

## APPROVED

## LAKE GEORGE VILLAGE 26 OLD POST ROAD MARCH 17, 2010 PLANNING BOARD MINUTES

Board members present:

Robert Mastrantoni – Chairperson, Patricia Dow, Dan Garay, Chuck Luke, Dan Wolfeld (alternate).

Board member absent: Patty Kirkpatrick

Others present:

Doug Frost (Enforcement Officer), Carol Sullivan (Secretary), David Stanton, Heather Nowicki, Nowicki Lukasz, Julia DeMaranville, Luisa Craig-Sherman, Derek Shepanyk

Robert Mastrantoni opened the meeting at 6 PM.

### **6 PM – 7 PM**

Solar Panels – The board discussed alternative energy devices; they are going to be the wave of the future. They agreed they must look at the location of such devices; solar panels can be mounted on a roof, ground or poles.

Consideration has to be given to fire safety, fire access and the weight of panels on roofs. Dan Wolfeld pointed out roofs are generally constructed to handle snow load and that the weight of panels is something altogether different.

County involvement? *(Post meeting comment: Carol sent an e-mail to the county asking if the county and/or state are looking at this topic – response: When someone comes in for a permit to install panels on a roof top, we have them get an engineer to determine/confirm (in writing) that the roof structure is strong enough to support the load. After installation we are looking for a final electrical inspection.)*

Consideration should be given to whether or not adding solar panels or other energy devices is subject to Planning Board review. Currently the definition of Development refers to material changes to the use or appearance of a structure. If panels are put on a roof they may not materially change the appearance. If the Planning Board believes they should see applications for the installation of alternative energy devices then there should be a section in the code which so states.

DEVELOPMENT -- Any building, construction, expansion, alteration, modification, demolition or other activity, including land clearing in excess of 1,000 square feet, land disturbance, grading, roadway construction or expansion, mining or mineral extraction, which materially changes the use or appearance of land or a structure, or the intensity of the use of land, or a change in use of the structure or the creation of a subdivision which may result in such activity, but not including interior renovations to a structure, or the construction or modification of a dock, wharf or mooring.

The height, if panels are placed on a pole, should be considered. There are some areas in the Village that are covered by tree canopy and the height of a pole would have to be high in order to capture the sun.

Considering Canada St., it appears the only access is roofs. In the commercial zones a limitation could be set for rooftop only.

Aesthetics and glare should be one of the considerations when considering placement; placement shouldn't be a nuisance to neighboring properties.



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Technology is always changing and it's likely these devices will become smaller and more efficient over time.

Chuck pointed out there are "outbuildings" which act as wood burning furnaces. These are structures that are placed outside of a home or business, generally homes, that act as a wood burning furnace, They emit fumes on the outside of the structure while heating the inside of the home to which they are attached. Dan Wolfeld pointed out these structures may now be regulated by NYS.

Patricia suggested adding a definition for alternative energy devices and also add a section to the code which addresses them – in the commercial district they should be flat to the roof, eliminating the possibility of a windmill or larger device on the roof. There are no side setbacks in the commercial districts and limiting placement to the roof eliminates the possibility of placement on the property line. There are side setbacks in the residential zones.

The board agreed that alternative energy devices are probably accessory structures and not accessory uses.

**ACCESSORY STRUCTURE** -- Any building or structure affixed to land or any movable structure in excess of 100 square feet and is incidental and subordinate to, and associated with, a permitted use.

Add definition:

Alternative Energy Devices: Accessory structures such as, but not limited to, solar panels, wind mills, outdoor furnace structures ???

Section 220-28 can be modified to include alternative energy devices.

§ 220-28. Accessory structures.

Accessory structures may be erected in accordance with the following restrictions:

A. No more than two accessory structures shall be allowed on any single or adjoining lot of the same ownership. Does this need to be changed?

B. No accessory structure shall be located closer than 10 feet from a principal structure.

C. Maximum accessory structures footprint shall be limited to:

(1) Garages: 800 square feet.

