

APPROVED

LAKE GEORGE VILLAGE JULY 16, 2008 PLANNING BOARD MINUTES

Board Members present:

Robert Mastrantoni, Dan Courtney, Patricia Dow, Margy Mannix, Dan Garay,

Board members absent: None.

Others present:

Doug Frost (Code Enforcer), Carol Sullivan (Secretary), Mark Schachner (Attorney for the Planning Board), Dan Brown (Architectural consultant for the Planning Board) Dan Ryan, Rajiv Sharma, Mitch Lezi, Paul McMenamin, Linda Duffy.

Chairman Mastrantoni called the meeting to order @ 7:05 PM.

FUN WORLD – 127 CANADA ST

TAX MAP 251.18-3-37

APPLICANT: ROBERT BLAIS (REPRESENTED BY ALLISON CROSBY)

ZONE: CMU

SITE PLAN APPLICATION: 0831

- Using the rendering provided, Allison described the mural proposed for the south building wall as Thomas Jefferson's letter to his daughter describing Lake George.
- Size 52 feet long 12 feet high.
- Dan Brown indicated there should be some reference to maintenance and that the applicant should be responsible for maintaining the mural.
- A discussion ensued regarding whether or not a mural is to be considered a sign. The Board liked the idea of a mural, however, felt based on the definition of a sign ("SIGN -- Refers to a name, identification, display, announcement, declaration, device, demonstration or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or parcel of property which directs attention to an object, product, place, person, activity, institution, organization or business.") this proposal is ultimately a sign.
- Margy added that a wall sign can be up to 25 square feet. She added the proposed mural is represented indirectly upon a building and directs attention to the arcade.
- After some discussion the Board explained to Allison the proposed mural falls within the current definition of a sign and therefore they could not approve it. They then advised Allison that she always has the right to seek a variance. Attny. Schachner advised the Board, since they have already reviewed this application they could make their advisory recommendation to the Variance Board tonight.
- Patricia Dow expressed concern regarding a recommendation because if a variance is granted then a precedence could be set for murals and over sized signs thus allowing any kind of mural to be painted on any open wall. A discussion ensued regarding recommending this proposal to the Variance Board and looking at the law to perhaps change it so murals are allowed. Attny. Schachner clarified that the Planning Board can make a recommendation for or against the variance; a variance can be sought and this Board has the authority to recommend approval or denial.
- The Board also felt the Village Board should look at the sign definition and determine if they want to change it to allow for murals.

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MOTION: Patricia Dow recommended that the Planning Board recommend to the Zoning Board of Appeals that the variance not be granted for this applicant for the mural on Fun World. The mural falls under the definition of a sign according to our zoning and an amendment is needed to the definition of a sign by the Village Board to include murals or some sort of change before something like this is considered by Planning Board.

2ND: Margy Mannix

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye	Aye	Aye	Aye	Aye

At this point Dan Courtney and Patricia Dow recused themselves from the meeting.

DUFFY'S TAVERN

22 AMHERST ST

TAX MAP # 251.14-3-37

SITE PLAN 0823 – REAFFIRMING EAST SIDE DECK.

- Attny. Schachner summarized what has transpired since approval was granted at the June 11, 2008 Planning Board meeting. He explained that there had been some confusion as to whether or not the application had been referred to the County Planning Board. Based on his understanding (Mark was not counsel to the Board when the original application was submitted in 2007), Mark explained the reason for the confusion is the original application (submitted in 2007) included a number of things, one of which was the deck on the east side of the building. The 2007 application was referred to the Warren County Planning Board. The narrative description of the application did not specify the east deck as part of the application. The attached plans, however, did show construction plans for the deck. The County Planning Board decision for the entire application was no County impact. Mark pointed out it was unclear if the Warren County decision included the east deck or not. During the course of review for multiple items the applicant withdrew the portion of the 2007 application which pertained to the east deck. At Mark's suggestion the application for the east deck was re-referred to the Warren County Planning Board for review at their July 9, 2008 meeting. At their July 9th meeting the Warren County Planning Board again reached the conclusion of no County impact.
- Mark then stated he was asked to put together a Resolution which reaffirms the Planning Board's previous approval. Mark pointed out that the sitting Board members have had an opportunity to review the Resolution and that Robert has asked him to read the Resolution into the minutes. Mark also pointed out that the Board members can change anything in the Resolution they see fit to change.

