

APPROVED

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
JUNE 20, 2018
PLANNING BOARD MINUTES**

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

Board members absent:

Others present: Dan Barusch, (Director of Planning and Zoning), Stephanie Fregoe (Clerk), Carl Schilling, Moustafa El Kerdany, Bryon Ducey, Sean Culligan, Eric Coon, Jorge Morales, Michael O Connor, Jim and Catherine Blau, Tom Ellett, Douglas Frost

Carol Sullivan called the meeting to order at 6:00pm.

**TAX MAP: 251.18-3-63.3
APPLICANT: JORGE MORALES
ADDRESS: 142 CANADA STREET
ZONE: COMMERCIAL MIXED USE
APPLICATION: SIGN #1832**

Applicant is proposing a sign for Bohemian Roots. The sign will be a 3' x 8' aluminum composite sign with mandala designs for the background. Lettering will be cream and blue.

Mr. Morales approached the Board. The Board had no issues with the sign. Dan Wolfeld asked if the lights shown are existing. Mr. Morales replied yes.

Dan Wolfeld made a motion to approve the sign at 142 Canada Street for Bohemian Roots as presented with existing lighting, blue and tan letters with background as presented.

2nd MOTION: Carol Sullivan

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

Aye = 5 Nay = 0 Motion carried

**TAX MAP: 251.18-3-70
APPLICANT: MOUSTAFA EL Kerdany
ADDRESS: 28 BEACH ROAD
ZONE: COMMERCIAL MIXED USE
APPLICATION: SIGN #1834**

Applicant is proposing two signs for Lake George Souvenir. The first sign, noted as Sign "A" will be a double sided, hanging, 67" x 12" rectangle shape with scalloped edges. The second sign will be a doubled sided, 29" x 40" badge shaped sign, located under the awning. Both signs are wood, white background, painted with enamel and lettered with vinyl. Borders are not raised.

Mr. El Kerdany approached the Board. His store is where Beach Boutique was formerly located in the Beach Rd shops. Carol Sullivan asked if he is using sign "A" or "B" shown in the application. Mr. El Kerdany explained that it would depend on which size sign the Fort William has available in their storage

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room. They reuse old signs. The shield shaped sign is available for him to reuse and would be his second sign. The shield will hang under the awning. Dan Wolfeld asked if the signs hanging under the awning are a different shape or the same. Mr. El Kerdany again explained that it depends on what signs the Fort has available to reuse. Some businesses do have the shield shape.

Ms. Sullivan clarified that the applicant would have to go to the Fort, see what signs are available, and choose one for the sign shop to re-letter. Mr. El Kerdany said yes, some signs are damages and cannot be used. He did find a shield that is available for his store.

Mr. Wolfeld asked about clearance underneath the signs. The shield sign is 29 inches high. Dan Barusch noted that eight feet is required and the signs will be hung accordingly. The shield shaped sign will have to be hung up higher.

Dean Howland made a motion to approve the sign at 28 Beach Road for Lake George Souvenir. The sign that will hang parallel with the front of the stores will either be sign "A" or "B". Sign "A" is 67" long and 12" high and sign "B" is 60" long and 15" wide, with black border with red lettering, outlined in black. The second sign, hanging perpendicular under the roof line is 40" wide and 29" high in the same décor other than the black border.

2nd MOTION: Carol Sullivan

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

Aye = 5 Nay = 0 Motion carried

TAX MAP: 251.18-3-37**APPLICANT: ERIN COON****ADDRESS: 127 CANADA STREET****ZONE: COMMERCIAL MIXED USE****APPLICATION: CHANGE OF USE #1830**

Applicant is proposing a 6' x 8' kiosk inside Fun World Arcade for guided walking tours in Lake George. The kiosk will accommodate a small office and ticket window using plywood. There will be no outside signage.

Ms. Coon approached the Board. She is using a closet and cutting a window to turn it into a kiosk. There will be no outside signage. She may add signage next year and will apply for a sign permit if needed. The walking history tours will go up Beach Road, past the Steamboat Company into Battlefield Park and back.

Patricia Dow made a motion to approve the change of use at Fun World Arcade at 127 Canada Street for the inside small office with window and with no outside signage.

2nd MOTION: Carol Sullivan

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

Aye = 5 Nay = 0 Motion carried

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**TAX MAP: 251.10-3-60
APPLICANT: THOMAS ELLETT
ADDRESS: 10 SCRIMSHAW LANE
ZONE: RESIDENTIAL
APPLICATION: SITE PLAN #1808**

Applicant is proposing the replacement and expansion to existing deck at 10 Scrimshaw Estates, as well as a new patio. The current deck is 207 square feet and would be replaced with a 580 square foot deck. The proposed patio is 150 square feet.

