

LAKE GEORGE VILLAGE PLANNING BOARD MEETING
JUNE 16, 2021 – 5:00 PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY
MEETING MINUTES

Board members present: Carol Sullivan (Chairperson), Patricia Dow, Dean Howland, Walt Adams, Dan Wolfeld, and Patrina Leland (Alternate)

Board members absent: N/A

Others present: Dan Barusch (Director of Planning & Zoning), Lori Bott (Clerk), James McReynolds, Mike Comeal, and Chris Hatin

Carol Sullivan called the meeting to order at 5:04 p.m. Carol asked the Board members if they had any objections if she changed the order for tonight's meeting. No objections, will start with the Moose Tooth Grill.

TAX MAP: 251.14-2-2
APPLICANT: MOOSE TOOTH GRILL (JOHN CARR)
ADDRESS: 327 CANADA STREET
ZONE: COMMERICAL MIXED USE
APPLICATION: SPR 13-2021 (AWNING)

James McReynolds is representing the Moose Tooth Grill and is asking for after-the-fact approval for two building mounted retractable awnings, measuring 9' wide and extend out to approximately 7'.

Carol Sullivan asked James McReynolds if the awnings will retract all the way in in the winter time. James McReynolds, said yes, and referenced the pictures in his application showing the awnings retracted. Dan Wolfeld stated that he walked by the building the other day and the awnings looked very nice. Carol Sullivan asked for any other questions or comments from the Board. No other questions or comments.

Motion by Dan Wolfeld to approve the new retractable awnings, which are currently in place and tan in color at 327 Canada Street at Moose Tooth Grill.

2nd MOTION: Patricia Dow

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

Aye = 5 Nays = 0 Motion carried.

Dan Barusch told James McReynolds to reach out to Debra McKinney the Village Clerk, regarding the awnings to make sure they are not over the Village right of way. Carol Sullivan asked Dan Barusch to clarify. Dan Barusch stated that there was something in the zoning ordinance regarding awnings that cannot be over the Village right of away, he had received an e-mail asking what the Planning Board decided. The Board discussed if they should amend the motion. Dan Barusch read **Section 186-9 Awnings**, "...B. Specifications. Except as provided in Chapter 168, no person shall erect or maintain an awning over any sidewalk in the Village unless such awning and all parts thereof are at least seven feet in the clear above the surface of

such sidewalk; nor shall such awning extend more than seven feet from the building to which it is attached.” Dan Barusch stated that the Moose Tooth Application shows that the awnings complied with the section. Dan Barusch also read part of **Section 220-27, “C. Awnings (2) Encroachment.** If any part of any awning encroaches into any air space over Village property, and if such encroachment is permitted by the village Board of Trustees, the owner of such awning shall execute a hold-harmless agreement...” The Board and Dan Barusch discussed the Code. Carol Sullivan let James McReynolds know that the Village Board will have to approve the awnings. James McReynolds asked if he could use his awnings. Carol Sullivan and Dan Barusch did not see any reason why not but told him to explain the situation to the Village Board. The Board is not amending the motion but will explain to the Village Board that the Planning Board approved the awnings.

Carol Sullivan said that while we wait for the other applicants to arrive, she would like to discuss some housekeeping items. Carol Sullivan spoke about making sure that motions are clear and include all of the points. Also, we can take a moment and work together as a Board to write out the motions. For more complicated matters separate motions may be needed, for example when requesting financial securities. Carol Sullivan also reminded the Board to allow everyone to speak in turn.

Carol Sullivan moved on to discussion of the Chat House at 217 Canada Street while waiting for the other applicants to arrive. Carol Sullivan reminded the Board that we are trying to help the business owner but if a Board member doesn't like any of the colors, that is okay. Carol Sullivan asked the Board how they felt about the three new color samples that had been dropped off. Dean Howland said that he didn't like any of the colors. Carol Sullivan mentioned that she liked the dark blue sample that was included in the original application and thought that the Chawla's were going to bring in that swatch for the Board to review. Dan Barusch mentioned that the former Bowl Boss didn't pop out as much because the side of the building was white and asked if the Board would like to consider requiring that the side of the building be repainted white. Carol Sullivan polled the Board to see if they liked any of the color samples submitted:

- Walt Adams – No,
- Patricia Dow – No,
- Carol Sullivan – No,
- Dan Wolfeld – No, and
- Dean Howland – No.