Resolution No: 1 - 2008

Introduced By: ROBERT MASTRANTONI

Seconded By: DAN GARAY

Date: JULY 16, 2008

RESOLUTION REAFFIRMING APPROVAL OF DECK EXTENSION ON EAST SIDE OF DUFFY'S TAVERN

WHEREAS, Michael and Linda Duffy, owners of Duffy's Tavern, submitted an Application for Site Plan Review Approval dated May 23, 2007 for additions to the structure, including a second story deck and other improvements; and

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WHEREAS, the proposed 9'6"x14' second story deck portion of the Application on the east (Lake) side of the building above an existing shed roof was discussed at the June 20, 2007, July 18, 2007 and July 26, 2007 Planning Board meetings; and

WHEREAS, in response to concerns raised at these public meetings, the Applicant withdrew the portion of the Application relating to this deck extension; and

WHEREAS, the Application was referred to the Warren County Planning Board for its advisory recommendation, including the plans showing the second story deck extension, and the County Planning Board determined that the Application had no County impacts; and

WHEREAS, the Applicant re-submitted the proposal in an Application for Site Plan Review Approval dated May 14, 2008; and

WHEREAS, on June 11, 2008 the Planning Board discussed the proposal and approved the deck extension; and

WHEREAS, in order to clarify the previous recommendation of the County Planning Board, the Application was again referred to that Board for its recommendation; and

WHEREAS, on July 9, 2008 the County Planning Board again determined that the proposed project would have no County-wide impacts;

NOW, THEREFORE, BE IT

RESOLVED, that the public has provided substantial input on the proposed deck extension and no formal public hearing on the proposal is needed or required; and be it

FURTHER RESOLVED, that the proposed deck extension involves the same use of the property as has been in existence for approximately 29 years and the proposed deck extension would not materially change or substantially intensify that use; and be it

FURTHER RESOLVED, that the use of the property as a restaurant/tavern is allowed as a pre-existing use and a special use permit is not required for the proposed alteration of the structure; and be it

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FURTHER RESOLVED, that the proposed deck extension will not have any impact on (a) the location, arrangement, size, design and general site compatibility of buildings, lighting and signs; (b) the adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls; (c) the location, arrangement, appearance and sufficiency of off-street parking and loading; (d) the adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience; (e) the adequacy of stormwater and drainage facilities; (f) the adequacy of water supply and sewage disposal facilities; (g) the adequacy of fire lanes and other emergency zones and the provision of fire hydrants; or (h) any areas with susceptibility to ponding, flooding and/or erosion; and be it

FURTHER RESOLVED, that the type and arrangement of trees, shrubs and other landscaping which exist between the Applicant's property and nearby residential uses, including several mature pine trees, should provide a visual and/or noise buffer; and be it

FURTHER RESOLVED, that the approval granted by the Planning Board for the 9'6"x14' second floor deck extension on the east side of Duffy's Tavern on June 11TH is reaffirmed, including the following conditions: (a) the deck will be closed by 10:30 PM, (b) a 3' x 8' high wall will be added to extend on the north side of the deck, (c) compliance with Noise Ordinance is required and (d) this approval will expire on June 11, 2009.

The Planning Board notes for the Record that the Applicant has consented to all of these conditions.

MOTION: Robert Mastrantoni made a motion for the approval of the Resolution

2ND: Dan Garay

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye	Recused	Recused	Aye	Aye

At this point Dan Courtney rejoined the Planning Board meeting.

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HOLLY RAJ INC

TAX MAP: 251.18-3-71

ZONE: COMMERCIAL RESORT – OVERLAY

APPLICANT: DAN RYAN – VISION ENGINEERING (for Holly Raj Inc.)