Mr. Ellett approached the Board. Mr. Wolfeld asked about the deck materials. Mr. Ellett explained that he will use composite, Trex style decking and railings. The current deck is made of wood that is peeling, and if you lean on the railings you will fall off. The wood steps are very loose and need repair. He is undecided in color. He will eventually put new siding on the house. The siding was damaged several years ago in a hail storm. The previous owners replaced pieces but the used different colors that don't match. Mr. Ellett would like to keep an Adirondack feel with browns, no bright pinks or yellows. The railings on the deck would be composite as well.

Mr. Wolfeld asked about drainage. Mr. Ellett noted that there are already pavers on the ground where the deck expansion would happen. His architect doesn't see any change with the new patio. Dan Barusch noted that the project is less than 500 square feet of addition.

Ms. Sullivan asked if Scrimshaw Estates has a home owners association and if their bylaws allow the expansion or if it has been approved. Mr. Ellett replied that there is a letter of approval from the H.O.A. He is currently the President so he went to the Board of Directors and vice-president. In the bylaws it states that this must be approved by the Board of Directors. The vice president penned the letter since Mr. Ellett is the President, he didn't feel it was appropriate to him to pen the letter of approval from the Board of Directors. Ms. Sullivan wanted to verify and make note of it in the file and the minutes.

Ms. Dow asked if the variance for the set back has been granted. Mr. Ellett responded that the variance was delayed to be brought before the Planning Board. Mr. Barusch explained that in the code, which will be changed in August, every single area variance requires a referral by the Zoning Board to the Planning Board for the Planning Board's opinion. Most of the projects that come before the Zoning Board go to the Planning Board anyway. The Mayor and Village Board members have agreed that the code can come out since it is irrelevant, applicants are coming to the Planning Board for Site Plan review. That is the reason this project was tabled at this month's Zoning Board meeting. Once the Zoning Board receives the Planning Boards referral, then they make a decision in July. Then the applicant can come back before the Planning Board in July. This back and forth processes is the reason the change is being made in the code.

Ms. Dow asked about the covering next to the house. Mr. Ellett replied that it will be an awning. Ms. Dow also asked about a covering over the grill area. Mr. Ellett said there will be no covering. Mr. Barusch asked if there will be a pergola and Mr. Ellett replied that there would not be a pergola.

The Board and Mr. Barusch discussed a pending approval from tonight's meeting and Mr. Barusch advised against it. Mr. Ellett stated that he was under the impression of a possible approval from this Board. Mr. Barusch said he would not suggest that as Mr. Ellett has not yet received his variance yet.

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Ms. Sullivan explained ZBA has to give an area variance before the Planning Board gives the ok. Right now, Mr. Ellett does not have the authority to do the project because of the set back requirements. The Board can make a referral to the ZBA, saying they are satisfied with what they've seen. Once referred back, ZBA can give or not give the area variance. If the area variance is not given, Mr. Ellett will have to make modifications, go to the H.O.A. and then back to ZBA and then Planning Board.

Mr. Ellett addressed the Board and noted that the change in square footage would be 37.2% of the coverage. Ms. Sullivan asked about the awning and pergola. Mr. Barusch explained that they were both shown on the original plans but is not sure if those have been changed on the new plans that also shows the patio inside the setback lines. Mr. Ellett confirmed that there will be no pergola, just the awning.

Ms. Dow asked if the neighbors commented at the ZBA and Mr. Barusch stated that they did as it is a public hearing. Ms. Sullivan addressed the room and stated that although this is not a public hearing, they are welcome to speak.

Mr. O'Connor addressed the Board. He is representing the disputing neighbors (Jim and Catherine Blau). They did appear at the Zoning Board meeting and they object to the project. They have the first house on the right-hand side as you enter Scrimshaw Lane. If you sat on their front porch you are about 20 feet from this 580-foot deck. The Blau's think that this project is an invasion of their privacy and there are other alternatives available to the applicant. If he built on the other side of his house, he would not be right under some neighbor. Mr. O'Connor went on to describe the family room that is five feet from the property line. He explained the size of the home as it is listed on Zillow and on Town records, the number of bedrooms listed on each and noted that he believes the prior owners did not get permits for additional living space. He asked at what point this house would stop growing. He stated this is a change of character for the neighborhood and would also have a severe effect on the value of the Blau's property.