(2) Private greenhouses: 800 square feet.

(3) Storage sheds (including wood storage facilities): 500 square feet.

(4) Commercial accessory structures: 75% of the square footage of the primary structure.

(5) Outdoor area: 50% of the inside service area of the same establishment, excluding bathrooms.

(6) Alternative Energy Devices: Are subject to Site Plan review. Should minimize impact on neighboring properties. Should be aesthetically pleasing. Must be placed on the primary building's rooftop in the Commercial Resort and Commercial Mixed Use zones (CR, CMU). Residential and Residential Mixed Use (R, RMU) – Rooftop – OK. Height limits ?? for pole placement. Size of solar panel limited to size of lot?? Back or side yard only??? Lot clearing??? Satisfy setback requirements.

D. Up to two additional (three in total) commercial structures containing the same use may be considered a single primary structure.



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E. All accessory structures shall comply with the dimensional requirements for the zone in which it is located.

The Use Table should be modified as well.

Maximum ground coverage should be considered.

If the requirements can't be met then a Variance can be sought.

Doug suggested starting with some limits and seeing what develops. For instance limit placement to roofs only. As more variations come before the board the section of the code can be changed and in the meantime a variance can be sought. Chuck expressed concern over limiting these structures to roofs in the R and RMU district. Limiting structures to the roof in the R and RMU districts does not give the ZBA room for a determination to place these structures elsewhere.

Regular Planning Board meeting began at 7 PM.

**TASTE OF EUROPE (PREVIOUSLY TASTE OF POLAND)**

**TAX MAP: 251.14-3-2**

**APPLICANT: LAKE GEORGE'S A TASTE OF EUROPE LTD**

**OWNER: ELLIOTT HEYMAN**

**SIGN PLAN: 1006**

This is a wall sign located on the deck railing (same spot as Taste of Poland). Size = 21.52 square feet. 3.28" x 6.56'. No lighting.

The board discussed the blue background and yellow cards with flags on each card. The applicant explained blue and yellow are European flag colors. The board discussed the intensity of the colors used. There is no border, however, the board suggested adding a border. At this point the applicant indicated the sign had already been constructed.

The board agreed the sign is brightly colored and perhaps it can be toned down. The applicant indicated the yellow is not actually yellow but more "like gold".

There is no lighting.

The sign is plastic and attached to corrugated vinyl cardboard.

The board discussed the possibility of allowing the sign to be hung to see what it looks like. They would like to have a border added and the sign toned down.



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**MOTION:** Patricia Dow made a motion to temporarily approve the sign until April 22, 2010. The sign will be hung and the board members will look at it once it's been placed on the deck railing. Permanent approval and/or changes will be discussed at the April 21, 2010 Planning Board meeting. A ¾" boarder will be added before the sign is placed on the deck railing. Other modifications should be made to tone the colors down.

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

Robert Mastrantoni	Patricia Dow	Dan Garay	Dan Wolfeld	Chuck Luke
Aye	Aye	Aye	Aye	Aye

**FROM RUSSIA WITH**  **(PREVIOUSLY RAINA'S)**

**TAX MAP: 251.18-3-63.1**

**APPLICANT: JULIA DEMARANVILLE**

**OWNER: BENHAM FAMILY LLC**

**SIGN APPLICATION: 1008**

Wall sign is 14.33 square feet ( 24" (height of heart) by 80"). New shop is located in same spot that was previously Raina's. The sign is located above the window under two existing goose neck lights.

What appears as a yellow background is actually gold as noted on the sign mock up prepared by Lake George Signs. Background is similar to gold leaf and is somewhat reflective but it is not a high sheen.

The heart is 1 ½" thick carved foam and will stand off the actual sign. The sign will be constructed of MDO board with vinyl lettering.

**MOTION:** Chuck Luke made a motion to approve the sign as presented with a gold leaf background and the 1 ½" foam heart, 14.33 square feet in size.

