However, for every decision she makes, she must justify it financially. So, if the current project doesn't work for them, then it would shape their plans differently. Dave Kenny added that updates with furniture and carpeting happen yearly. Carol Sullivan stated she understood where they were coming from and just asked out of curiosity. Carol Sullivan then turned to the Board and asked them if they had any other questions. The Board had no further questions.

Carol Sullivan notified all that she would open the hearing for public comment in a minute. She requested everyone to raise their hand, wait to be called on, and state their name for the record. She concluded that this time was to provide new information as what was discussed prior had already been taken into consideration.

Carol Sullivan opened the hearing for public comment at 5:50pm.

Ronald Viola introduced himself as a Pine Point resident that was against the project. He indicated that the Board has his letters, and those letters detail his ongoing problems with Marine Village. He continued by stating that he took acceptance to a comment made earlier regarding "a quiet hotel won't bother anyone"; and that what was said was far from the truth. Ronald Viola told the Board that Marine Village was far from quiet, and he had dealt with noise incidents multiple times. He said he tried to be a good neighbor and call the office first to give them a chance to rectify it; and he felt that nothing was ever done. He also told the Board about an experience he had with an employee over a phone call and how it resulted with that employee giving him lip. He expressed that what he said so far was only a bit of what he has dealt with. Ronald Viola then told the Board that giving Marine Village this approval would not only amplify the noise levels but would affect the sleep schedule for their residential neighborhood. He stated that it wouldn't bother him as much because he's retired, but it would highly affect those who work during the day and those who have kids.

Heather Courtney introduced herself as a Pine Point resident that was against the project. She indicated that she wasn't notified of any new plans and wasn't pleased by the comments made by Jon Lapper. She indicated that her property was in close proximity to Marine Village. If the project gets approved, she will have non-stop concerns about safety, privacy, and security for her home and for her neighborhood. Heather Courtney explained that the proposed units would look right into her yard, her kitchen, and her family room and that regardless of the windows being opaqued, the windows could still be opened. She then brought up several questions about trees, such as "why couldn't they plant trees behind her home" or "why were they stopping at six". Carol Sullivan told Heather Courtney that she would get her answer, then gestured Marine Village to respond. Before Marine Village could, Heather Courtney told the Board that the project would affect their property value and could bring encroachment issues. She said that adding the trees could help with those issues, and that this project was so unbalanced and fast moving. She pleaded with the Board to do their best to strike a balance as the project before them, in her opinion, was unbalanced. She concluded her statement by saying that she felt that occupancy tax was more of a priority than the year-round residents.

Glen Bruening introduced himself as a representative of Miller, Mannix, Hafner, and Schachner and indicated that he was present to represent Patricia Dow, Ronald Viola, and Heather Courtney. He conducted his opening statement by saying that Patricia Dow was told she couldn't speak on this case. In his opinion, this is an infringement of her first amendment rights. He told the Board he didn't want to see the Board get into a situation in which their position wouldn't be defensible in court, so he kindly asked the Board to reconsider. Carol Sullivan polled the Board for their thoughts. While the Board was discussing, Dan Barusch asked them if they wanted to hear from the Village's attorney, Jeff Meyer, to which the Board said yes. Jeff Meyer indicated she was free to balance the general municipal law "conflicts of interest" with her first amendment speech right with her desire to remain on the Board. He said if she was going to speak, no one in the room was going to stop her.

Patricia Dow expressed her confusion about what was said. Jeff Meyer explained he was referring to general municipal law Article 18 which explains ethics for government officers and employees. More specifically, conflicts of interest. He said the language had strict interpretation; so, if someone had recused themselves from the meeting, they had to leave the room and not discuss the application materials. He concluded his explanation by saying Board members were more than free to make their decisions, but they should keep that article in mind. Patricia Dow told Jeff Meyer that she still would like to speak.

Patricia Dow introduced herself as a Pine Point resident that was against the project. She said that both Planning and Zoning Boards share the responsibility of implementing the comprehensive plan, and that plan balances both residential and commercial areas. Patricia Dow stated that those boats pictured on the wall were built at Pine Point, and that Pine Point had been there way longer than the hotels. She then talked about what the Board should focus on, which was stormwater management and how this project would affect the environment drastically. Patricia Dow indicated that if the "100-year rain" had returned, which had brought torrential rainstorms through the region. So, because of that, she questioned Marine Village's current gutter system and its effectiveness during the storms. She then asked if the second story was added, would the catch basins, the gutters, and the drywell be able to handle the extra water and added velocity?