Mr. Howland asked if the family room was part of the original house or an addition. Mr. O'Connor replied this was an addition and that is encroaching past the setback line. The lot is a triangle shape and all three corners of the house are encroaching past the setback lines. Ms. Sullivan asked if these concerns were expressed to the Home Owners Association. Mr. O'Connor stated that he never received a notice and that he challenges whether the letter that Mr. Ellett has. The HOA bylaws are supposed to have a three- person architectural review committee and it is Mr. O'Connor's understating that they don't have one. The HOA would need to appoint a committee. The discussion continued between Ms. Sullivan, Mr. O'Connor and Mr. Ellett as to how this project came before the Zoning or Planning Board, if it has or has not been approved by the HOA, according to their bylaws. Ms. Sullivan noted that she is only interested in the deck and patio and not any other projects.

Mr. Ellett stated that Mr. O'Connor is bringing up extraneous things that are not relevant to his project and that he was approved according to the bylaws of the HOA. He stated that the Blau's and their lawyer have not gone to the HOA before tonight, and that they could have. Mr. Ellett said that they are here tonight to talk about a proposal for a deck and whether it meets the regulations of the Village of Lake George, rather than a variance which they are not here to talk about this evening. Ms. Sullivan agreed. There was more discussion regarding the HOA approval. Mr. Ellett advised Mr. O'Connor to contact the HOA. Dan Barusch noted that he accepted the application because Mr. Ellett did provide a letter of approval from his HOA. Mr. Barusch said that he could reach out to the HOA to validate that this project has been approved and Ms. Sullivan agreed.

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Catherin Blau addressed the Board. She stated that she objects to this project and that the HOA never contacted her for her opinion and that Mr. Ellett never spoke to her about it. She feels that since she is a member of the association that she should have been asked about it. Ms. Sullivan said that Ms. Blau would need to take that up with the HOA and it is not pertinent to this discussion.

Mr. O'Connor addressed his clients concerns about future activities on the deck, the number of seats shown on the plans and the number of people, potentially 35, that would be entertained on the deck. He said the applicant could build the deck further away on another side of the house without variances. MS. Sullivan asked if variances would be needed if the deck was built on another side and Dan Barusch clarified that variances would be needed. Mr. Ellett said that he would be building the deck in the front of his house. Mr. O'Connor suggested building along the side of the house on Scotty's Motel side. Mr. Ellett said there is only three feet along the side of the house. Mr. Barusch noted the setback lines on the plans for the Board members. There was arguing between Mr. Ellett, Mr. O'Connor and Ms. Blau about tree removal. Ms. Sullivan stated that did not apply to this Board.

Mr. O'Connor addressed drainage on the applicant's property. Mr. Barusch responded to Mr. O'Connor that per the code, if you are adding 1,000 square feet of impervious space that you must provide storm water controls. If you are under that, which Mr. Ellett clearly is, then he is exempt from storm water provisions. There was more discussion between Mr. O'Connor and Mr. Barusch regarding the gradient and drainage. Mr. Ellett expressed that there are many fallacies and inaccuracies being implied by the Blau's attorney. There was more discussion about the drainage and where the water will be directed. Ms. Sullivan said that this would concern Scotty's Motel. Mr. Barusch said he believes Mr. O'Connor is looking for a complete regrade of Mr. Ellett's backyard.

Mr. Wolfeld addressed Mr. Ellett and said it appears 150 to 180 square feet of his deck is what is in question. He asked Mr. Ellett if the deck and the patio were moved around, would a variance still be required. Mr. Barusch replied that a variance would still be needed. Per our code the pavers are considered a structure. Mr. Ellett said that he already has moved his plans around so he is closer to Scotty's Motel side and not the Blau's. He has also removed the firepit from the plans and will not put one in as long as the Blau's are neighbors. Mr. Ellett stated that he could bring a large group of people into his back yard without a deck. He bought this house as a respite and he doesn't want to do anything to harm the area. He hired an architect to make sure his plans fit in with the Adirondack area and he believes his project will increase the value of the neighbor's house, not decrease it. Currently the Blau's are looking at a deck that is ugly and in need of repair.

Mr. O'Connor said that if Mr. Ellett removed 160-180 feet from the deck and moved the grill and bar around he would not need a variance. That is an alternative that has not been looked at. Mr. Barusch asked if the Blau's would still be here objecting the project? Mr. O'Connor said he didn't think so. Mr. Barusch asked Mr. O'Connor if the variance is their (the Blau's) concern and Mr. O'Connor replied yes. Ms. Sullivan said that it appears his clients have a different opinion. Ms. Blau addressed the Board and said she has a loss of privacy. At the Zoning Board meeting it was suggested that Mr. Ellett contact her to work out their differences. She has not heard from him since that meeting and feels that she should have some say in what he is proposing.

