

LAKE GEORGE VILLAGE PLANNING BOARD MEETING
JUNE 19, 2019 – 5:30 PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY

Board members present: Carol Sullivan (Chair Person), Patricia Dow, Dean Howland, Walt Adams

Board members absent: Dan Wolfeld, Dan Barusch (Director of Planning & Zoning)

Others present: Stephanie Fregoe (Clerk), Tom McKinney, Leisha Hubbell, Robert Merchant, Misty Feulner, Brandon Furman, Darren Marino, Fred Austin, Sean Quirk, Tony Merrill, Linda Duffy and others.

Carol Sullivan called the meeting to order at 5:30pm.

TAX MAP: 251.18-3-3
OWNER/APPLICANT: THOMAS MCKINNEY
ADDRESS: 42 JAMES STREET
ZONE: RMU
APPLICATION: SPR10-2019

Applicant is proposing to expand the existing single-family dwelling to incorporate a second apartment, to turn it into a two-family residence. The old garage is to be removed and the driveway moved to the other side of the lot. New building will have a slightly larger footprint, a full basement and storage area above the new living space, with separate access doors to both dwelling units.

Mr. McKinney addressed the Board and described his project. The roof will stay the same color, “architectural brown”. He is unsure of the exact colors for the new siding. The current siding can no longer be ordered. The existing brick around the lower level of the house will most likely be replaced with flag stone and possibly cedar shakes for the gable ends. The Board explained that Mr. McKinney will need to present any proposed colors and materials for approval. He will meet with Dan Barusch once he chooses siding colors. In the future, Mr. McKinney may add a dormer above the storage area and convert that area into living space. He knows he will need speak with Dan Barusch if that happens.

Patricia Dow made a motion to approve the application at 42 James Street to add the second apartment, tear down what was the garage to make it into a second apartment/living space, and to change the driveway, as presented to enable a potential six cars to park there, and the samples of the house colors and materials on the outside still need to be brought in for the Planning Board. The Board is approving this full basement with slightly larger footprint and storage area. The driveway is being moved to Helen Street.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams
AYE	AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

TAX MAP: 251.18-4-25
OWNER/APPLICANT: BOB MERCHANT
ADDRESS: 75 DIESKAU STREET
ZONE: CMU
APPLICATION: SPR12-2019

Applicant proposing numerous upgrades the Backstreet BBQ outdoor area, and is requesting a waiver from § 220-42 (d)[2] Architectural standards and guidelines, which does not allow metal siding to be used on any portion of a building (applicant would like metal siding on the northern building façade, to also have a horizontal live-edge timber “bar top”). Applicant is also proposing an expansion of the existing concrete pad over the now-existing crushed gravel area. A drywell for stormwater runoff will be installed in the new concrete pad area. Applicant is furthermore proposing landscaping timbers along the retaining walls for customers to place food/drink to accommodate additional outdoor seating (stools).

Mr. Merchant addressed the Board and explained that he is improving his business and trying to improve the view from the deck for patrons. The current siding is in poor shape, damaged from hail. He used the metal siding for durability and it is not really visible from the front of the building. He was not aware of the restrictions for the metal material before it was installed.

Carol Sullivan asked about the increase of seating outside. Mr. Merchant estimates that he will not have more than 45 to 50 seats outside. Some of the seating will be removed and planters will go in. Dean Howland asked how the metal siding will fit in with the rest of the building. He suggested painting the metal so it isn't as stark, such as a white or grey. Mr. Merchant said he wasn't opposed to painting it. He wants to make it beach-like to match the theme of Lake George. New signage may be proposed for Back Street BBQ. He has plans to improve the entire side of the property and has already added some landscaping. He wants to increase volume to help pay bills and make the property better overall for Lake George. Ms. Sullivan noted that the changes are appreciated, but the question is regarding metal siding on a Victorian building. Mr. Merchant does not feel that the metal changes the overall look of the building and eventually he will put an awning over that outside area. Walt Adams said that the material is an upgrade but he would like to see it painted.