- Dan Ryan (representing Holly Raj) opened the discussion by addressing his letter of July 9, 2008. He pointed out this letter provides additional information related to the requests the Planning Board made at the June 18, 2008 meeting.
- Dan Ryan addressed Dan Courtney's previous request relating to the exterior sound proofing of the walls proposed for the second story addition, taking notice of the windows and doors which will affect the STC rating. Dan Ryan pointed out the July 9th letter contains information relating to this question.
- Regarding noise Dan Ryan mentioned the previous supplements address noise relating to the interior expected noise where live entertainment will be provided. The decibel levels for that sound source will be 80 to 110. Dan Ryan went on to explain, based on the wall construction the sound transmission class will be 50 for just the wall construction which included insulation, gypsum and hardy plank cement board. He further explained he adjusted the value of 50 for the area of doors and windows brought the transmission class reading to less than 50. So the overall average reduction is 44 – 45. Taking the 44 – 45 average reduction taken from the 110 extreme decibel reading still brings the outside decibel reading to within the noise ordinance limits.
- Dan Ryan pointed out fixed glass windows (cannot open/closed) would provide a bit more reduction in the transmission of noise to the exterior. The use of fixed windows would require a mechanical ventilation system rather than natural ventilation.
- Dan Ryan moved the discussion to the refuse storage area and the capacity of it. He pointed out that Supplement #3 went into detail on this area. He mentioned he has had conversations with Waste Management regarding the storage and pick up and Waste Mgmt. has provided an e-mail which confirms Saturday pick up is available and a common practice within the Village of Lake George. Dan Ryan mentioned this would leave a two day span where pick up would not be available. If a pickup was made Saturday the next available day would be Monday.
- Robert began a discussion regarding a previous discussion about adding a vestibule and asked if any consideration has been given to adding a vestibule. Dan Ryan indicated he had looked into it and there is space for a vestibule. He added if the Board felt it was necessary for sound mitigation they would consider it.
- A discussion ensued regarding noise and how it could be mitigated – by adding a vestibule, windows which cannot be open and a layer of plexi glass to the roof line.
- The Board discussed "next steps" which would be to deem the application complete and determine if a public hearing will be held. Robert asked the Board members if they felt the application was complete. Dan Courtney pointed out they would need a final application (version) based on all the Supplements that have been provided and what has transpired during the Planning Board meetings. Dan Ryan mentioned they would provide a final rendering, final floor plan and stormwater management plan incorporating all the changes, elevations, etc. The Board emphasized the plan should show the elevations for the Fort William Henry boundary was well.
- Margy brought the discussion back to whether or not the Board felt "fixed" windows were necessary. A recommendation was made for fixed windows considering the opening and closing of the windows would require some self monitoring which could be impossible. The Board agreed "fixed" windows should be incorporated in place of windows which can be opened/closed. The Board also agreed a vestibule should be incorporated as well.

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- Margy mentioned the Board has not seen the interior or the deck seating plan. Dan Ryan mentioned they will fine tune the seating plan so it's more accurate. Dan Courtney asked for the final capacity count for inside and outside. Dan Ryan mentioned capacity can be calculated two or three different ways, however, they had previously offered to limit the capacity. He mentioned he would show all three numbers including what they had agreed to limit capacity to. Dan Courtney pointed out even if they do limit it there could be a problem enforcing it. Dan Brown pointed out the County generally determines the occupancy capacity. Dan Courtney mentioned if the County determines the capacity to be 500 and the agreement is to limit it to 375 there could be an enforcement issue to keep the capacity at 375.
- Margy asked for a display of the actual kiddie rides that will be installed and their actual location. She also asked to see what they will look like in relation to the building.
- A discussion ensued regarding scheduling a public hearing and it was pointed out the application must be deemed complete prior to scheduling a public hearing. Once the application is deemed complete a public hearing must be scheduled within 30 days, newspaper notice is required 5 days prior to the public hearing and neighbor notification must be completed 10 days prior to the public hearing. The Board agreed if they see the final material at the August Planning Board meeting the public hearing could be scheduled for the September planning board meeting. Dan Courtney pointed out the sooner they receive the final material the sooner they can review it and devote time to review it prior to the meeting. The owner Mr. Rajiv Sharma pointed out they have complied with every request the Board has asked for and he doesn't understand why there is further delay. Robert explained the process to Mr. Sharma and the need to see a final set of plans before they go ahead and schedule a public hearing.
- Dan Ryan asked for a deadline for when documents have to be submitted for next month. It was pointed out that generally documents have to be in the office one week before the Planning Board meeting, however, the sooner the documents are delivered to the office the sooner the Planning Board members can start reviewing the documents before the meeting.
- Dan Ryan asked for clarification on exactly what the board wanted – full size drawings. The Board asked for all the final determinations that have been agreed to throughout the review and evolution process. If the applicant wants to include the history of how a particular topic got from point A to point B for the purpose of providing information to the public, the applicant can do so. Robert explained, again, the sooner the Board receives the material the more time they can devote to review. Dan Ryan agreed to submit the final information within a couple of weeks allowing the Board a couple of weeks for review.
- The Board agreed the SEQR review will take place after the public hearing.