Mr. Ellett responded that he has negotiated by taking the fire pit out and moving everything back from the variance line. The variance does not affect their property, it affects Scotty's. He has presented the

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Blau's and their attorney with a letter stating that he would not put in the firepit during their ownership. The Blau's are concerned for the new owners. Mr. Ellett feels that there is nothing he can do to satisfy them, there is no negotiation.

Ms. Sullivan said that if there are alternatives then those should be presented to the Zoning Board. That would allow the ZBA to grant a variance or not. That's not what this Board is administered with deciding. The Zoning Board does have certain questions to address when granting or denying a variance. Mr. Barusch said alternatives were discussed at that the Zoning Board meeting and he is not sure that either party will be satisfied with those alternatives. Mr. Barusch said what has not been discussed yet is having Mr. O'Connor's clients design Mr. Ellett's deck. Some of the things coming out of this argument are against private property rights. There was more discussion and Ms. Sullivan again said that the variance in question needs to go before the ZBA.

Mr. Howland asked if hypothetically the deck was put inside all the setbacks, would you be against the deck. Is the applicant against the entire deck or the south part that goes over the setback line? Mr. Howland wanted clarification because it was stated earlier that the Blau's didn't want to overlook the deck. There was more discussion regarding trimming of trees, the fire pit and the house being on the market. Mr. Barusch stated that this Board does not consider private property transactions in approvals. Mr. O'Connor went on to say that there have been many emails between Mr. Barusch and the applicant telling Mr. Ellet how to fill out the application. Mr. Barusch replied that is his job. Ms. Sullivan agreed and stated that is Mr. Barusch's job. Applications come before the Board as complete as they can be. Ms. Sullivan does not like applications coming before them that have open ended questions. It is the Board's job to develop their own questions. It is Dan's job to make sure that application is filled out. Mr. O'Conner asked Ms. Sullivan to take a look at those emails and make sure Mr. Barusch has not crossed any lines and that this is very unusual. Mr. Barusch replied that it is not unusual and he would provide copies of all the emails. He will also make sure the HOA approval letter goes into the Board members' packets for the next meeting.

Ms. Sullivan said this application will be tabled tonight pending the review by the ZBA. Mr. Barusch asked if the Planning Board would like to make any referrals or suggestions for the ZBA. Ms. Sullivan said she was inclined not to. The ZBA knows their responsibilities just as the Planning Board knows their job and she doesn't want the Boards to cross over one another. They are two separate and distinct boards. Ms. Dow and Mr. Howland agreed.

Ms. Dow made a motion to table the application for 10 Scrimshaw Lane, expansion and replacement of the existing deck and patio.

2nd MOTION: Carol Sullivan

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

Aye = 5 Nay = 0 Motion carried

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TAX MAP: N/A

APPLICANT: CARL SCHILLING

ADDRESS: PUBLIC DOCKS, BEACH ROAD

ZONE: COMMERCIAL MIXED USE

APPLICATION: SITE PLAN #1833

Applicant is proposing Captain Carl's Cruises (Boat Tours) to utilize public docks located on Beach Road for pick up and drop off of passengers. The charters would operate from mid-May until mid-October, between the hours of 10:00am and 9:30pm. Docking will be limited to no more than 20 minutes at a time.

Carl Schilling addressed the Board. He is a captain on The Morgan boat at the Sagamore. He has a 26-foot Chris Craft boat that he would like to charter. He showed the Board members pictures of his boat that he had on his phone.

Dan Barusch explained why this application is before the Board. There is a section in the water-based activity section that states that any tour boat operation that was not in existence prior to the code adoption is required to get site plan approval. There is a letter in the file from Mayor Blais regarding use of the public docks. Mr. Schilling has garbage disposal available at his house next to Hall's Marina and a pump out agreement with Hall's. Mr. Wolfeld asked about the letter from the Mayor. Mr. Barusch explained that letter gives permission to use the docks but the Board needs to grant permission for the tour operation. Mr. Schilling has applied for and received a business license from the Village of Lake George. Ms. Sullivan noted that even when the code is changed, businesses like this one should still apply for a business license.

Mr. Schilling stated that this is a small-time business as he has other jobs. He has worked in the Keys running sunset charters. He has recently been ordained as a minister and would like to perform weddings as well. Cruises will be short, as he has port-o-pot and doesn't want to keep people out on the lake too long.

Ms. Sullivan made a motion to approve Captain Carl's cruises and boat tours to utilize public docks located on Beach Rd which is adding an additional tour boat water-based boat activity to the Village of Lake George.