Mr. Adams asked about New York State requirements and Mr. Merchant said he is in contact with them and they will come to reassess. The Board continued their discussion with the number of seats and the dimensions of the total outside seating area. The gravel area will eventually be removed and new concrete poured. He will add another storm drain to address the water runoff from the top of the hill. Mr. Merchant said that eventually the old wood deck will be removed and new concrete poured with a second storm drain installed. There is already some existing concrete with one storm drain. He will complete the improvements in stages as finances allow and will be done according to Code.

The Board continued to discuss the square footage of both the indoor and outdoor seating areas. The percentage of indoor vs. outdoor seating was unclear so the Board asked Mr. Merchant to come back with exact measurements. Carol Sullivan explained that the outside seating area can only be a certain percentage of the total inside seating area. He will update his diagram and

bring exact measurements to the next meeting on June 26, 2019. The Board also asked that Mr. Merchant present an exact paint sample that will be used to paint the metal wall.

TAX MAP: 251.14-3-36
OWNER/APPLICANT: LINDA DUFFY
ADDRESS: 320 CANADA STREET
ZONE: CMU
APPLICATION: SPR11-2019

Applicant is proposing to expand current deli business into the old cigar shop to include ice cream sales, expand outdoor seating area and use one of the existing windows at the old cigar shop for interior-lot window sales/service. The total outdoor area will exceed 50%, so the applicant is seeking an area variance from 220-39 'Outdoor area for dining or drinking'.

Applicant was late to arrive so the Board reviewed other applications in front of Linda Duffy's.

Linda Duffy addressed the Board. She explained that she would like to open the former cigar shop to sell ice cream and snacks, under the current name of Duffy's Corner Deli. It will not have a separate name. Ms. Sullivan confirmed for the record that Ms. Duffy was granted an area variance for the outdoor seating area. Ms. Duffy stated that the current parking would not be changing. She is not adding or taking out any parking.

The Board addressed the change of use. Patricia Dow asked about the items that would be sold. Ms. Duffy replied that she would be selling ice cream out of the new section. There will not be a second name. She will use the Duffy's Corner Deli sign and will add "Café" to the sign. Ms. Sullivan noted that Ms. Duffy would need to present any sign changes to Dan Barusch. There will not be waitstaff for the outside seating area.

Carol Sullivan made a motion to approve the change of use for Duffy's Deli to now include what was known as the old sunglass shop or the retail cigar shop, to now be all food. It will sell ice cream, and water and will be all included as part of the deli.

2nd MOTION: Patricia Dow

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams
AYE	AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

Carol Sullivan stated that the change of use is now approved.

Linda Duffy explained that she would like to move the current deck over slightly so that it is in line with the Village planters. She presented the Board with pictures she had on her phone. Pulling in from Canada Street, you cannot drive to the left anymore, you can only pull straight ahead. Ms. Duffy would like to put in a white picket fence. The service window will be the third window that is closest to the deli. The other two windows will open up, but she will not be doing service out of them. She will have an indoor counter, so people can come inside as well. Ms. Sullivan confirmed that seating will be outside, on the pavement with a white picket fence.

Ms. Duffy would like to add four or five picnic tables, the same set up that she has in front of the deli. The white picket fence will be attached to the front of the tables.

Ms. Sullivan confirmed that there will be seven parking spaces on Amherst Street that are not changing. There are four marked parking spaces in front of the deli that are also staying the same. The Board discussed the flow of traffic and the distance from the proposed fence to the parking area, which shows approximately 18'6" on the site plan.

Ms. Dow asked about the picket fence and if it would be strong enough and visual enough to prevent a car from going through it. Ms. Duffy said the fence will be screwed into the picnic table. She noted that nothing would really keep a car from going through it and she has not had issues with the other fence in front of the deli. There will also be lighting in the parking lot.