Dean Howland mentioned that Dan Barusch brought up a good point about adding white and brought up the possibility of having the lower half blue and the upper half white. Carol Sullivan said that the Board would have to see the plan before making any decisions and said that the Code really speaks for itself and that might not be in the spirit of the Code. The census of the Board is that none of the colors are acceptable. Dan Barusch asked how the Board would like him to proceed. Carol Sullivan said that the Board would not accept any more swatches unless it was the original navy color from the application and that someone from their business needs to be present at the Board Meetings. Dan Barusch will tell the Chawla's that they can bring in the navy-blue swatch, but if they are submitting new colors, they would need to fill out a new application and come before the Board in July. Dan Wolfeld stated the blue in the original application is Jay Blue HGSW1361, FF16. Dan Barusch stated that the deadline to submit for the July Planning Board Meeting was yesterday, June 15th and asked how much time he should give them to submit. The Board and Dan Barusch decided to give the Chawla's until the sign

applications are due to submit new colors. Dan Barusch is going to suggest that the Chawla's bring in the Jay Blue swatch so that this matter can be put to rest.

TAX MAP: 251.18-3-25

APPLICANT: LAKE GEORGE ICE CREAM LLC (CHRIS HATIN)

ADDRESS: 35 MONTCALM STREET

ZONE: COMMERCIAL MIXED USE

APPLICATION: SPR 12-2021 (COU)

Applicants, Chris Hatin and Mike Comeal, are proposing a change of use at 35 Montcalm Street. The former hardware store will be renovated to an ice cream store with approximately 20' x 30' feet of retail space, no indoor seating.

Carol Sullivan noted that the application shows that a grease trap is going in and asked if Tim Shudt, Chief Operator, would inspect the grease trap. Dan Barusch confirmed that yes, Tim Shudt would sign off on the permit. Carol Sullivan asked Mike Comeal if they were going to have any seating. Mike Comeal stated that they would not have any seating this year. To put in seating in the future they will need to speak with Dan Barusch. Carol Sullivan asked if any Board members had questions. Dean Howland asked if there would be a sign application. Mike Comeal said that they are not having a sign this year, they will be doing a vinyl window sign and have worked with Dan Barusch and know that they can only have 30% covered.

Dean Howland made a motion to approve the Ice Cream shop located at 35 Montcalm Street in Lake George, Tax Map number 251.18-3-25 with approval for the interior construction to tear down, at the present there is nothing to be done to the outside of the building.

2nd MOTION: Carol Sullivan

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

Aye = 5 Nays = 0 Motion carried.

Dean Howland asked if they would be painting over the Lake George Hardware sign. Mike Comeal said, only if the Board requires them to paint. In the future, they plan on redoing the outside of the building. Dean Howland, said no, it was just a question. Dan Barusch reminded Mike Comeal and Chris Hatin to obtain their Business License at the Village Hall.

TAX MAP: 264.06-2-40

APPLICANT: ADIRONDACK PUB & BREWERY, INC (JOHN CARR)

ADDRESS: 33 CANADA STREET

ZONE: COMMERCIAL MIXED USE

APPLICATION: SPR 11-2021

James McReynolds is representing Adirondack Pub & Brewery and is proposing a new addition on the back of the existing Brewery, upgrading and building a waiting area in the current parking lot, and installing a bathroom outdoors at 33 Canada Street.

Carol Sullivan polled the Board to see if anyone had any issues with how the building is going to look:

- Dan Wolfeld – No,

- Walt Adams – No,
- Patricia Dow – No,
- Dean Howland – No, and
- Carol Sullivan – No.