Patricia Dow brought up the topic of trees. She said that there were various discussions on tree removal, but there were hardly any on tree maintenance. She explained that if certain trees went through the trimming process, it could cause those trees to die which would lead to a decrease in the land's stability. She then brought up that there were suggestions of requiring the neighbor to put trees on their property. She said there were never any projects that mandated the neighbor to do add trees to their land. She continued to say that tree requirement should be placed on the applicant's property, not the neighbors as it shouldn't be the neighbor's responsibility to implement privacy. She concluded her point by stating that if they allowed it, it would start a precedent and it would spread very rapidly to future projects.

Patricia Dow then shifted the topic to visual impact. She mentioned that the Board had Luke Dow's photos from the last meeting and that his sketches would show the visual impact of their neighborhood. She also indicated that the Board should go out and see the height of the poles, so that way they could see what the residents would see daily. She expressed that the seven additional rooms shouldn't be worth it because it would decrease the quality of life for their residents. She said that they had current and future generations at stake; and asked the Board to review everything before deciding. She concluded her

statement by saying that the residents didn't choose to have commercial next to them, commercial chose that.

Carol Sullivan asked the public if there were any other comments. Glen Bruening stood and thanked Carol Sullivan for allowing Patricia Dow to speak. Glen Bruening indicated that Patricia Dow did sum up what he was going to say, but he still had some points to share. He indicated that the Village often granted area variances without a great deal of objection; but, if there were a project that had to be denied due to community impact, he said this would be the one. Glen Bruening stated that he reviewed SEQR Part I and how it was filled out. He requested the Board to have the applicant provide more detail as they show significant changes instead of minor. He provided an example of what would be impacted. He said the trees were there to create a buffer between the zones; but if they were to remove the trees and/or trim them, it would eliminate that buffer and would ruin the historic neighborhood. Glen Bruening then informed the Board that they had an engineer review the case file; and per the engineer's determination, they indicated that the cutting of foundation would not be sufficient. In other words, the engineer believed that the project should obtain a variance for it to proceed. So, Glen Bruening informed the Board that if the Board felt a variance was not needed, they would have no other choice but to appeal it. Glen Bruening thanked the Board for the opportunity to speak.

Carol Sullivan turned to the Board and asked them for their thoughts. She said they received more information to digest, which included correspondence that was received 30 minutes prior to the meeting. She asked the Board if they felt they should table the SEQR review to next meeting. Dean Howland said if they were to review it tonight, they could; but if something were to change, they would have to do it all over again. The Board made the decision to table it for the next meeting. Carol Sullivan turned to all and informed them that the Board would need time to digest all the influx of new comments and concerns that were brought to them tonight. She also indicated that she had written down notes about the gutter system, indicating that the Board was promised that they would get more details about it. Jon Lapper said they were reducing stormwater because there was less impermeability. Carol Sullivan asked if there could be a plan presented to them that shows them the flow. Ethan Hall said he could highlight it on the next site plan.

Jon Lapper wanted to comment on Heather Courtney's request about adding additional trees alongside her property. He explained that there wasn't a lot of room; but if there was a space not near the garage, they would consider doing it. Carol Sullivan told Jon Lapper to speak to Heather Courtney about that. Jon Lapper repeated what he had said to Heather Courtney. Heather Courtney asked for clarification on the windows. Carol Sullivan told Heather Courtney to come to the front so she could see the new plans. Heather Courtney stood in front of the plans and pointed to the left three units. She stated that those units would have a direct view of her property. Dan Barusch said the units she pointed to were the ones that could have one window. Ethan Hall, Jon Lapper, and Heather Courtney continued the conversation to clear up the confusion Heather Courtney had of the layout.

After a few seconds of silence, Carol Sullivan asked Heather Courtney if she would be okay with that. Heather Courtney still was adamant about her concerns of privacy. Ethan Hall said the units were facing more toward her garage than her house. Heather Courtney voiced that there were still units that had a clear view of her home. Jon Lapper said no and reminded Heather Courtney that those windows would be opaqued. Heather Courtney indicated that the windows could still be opened, which would provide the guest a view of her home. Laura Kohls chimed in stating that the window couldn't open more than four

inches. Dan Barusch asked Ethan Hall to update the site plan; so that the plan would show the window changes to the three units and Ethan Hall said he would.

Heather Courtney brought up how removing those trees would disturb wildlife and the whole topography back there. She also indicated that there were instances of people playing hide and seek back there, and she had concerns about how the project would increase activity back there. Jon Lapper took a second to inform all that Dave Kenny and Laura Kohls had been so accommodating, especially them changing their plans several times to meet in the middle. He stated he wasn't sure why people were making such a big deal about seven windows. Dean Howland suggested the applicant to supply a detailed explanation to Heather Courtney about the windows, so she had a better understanding of them. Ethan Hall explained that the windows would only open four inches and had two screws on either side to prevent it from opening further unless it was needed for egress.