Ms. Duffy said there will not be table service, just take out. Ms. Sullivan noted that picnic tables are not allowed by the Village Code, Section 118-8. The Planning Board cannot approve picnic tables because they are no longer allowed by Code. She explained that Ms. Duffy could propose a difference type of furniture tonight, but understood that Ms. Duffy may not be prepared to do so. If Ms. Duffy would like to have the picnic tables, she needs to go before the Village Board of Trustees and ask for a waiver. Ms. Sullivan stated that she was unsure if the Trustees have the ability to waive the law. The Planning Board could approve this application conditionally, without the use of picnic tables or she can come back with other tables at next week's Planning Board meeting. Ms. Dow asked if the current picnic tables in front of the deli could be used for the new business instead, without adding more tables. Ms. Duffy said it is something she could consider. Ms. Sullivan said she wasn't sure if those tables have been grandfathered in and instructed Ms. Duffy to contact Dan Barusch after this meeting.

Ms. Dow asked how the white picket fence would be attached if the picnic tables were not able to be used. Discussion among the Board and Ms. Duffy continued about the stability and installation of the fence. Ms. Duffy stated that if the fence cannot be attached to the picnic tables, it will be anchored into the black top, normal installation.

Dean Howland made a motion to approve 320 Canada Street in reference to the change of use application. The existing parking remains as is, nothing changes and the only thing that will be changing will be a white picket fence, all but four feet down the length of the existing building, plus the walkway, roughly eight feet off the existing building, installed as stated. A service window will be added in, as presented.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams
AYE	AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

Dean Howland left the meeting at 6:35pm.

TAX MAP: 251.10-3-43
OWNER/APPLICANT: BRANDON FURMAN
ADDRESS: 462 CANADA STREET
ZONE: COMMERCIAL
APPLICATION: SIGN8-2019

Applicant is proposing two new signs for “XII Sporks” restaurant. The first sign will be a wall sign three feet by eight feet (24 sf.) with gooseneck lights above. The second sign will be a freestanding two- and one-half feet by eight feet (20 sf.) sign using existing freestanding sign frame and existing internal lighting.

Brandon Furman addressed the Board. He asked if the adjacent house can be painted with the same colors as the restaurant. Carol Sullivan said that is ok. He is not changing anything on the free-standing sign, expect for the paint colors and removing the small “open” sign on the side. The lighting on the freestanding sign is preexisting and backlit. He is hand painting the sign.

Patricia Dow made a motion to approve the two new signs for the 12 Sporks restaurant at 462 Canada Street, in the colors attached to the application, presented. The stand-alone sign is internally lit, the sign on the building will be using the same existing gooseneck lights.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Walt Adams
AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

TAX MAP: 251.10-3-43
OWNER/APPLICANT: BRANDON FURMAN
ADDRESS: 462 CANADA STREET
ZONE: COMMERCIAL
APPLICATION: SM2-2019

Applicant is proposing a façade change - repainting the exterior of existing building. Colors presented are HGTV Home “Contemporary Grey” and “Nebulous White”.

Carol Sullivan made a motion to approve the change in color at 462 Canada Street to “Nebulous White” and “Contemporary Grey”.

2nd MOTION: Walt Adams

Carol Sullivan	Patricia Dow	Walt Adams
AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

Carol Sullivan noted for the record the house can be painted grey with white trim.

TAX MAP: 251.18-3-57
OWNER/APPLICANT: SEAN QUIRK
ADDRESS: 204 CANADA STREET
ZONE: CMU
APPLICATION: SPR9-2019

Applicant is proposing a change of use in one of the Village Mall storefronts, from retail store to “entertainment center” with six virtual reality consoles and ten retro gaming consoles (Atari, PlayStation, etc.). Operation of business will be a pay-for-time-use entry fee (i.e. \$X for X minutes).

Sean Quirk addressed the Board. The virtual reality games are played in blocks of time from 15 to 60 minutes. He wants to have something for customers to do while they wait. Retro games such as Nintendo and Atari will be available. There is a charge and a counter person will collect money and set a timer for those games. No money will physically be put into the games. Carol Sullivan confirmed that no coins will be put into the games as this is not allowed per Village Code. She confirmed that someone will be collecting the money at the door and Mr. Quirk agreed.

Carol Sullivan made a motion to approve the change of use for 204 Canada Street from retail to an entertainment center as presented. Store number 8.