Patricia Dow asked James McReynolds to clarify that they are upgrading and building a waiting area in the parking lot. James McReynolds said yes, currently they have a tent. Carol Sullivan confirmed that there is currently a patio and walkway, and you are planning to update what is to the right of the food truck in your diagram. James McReynolds said yes, we will be putting this where there are currently two parking spots. Covid-19 made him realize how much people enjoyed sitting outside and they want to continue to offer that and to give people a place to wait that doesn't look like a parking lot. Also wants to assure that people are waiting on his property and not taking their beers across the street to wait. Dan Wolfeld asked James McReynolds to clarify that in the drawing where the pavers are going and if they would match the existing pavers. Jams McReynolds confirmed yes, match as best as possible and described using the photo in the application. Carol Sullivan asked what the square footage is for the area. James McReynolds said he wasn't sure, about 550-600 square feet. Carol Sullivan asked if the Board of Health needed to be involved. James McReynolds said that the Board of Health would need to review the new bathroom but not the waiting area. Carol Sullivan asked what will happen when trucks make deliveries, it is already a small parking lot, will the trucks fit? James McReynolds stated that it shouldn't impede. The trucks pull up the main street and back in and if there is heavy traffic the trucks park across the street in the lot owned by the same owner, and most deliveries are made before 11 am when the restaurant opens. The new addition will be where the kegs and pallets are now, not where the trucks back into to make deliveries. The parking spots that are being removed are handicapped, they will be shifted over. James McReynolds stated that when needed, they do shut down the parking lot next to the building to allow for deliveries and have signs posted directing patrons to park in the much larger lot across the street. The Board commented that they do a good job with controlling traffic but worried that loss of the two spaces might make for more congestion when everyone tried to crowd into the smaller lot and asked how many spots they would have with this addition. James McReynolds stated that they would have 15 and two of the spots will be handicapped parking. Patricia Dow asked where the stuff that is there now will go when they do the expansion. James McReynolds said that the pallets, forklift, and kegs will all be inside. Patricia Dow asked James McReynolds to clarify what the red fence in the diagram represented. Carol Sullivan said that when the stand alone cooler was put in, the red fence was put up to block it from view. James McReynolds stated that there is a dumpster back behind the fence as well, and that the cooler would stay where it is with the fence shielding it. Carol Sullivan asked if there would be an issue with the expansion attaching to the cooler because it it's a freestanding structure. James McReynolds said that there would be a door to the expansion and a door to the cooler and that structurally they would not be connected and some point they may put siding that butts up to it. Dan Barusch asked if Carol Sullivan was thinking about the County's 10-foot rule. Carol Sullivan directed James McReynolds to speak with the County right away to ensure that they are following all County regulations. If the County directs James McReynolds to move the cooler, he will need to come back before the board because there is a variance for that cooler. Dan Wolfeld asked if the stairs in the drawing are already in place. James McReynolds confirmed that those are the same stairs that are already there and are not changing. Dan Wolfeld brought up the safety of patrons and asked if there are any set back regulations for the patio. Dan Barusch said that there is no set back and that there is an easement for the current patio in place granted by the Village Board. Carol Sullivan asked James McReynolds if he had spoken to the Village Board about the easement and asked what the easement stated. Carol

Sullivan told James McReynolds that he will need to come back after he speaks with the Village Board and receives approval from the Village Trustees. Carol Sullivan asked if the Board had any additional questions before they tabled the matter to allow for James McReynolds to speak with the Village Board about the easement.

Patricia Dow asked if the proposed bathroom would be a one-person bathroom. James McReynolds yes, it will be a one-person bathroom behind the stairs. Carol Sullivan confirmed with James McReynolds where it would be and that it would be functional year-round. James McReynolds confirmed and stated that they were trying to make it handicapped accessible. Patricia Dow asked where the line for the bathroom will go. James McReynolds said they can line up outside the door and or use the four indoor bathrooms as well. Carol Sullivan asked if his guests would be allowed alcohol in the waiting area. James McReynolds said yes and that his liquor license allows for his patrons to be in a waiting area standing or sitting with their drinks while they wait for their table. Dean Howland asked if there are solar panels on the proposal. James McReynolds said yes there are solar panels on the proposal and that there are current solar panels on the existing building on the back. Carol Sullivan asked if the stormwater drains near the addition are new. James McReynolds confirmed that there will be two new stormwater drains. Patricia Dow asked if any trees would be cut down for the project. James McReynolds said that only one dead tree will be taken down but that isn't for the project. The tree is dead and is going to fall down soon. Dan Wolfeld asked if the tree in the planter in the drawing will be planted in the ground or remain in a planter. James McReynolds said that the tree would be planted. Carol Sullivan asked if there were any question on the lights. Dean Howland asked if they would be the same as the current. James McReynolds said yes, same as the current lights with no new lights on the patio. Carol Sullivan asked if the Board would want to require a financial instrument/bond to ensure that the project was completed.

Carol Sullivan polled the Board to see if they felt a financial instrument/bond for the whole project or part(s) of the project should be required:

- Walt Adams – What would be unlikely to be unfinished?
- Patricia Dow – Yes, it would be good to ensure completion.
- Carol Sullivan – Currently this is the only thing in the code.
- Dan Wolfeld – Yes, for the trim work, finish details and to ensure the pavers and boulders.
- Dean Howland – The Zoning Administrator has to sign off before the County signs off, but if we can't do that then yes, a financial instrument and a need for a deadline.