2nd MOTION: Dan Wolfeld

Carol Sullivan	Patricia Dow	Dan Wolfeld	Dean Howland	Walt Adams
AYE	Abstained	AYE	AYE	AYE

Aye = 5 Nay = 0 Abstained = 1 Motion carried

TAX MAP: 264.06-2-17

APPLICANT: DINA VIOLA

ADDRESS: 12 SEWELL STREET

ZONE: RESIDENTIAL MIXED USE

APPLICATION: VARIANCE

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Mr. Barusch explained to Board that this application went before the Zoning Board for a variance request to increase a non-conforming structure. Bryon Ducey is representing Dina Viola. She is adding less than 100 square feet, a covered deck in her back yard. Mr. Barusch is working on the code updates, but this application requires a referral in the meantime. The Zoning Board conditionally approved the variance based on a positive reception from the Planning Board.

Mr. Ducey explained the project to the Board. The current structure is a pre-existing, non-conforming structure. He is not doing anything to the front of the property. He is adding an 8 x 12 deck with a roof. Right now, the snow load comes off the roof and destroys the stairs. Every year Mr. Ducey has to replace the stairs because the ice crushes them. Mr. Wolfeld asked if the deck meets the setbacks. Mr. Ducey replies that it does, it just that the house is non-conforming. Mr. Barusch explained that this is what is called a volume variance, when you increase the size of an already non-conforming structure.

Ms. Dow made a motion for a positive referral for the proposed new deck with a roof, on the back of the house, which meets the variance from the back-lot lines.

2nd MOTION: Carol Sullivan

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

Aye = 5 Nay = 0 Motion carried

TAX MAP: 251.18-3-41**APPLICANT: DOUG FROST****ADDRESS: 175 CANADA STREET****ZONE: COMMERCIAL MIXED USE****APPLICATION: SKETCH PLAN REVIEW**

Applicant is presenting a sketch plan of Mayard Center redevelopment for review.

Doug Frost addressed the Board. He is in the initial stage of this project and would like the Board's feedback before he gets formal engineered documents. The second floor will be short term rentals, not year-round. The plans show kitchen areas. Mr. Barusch said this building would be a mixed use and down the road Mr. Frost would have to fill out a separate application for change of use to include the additional use.

Ms. Sullivan asked if there is already a storm water plan in use. Mr. Frost said the parking lot currently has 4 catch basins for storm water. No additional storm water is needed because he is not adding additional impervious space. Mr. Frost would put dry wells in the alley way if needed. Mr. Frost is going before the Village Board to discuss the overhang. It is existing and he would like to keep it.

There was discussion regarding the location of the stairs near the front of the Tom-Tom Shop. Two sets of stairs would be required for the units on the second floor. The structure of the building, weight bearing load and roof was discussed. The aesthetics were Mr. Frost's biggest concern and he wanted feed back from the Board.

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MINUTES

May 16, 2018 (CS, PD, CL, DW, DH)

Ms. Sullivan asked Ms. Fregoe to add the name of the applicant along with the business name to the agenda. She gave the example of Ray Signs. It is helpful to the Board members when the both business names and applicant names are listed.

Carol Sullivan made a motion to approve the minutes, with the changes as suggested, from May 16, 2018.

2nd MOTION: Patricia Dow

Carol Sullivan	Patricia Dow	Dan Wolfeld	Dean Howland	Walt Adams
AYE	AYE	AYE	AYE	-

Aye = 4 Nay = 0 Motion carried

Mr. Howland asked about Surfside's LED display sign. The Board discussed the rules regarding LED signs.

Ms. Dow asked that it be noted she abstained from the vote regarding Captain Carl's Cruises. There was discussion among the Board regarding the use of public docks for commercial business. Liability and tax payer's funds were discussed. There may not be availability at the public docks to drop off or pick up patrons. Mr. Barusch said he understands the Board's concerns and would address them with the Mayor.

Ms. Sullivan asked Mr. Barusch about approved projects and if he follows up on them, or if the Board should be following up. Mr. Barusch keeps a running list of projects and anything that the Board would like updates on, he can provide them information at any time. He is out measuring signs and completing inspections on all projects. The Board continued discussion regarding the size of some store fronts in comparison to the size of the signs that are there. Bowl Boss was one example of a store with small frontage and a 25 square foot sign.

The Board discussed architectural guidelines and Code updates.

Ms. Sullivan made a motion to adjourn the meeting at 7:45pm.

2nd MOTION: Dean Howland

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

Aye = 5 Nay = 0 Motion carried

Respectfully submitted,

Stephanie Fregoe
Zoning Clerk
July 2, 2018