2nd MOTION: Walt Adams

Carol Sullivan	Patricia Dow	Walt Adams
AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

TAX MAP: 251.18-3-70
OWNER/APPLICANT: KATHY MUNCIL
ADDRESS: 48 CANADA STREET
ZONE: CMU
APPLICATION: SIGN 9-2019

Applicant is proposing a new sign for Sticky Buns Café on Beach Road. Wood sign will be a 60” x 15” rectangle with scallops on the side, white back ground with black letters, no border or graphics.

Fred Austin and one other addressed the Board. The smaller signs will be wood carved. Carol Sullivan noted that the Code does not limit the number of signs, but it does require the smaller signs to be wood carved.

Patricia Dow made a motion to approve the signs proposed for the Sticky Buns Café on Beach Road, the large wood sign, to be 60” x 15”, rectangle with scalloped sides and the lettering as presented. The nine smaller signs will be on the natural wood carving with black lettering and those will be attached to the railing on the deck in front of the building.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Walt Adams
AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

TAX MAP: N/A
OWNER/APPLICANT: DARREN MARINO
ADDRESS: VILLAGE DOCKS
ZONE: N/A
APPLICATION: SPR8-2019

Applicant is proposing a tour boat operation with one boat to provide fishing charters and scenic tours, using the Village docks. Applicant has applied for an annual Village Commercial Dock Use Permit. (Applicant no longer has permit to use Village Docks for commercial use, permit was revoked since this agenda was completed).

Carol Sullivan noted that Darren Marino's application does not address his current operation, but the Board will see if they have enough information. Mr. Marino will now be using the Lake George Beach Club docks. Mr. Marino has been in contact with Dan Barusch and Joe Thoulin at Lake George Park Commission. Jose at the Beach Club is updating his marina permit. Mr. Marino stated that he will not be parking there, just pick up and drop off. He is birthed out of Hall's Marina. Ms. Sullivan noted that the public docks are still available for public use, commercial use is no longer allowed. Ms. Sullivan confirmed with Mr. Marino will just be picking up and dropping off at the Beach Club docks. He would use Hall's but they do not have enough parking for customers.

Ms. Sullivan asked how people would know to be picked up at the Beach Club. Mr. Marino said that he has a website, he has a government id and a business. Marinoscharters.com. He explained that he has a New York State captain's license, he has his PV license. It's all been word of mouth. He has no advertising and nothing on his boat other than fishing poles.

Ms. Sullivan asked if he is primarily a fishing charter and not a tour charter? Mr. Marino said he's mostly tours, he has fishing poles in case someone wants to throw out a line. Ms. Sullivan asked if she was standing at the docks and not planning on going out, but saw a bunch of people boarding his boat, and she wanted information, how would she know. Mr. Marino replied marinocharters.com and Ms. Sullivan asked how would she know that? He tells friends and family and when people call on the phone, that he will pick up and drop off at the Beach Club docks.

Mr. Marino discussed whether or not he had been soliciting from his boat and the Village Docks. Ms. Sullivan stated that he would need to speak with the Village Office regarding the matter. The Planning Board cannot address that and if Mr. Marino feels that the Peace Officers were given incorrect information or if he has any issues with the Peace Officers, then he needs to speak with the Mayor.

Patricia Dow said that she was confused and asked if he is a fishing charter or tour boat charter. Mr. Marino replied that he does both. Ms. Dow asked if there is a greater percentage because in the application it says "on a part time basis I take people fishing and teach them how to fish. Also, on very rare occasions I take people to see and observe the lake in its beauty." Mr. Marino replied it is more fishing. Sometimes people stop fishing as ask, "what's that?" Ms. Dow said that is not what they're talking about. She was talking about when he sets off with people, fishing or touring. He replied fishing.

Ms. Dow asked about parking and Mr. Marino stated that people would use Village Parking. She also asked about the length of the fishing charters and Mr. Marino said it depends on how long they want to go out and what they want to fish for. It also depends on where they want to go on the lake. He explained that he is legal to carry five passengers, plus himself. That is the New York State Captain's license six pack. If he wants to take his family out on the boat with no restrictions, he can tape over his PV sticker on the side of his boat and take out eight people. He said this was told to him by the state when they did his inspection. Ms. Dow asked if there is a bathroom on the boat. Mr. Marino replied yes, and it is used very rarely. He gets gas all over the lake and will stop for his guests to use their bathrooms such as Halls, Boardwalk, Fisher's.