Jon Lapper wanted to indicate for the record that he had concerns about Patricia Dow speaking and what she could say could sway the Board. He said that when Board members recuse themselves, they should follow what's written as it could lead to an ethical issue. Carol Sullivan acknowledged Jon Lapper's concern and indicated that the Board would keep that in mind. Jon Lapper assured the Board that they would resubmit plans that included the changes that were discussed.

Carol Sullivan wanted to inquire about parking and asked if they could include the number of parking spaces in the next plan. Ethan Hall said the number should be on the existing plans. Once the number was found, it showed 129 spaces. Carol Sullivan asked for the total number of rooms on the property. Laura Kohls said currently there were 98, but if they allow the seven, 105.

Carol Sullivan reviewed what was discussed thus far, so everyone knew what was to be expected at the next meeting. The list went as follows: the Board would table the SEQR review, the Board would have time to digest all the information talked about at this meeting, and that the Board would have had time to review all correspondence received. Dan Barusch asked the Board how they felt on the 12-inch disconnect note on the latest site plan. He asked if they wanted to see more than the note or if they were to leave it at that. Dean Howland said the note was enough for him. Kevin Merry said he didn't need one. Carol Sullivan said she recalled a request of the explanation stating it was going to be cut and buried to which the Board said that was what they wanted. Dan Barusch asked the Board how they felt about the structural letter and if they needed more information. Carol Sullivan stated that if the Board wanted to, they could hire professionals to assist them. Dean Howland said when a structural engineer signs something, they are putting their license on the line. So, he believed that the engineer wouldn't sign something just to sign it. Carol Sullivan repeated Dan Barusch's question to which the Board was ok with the letter.

Carol Sullivan continued with the list, the requests are as follows: the Board must be provided with a plan showing the gutter system, the updated deck size, and the window changes on the three units. Jon Lapper asked if the Board wanted to see more tree planting and Carol Sullivan said yes. Dean Howland asked if the trees could be switched to hedgerows. Ethan Hall said he could get in touch with the arborist and see what they could do. Carol Sullivan asked if the hedgerows could be staggered. Ethan Hall said there wasn't a lot of room back there, but he'd check with the arborist. Carol Sullivan then turned to the audience and asked them if they understood that red cedar trees they picked would grow up. There was no response from the audience. Jon Lapper wanted to mention that there were projects in which the applicant

offered to pay the fees associated with planting trees on their neighbor's property. Dan Barusch stated that the Village does not require that.

Carol Sullivan made a motion to leave the public hearing open and to table the application until the next meeting in March.

Carol Sullivan asked Dan Barusch for the March date. Dan Barusch informed all that there will be no February meeting as the Board won't have quorum, so the next date will be March 19, 2025. Carol Sullivan then asked for the submission deadline date. Dan Barusch said February 14, 2025. Kevin Merry indicated that he will not be available in March. Dan Barusch asked if anyone else wouldn't be present, to which they all said they would be available.

Carol Sullivan made a motion to table the meeting until the receipt of revised plans and the next meeting to be held in March.

2nd MOTION: Walt Adams

Carol Sullivan	Patricia Dow	Walt Adams	Kevin Merry	Dean Howland
Aye	Recused	Aye	Aye	Aye

Aye = 4 Nays = 0 Recused = 1 Absent = 0 Motion carried

Laura Kohls asked the Board if they could take down the poles to which the Board said yes. Dan Barusch asked Laura Kohls if they had snapped a photo of the poles and Laura Kohls said yes. Dan Barusch asked if they could email them to him and she said she would. She also wanted to add that she couldn't get it on all angles because she didn't want to trespass on other people's properties.

MINUTES:

November 20, 2024 (CS, PD, KM, WA, DH)

Patricia Dow returned to the meeting at 6:24pm.

Carol Sullivan asked the Board to share their thoughts about the minutes. Walt Adams and Kevin Merry said they had nothing. Patricia Dow said she was not going to comment on Marine Village's portion; but would comment on everything else. Carol Sullivan repeated for the record that Patricia Dow would not comment on Marine Village's application. Patricia Dow said she had nothing.

Carol Sullivan made a motion to approve the November 20, 2024, meeting minutes as presented.

2nd MOTION: Kevin Merry

Carol Sullivan	Patricia Dow	Walt Adams	Kevin Merry	Dean Howland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Recused = 0 Absent = 0 Motion carried.

Carol Sullivan asked if anyone had anything to discuss before adjourning the meeting. Patricia Dow said she wanted to discuss the trend of logos. She asked if there was a way that they could ask for proof that

the logo belongs to them and that it's in other places. The Board, Dan Barusch, and Jeff Meyer had a discussion on what they could do to handle the issue.

Motion to adjourn by Carol Sullivan at 6:34 pm., seconded by Patricia Dow, and unanimously carried.

Respectfully submitted,

Debonnay Meyers

Debonnay Meyers