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

Robert Mastrantoni	Patricia Dow	Dan Garay	Dan Wolfeld	Chuck Luke
Aye	Aye	Aye	Aye	Aye

**LAKE CREST**

**TAX MAP: 251.14-3-30**

**APPLICANT/OWNER: OWNER: DEREK SHEPANZYK**

**SIGN APPLICATION: 1009**

New wood carved freestanding sign with gold leaf lettering. Sign structure will be pine log posts. Background is forest green. Scenery in the center of the sign will be hand painted. Goose neck lighting will be on the top post.

Placement, width and height of sign will coincide with new deck and façade which was previously approved.

Sign plus the small reader board = 46.67 square feet. (Allow 50 sq. ft. – OK)

Overall height = Won't exceed 25' which is allowed; this sign will be approx. 12' – 15' high. Top post (frame of sign) is approx. 10' – 12' wide.

Width of posts = 6" – 8" wide.



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Reader board is also forest green. It allows for 3 lines of 6" lettering – white.

**MOTION:** Patricia Dow made a motion to approve the sign as presented with the forest green back ground, gold leaf lettering and the hand-painted scenery in the center. The reader board will also have a forest green background. White letters will be used on the reader board with the possibility of changing the color of the lettering to a compatible color at the owner's discretion. The height of the sign will be approximately 15 feet.

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

Robert Mastrantoni	Patricia Dow	Dan Garay	Dan Wolfeld	Chuck Luke
Aye	Aye	Aye	Aye	Aye

### **ZONING CHANGE**

Doug explained to the Planning Board why the change is being made.

The board suggested changing the language – A nonconforming use may not be moved in whole or in part to any other location within the current lot or to any other location within the Village of Lake George – TO - A nonconforming use may not be moved in whole or in part to any other location within the current lot or to any other location within the Village of Lake George where it would remain nonconforming.

Both Doug and Carol felt the language as drafted works – the first thing that is done is the Use Table is reviewed to see if a use is allowed. If a non-conforming use is moving to a district where it is allowed it then becomes a conforming use and the appropriate procedure is decided upon once it's determined the use is allowed.

### **OTHER DISCUSSION**

Dave Stanton asked if there is anything in the code which allows for instance, another haunted house from setting up in the Village during the Halloween season, perhaps in a vacant store. In other municipalities you sometimes see a seasonal business which is only open for a month or so. Doug explained that a business license would have to be obtained and reviewed by the planning board if necessary. He added we do not control businesses by time frame; in other words we do not require that they are open for a certain period of time.

The only provision the Village has for transient vendors is through a Special Event.

Robert will hold onto additional handouts on window displays until such time as the topic is discussed.

Robert would like to finish the solar panel recommendation first then move onto window displays. The board will meet at 6 PM on April 21, 2010.

**SIGNS** - Patricia opened a discussion regarding standardized signs and avoiding the use of colors that are not in keeping with what would like to be seen as part of the Village streetscape. Is there some way the code could be more specific with regard to colors and graphics? Could guidelines be developed? Luisa Craig-Sherman mentioned that in her previous life she was involved in a rezoning of a downtown area. Colors of signs could not be dictated, however, guidelines were put together using a certain palette of recommended colors.



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A brochure was developed which listed preferred colors, fonts and construction. They provided the brochure to sign applicants and also to local sign companies. She indicated this approach was successful. The board liked this approach and agreed it would be nice to have something in place prior to the compliance date of October 2010.

**MINUTES**

February 17, 2010

**MOTION:** Patricia Dow made a motion to approve the minutes as presented.

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

Robert Mastrantoni	Patricia Dow	Dan Garay	Dan Wolfeld	Chuck Luke
Aye	Aye	Aye	Aye	Aye

Robert made a motion to adjourn the meeting, seconded by Chuck Luke.

Aye – 5    Nay - 0    Motion carried.

Respectfully submitted.

March 22, 2010

Carol Sullivan