Walt Adams asked how big the boat is. Mr. Marino replied that it is a 20-foot Scarab, well built, very safe. If he feels that the water is rough, he will make his passengers put on their lifejackets. His distress radio is always on. He said he is very safety conscious. Ms. Sullivan asked, as a public vessel, if he complies with all rules and regulations that a public vessel has and Mr. Marino said yes and he was just inspected again.

Ms. Dow asked about hours of operation and if he is seven days a week or at night. Mr. Marino said he is on the lake June until November. He is the last boat off the lake and is the last boat in at night. Ms. Sullivan asked again, for his business what his hours of operation are. Mr. Marino said as soon as it starts to get dark it's over. Ms. Sullivan asked June through November and Mr. Marino said yes. Ms. Sullivan asked as early as daylight and Mr. Marino said yes, he doesn't go out unless he can see. Ms. Dow asked if he plans on coming back in before it gets dark and Mr. Marino said he has never fished in the dark, ever. Ms. Sullivan confirmed that he goes out at daylight and back at dusk and Mr. Marino said yes. She asked how many days a week and Mr. Marino replied three or four, it might be more in July.

Ms. Sullivan went over the changes needed in the site plan application. Location would now be the Beach Club docks and the owner of the Beach Club is updating his permit for Park Commission. Mr. Marino stated that it would be for pick up and drop off only and there will be no parking of the boat and no roping off of the boat. He would only rope the boat off for passengers to get off safely. Mr. Adams asked if any liability would fall on the Beach Club and Ms. Sullivan replied yes. She confirmed that the hours of operation would be June through November, daylight to dusk, out at daylight, back by dusk, three to four days a week, with a few more days in July. Mr. Marino said yes. Ms. Dow asked again if he is predominantly fishing and Mr. Marino said yes. Ms. Sullivan confirmed again that since Mr. Marino has his captain's license, that he complies with all rules and regulations and Mr. Marino replied, 100 percent.

The Board asked about trash removal and Mr. Marino said he is self contained and will empty trash at Hall's Marina. Ms. Dow confirmed that this is not a tour boat but a fishing charter. She asked if the website says fishing charter and Mr. Marino said yes. She said it's not a tour boat and Mr. Marino replied no and gave his website: www.marinoscharters.com.

Ms. Sullivan went over the changes in the site plan application so that for the record, Lake George Beach Club and the owner Jose would be updated into the application. Mr. Marino needs to update his application with the correct information. Anywhere it is listed Village Docks needs to be updated to Beach Club.

Carol Sullivan made a motion to approve Marino's Charters, using the Beach Club Docks, located at 3 Montcalm Street. This is primarily a fishing charter. The hours of operation are June through November, daylight through dusk, out at daylight, in at dusk, three to four days a week, more during the month of July. Parking will be utilized throughout the Village, regular public parking. The number of tourist days will depend on how many people ask you. No more than six people per tour on the boat which includes the captain. Total number of people on the boat is six. Five for the fishing charter and the Captain. Bathroom facilities are located at various marinas on the lake and there is a toilet onboard if needed. Trash will be self-contained on the boat and disposed of at Hall's Marina. You are a PV Captain therefore you will comply with all public vessel rules and regulations that you are required to comply with. Jose who is the owner of the Beach Club is getting approval from the Park Commission for a pick up and drop off at that dock.

2nd MOTION: Walt Adams

Carol Sullivan	Patricia Dow	Walt Adams
AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

Ms. Sullivan addressed Mr. Marino and explained that a new application needs to be filled out. He needs to speak with Dan tomorrow and Ms. Sullivan said that she would speak with Dan also. For public record, the right application needs to go into the file. The old one no longer pertains for the Village Docks. Stephanie Fregoe noted that blank site plan applications are available on the Village website.

MINUTES – May 15, 2019 (CS, DW, DH, WA)

Carol Sullivan made a motion to approve the minutes for May 15, 2019 with a few minor spelling corrections.

2nd MOTION: Patricia Dow

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams
AYE	AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

Meeting was adjourned at 6:40pm.