Dan Barusch stated that the County has been issuing temporary permits without his knowledge or approval. James McReynolds asked what the amount of the financial instrument would be and if winter hits and they cannot finish the patio stones till the spring would the bound be held all winter. Carol Sullivan said yes it would be held in a noninterest-bearing account until the entire project was completed. Dean Howland mentioned putting a time limit on how long the Village will hold the money before they start getting paid. Carol Sullivan stated that the Village Code does not mention any time limits but we can ask for a cash or cashier check for a performance bound. Carol Sullivan asked what amount the Board should ask for; the total in the proposal is \$100,000.00. If we would like to do the performance bond for the finish work, pavers, stormwater management and the patio what amount should we ask for? Dan Barusch stated for the site work and stormwater he would estimate about \$10,000.00. James McReynolds let the Board know that their hope is to start work after the last festival around September 25. They would start with tearing up the parking lot and work all winter and finish in

the spring. Would this cause an issue in getting their temporary permits from the County? Carol Sullivan let James McReynolds know that this would not affect the County permits because the performance bond would be for the work that the County does not care about. Carol Sullivan asked the Board if they felt \$10,000.00 would be a fair amount and allow the Village to complete the work if necessary. The Board discussed the estimated prices of materials to complete the project. The Board felt that the \$10,000.00 would be fair. The Board decided to table the matter until James McReynolds is able to speak to the Village Board regarding the easement. Dan Wolfeld asked that James McReynolds bring in patio plans that are clearer when he comes back. Carol Sullivan let James McReynolds know that he will need to bring in furniture samples as well for the patio. Carol Sullivan let James McReynolds know that the matter has been tabled till July. Dan Barusch advised that James McReynolds to reach out to Deb McKinney as soon as possible to see there is still time to get on the agenda for the next Village Board meeting.

MINUTES:

May 5, 2021 (CS, PD, DH, WA, DW, PL)

Lori Bott let the Board know that there were two edits made to the May 5, 2021 Meeting Minutes, on Page 2, second paragraph the "g" was left out of the word bringing, and on Page 4, second paragraph the word objects was changed to objections. Dan Wolfeld asked if Dan Barusch's e-mails can be added to the meeting minutes or where they get documented, especially with regards to the Chat House as there have been several e-mails between Dan Barusch and the operators of the Chat house. Dan Barusch said that the e-mails are printed for the files but his text messages are unfortunately not. Dan Barusch stated that the discussion that took place earlier in the meeting would be in the Meeting Minutes for today's meeting. Carol Sullivan mentioned that they have had this discussion before about having closure, for the Chat House it was discussed again today because it was on the agenda.

OTHER BUSINESS:

Dean Howland asked if anyone followed up with Giuseppe's plastic furniture. Dan Barusch gave them until the mid-point of the season to get something to him that can be presented to the Board and that if it is not received by mid-July, he will be sending Giuseppe's a violation letter. Dan Barusch let the Board know that he has been sending more letters because he has found that when he speaks to individuals in person in a casual setting the issues are not being addressed. For example, he had cordial conversation with Anita from Giuseppe's then it escalated from there, and he found out the information provided was inaccurate and he told Giuseppe's that they had till mid-July. Dan Barusch said that he does try to give the business owners time to complete tasks especially during the busy summer season but he has been keeping a list and following up with individuals on the list and things are slowly getting completed. Dan Wolfeld asked what was the approved furniture for Giuseppe's. Carol Sullivan looked up the minutes and, in the motion, they were approved to have wrought iron furniture. Dan Barusch has let Giuseppe's know that they can get the approved furniture and would not have to come back before the Board. Dan Wolfeld asked if the plastic railings were approved in that motion. Carol Sullivan said that all of the details would be in the tax map folder, eCode only had the Meeting Minutes that contained the motion. Dean Howland asked what happens after the violation letter. Dan Barusch said that from the Notice of Violation they have thirty days to remedy the situation, and then we give them a ticket. If the matter is not remedied after going to Court, we will pursue the matter. With respect to Giuseppe's, they have told Dan Barusch that they have chosen to come before the Board.

Dan Barusch let the Board know that the Code Enforcement Officer, Jim Anagnos, has been doing a fantastic job and is on top of documenting and ensuring that everyone is following the code. Jim Anagnos and Dan Barusch walk the Village every Friday to look for violations and have been sending letters to individuals and businesses with violations and sending out warning slips to individuals/business that have not responded to Dan Barusch or Jim Anagnos. They have found that a lot of the violations are from repeat offenders. Dan Barusch will ask Jim Anagnos to come to the July meeting to introduce himself to the Board.

Motion to adjourn by Carol Sullivan at 7:06 p.m., seconded by Patricia Dow, and unanimously carried.

Respectfully submitted,
Lori M. Bott