Patricia Dow rejoined the Board at this point.

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LAKE GEORGE PANCAKE HOUSE – 77 CANADA ST

TAX MAP: 264.06-2-50

APPLICANT: ROBERT RASTELLI

ZONE: CMU

SITE PLAN APPLICATION: # 07-23

TAKEN FROM 2007 PLANNING BOARD MEETING.

MOTION: Robert Mastrantoni made a motion for a one year conditional approval to be **revisited at the July 2008 Planning Board** meeting based on:

- Demolition of cottage/cabins on west side of the property. The remaining area should be paved.
- Moving the order/speaker box “up” 6 feet (to just around the corner) so there is room for at least 3 cars to the sidewalk.
- Installation of a closed caption camera to check traffic flow.
- Installation of a sign on Mohican St, indicating “drive thru”. The sign should not be larger than 2 square feet.
- Installation of a sign “no left turn” onto Canada St. or “right turn only”.
- Installation of a planted border, about 6 feet high to separate the Pancake House drive thru from the residential property located on the west side of the property.

2ND: Patricia Dow

Robert Mastrantoni	Dan Courtney	Dan Garay	Patricia Dow	Dolores Marinelli
Aye	Aye	Aye	Aye	Aye

- Doug advised the Board he has spoken with Robert Rastelli and Robert is proceeding with the plan. The cottages/cabins have been demolished and the remaining area paved. Robert did not give Doug any indication when the project was going to be completed or when he planned on opening the drive thru. As long as Robert is proceeding with the project Doug indicated he can look at the project to ensure it is proceeding as the Planning Board has requested.
- Dan Courtney pointed out originally he was concerned about the project because of the number of cars that may be stopped on Mohican St. The purpose of the conditional one year was to see how the concept would work and if there will be traffic problems.
- Dan Courtney asked how the Board would deal with a traffic issue if cars are stopped on Mohican St. Doug pointed out the Village Board would deal with the traffic issue.
- Patricia pointed out that her notes indicate the conditional approval was for one year and in her opinion the approval was for a year and that’s different from “conditional approval based on” the separate items stated in the motion.
- The Board discussed the possibility of having the drive thru open this year and agreed they need to see how well it works during a busy time.

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MOTION: Patricia Dow made a motion for the Lake George Pancake House, applicant Robert Rastelli, that we have revisited this issue as per last year's one year conditional approval and we will continue the conditional approval until after Car Show of this year and then we will revisit it in the September Planning Board meeting.

2ND: Dan Courtney

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye	Aye	Aye	Aye	Aye

OTHER BUSINESS

- Mayor Blais memo (6/25/08) adding an additional planning board meeting to the calendar to work on planning and zoning topics.
 - A discussion ensued regarding whether or not to add an additional meeting or perhaps meet earlier on scheduled Planning Board meeting nights.
- While the Board was discussing adding an additional meeting Patricia Dow asked if the Board could break from the discussion and asked Doug, in terms of noise if Doug was the person who should be called. Doug, indicated yes, he can be called and Patricia asked who does the measuring. Doug indicated the Peace Officers actually go around with the decibel reader and check the noise levels. Patricia asked if they are on after 11 PM – yes, they are. Doug also mentioned if there is an issue the Peace Officers can be called and asked to do a decibel reading. Patricia indicated she thinks we haven't been doing a lot of noise ordinance enforcement and when she's listening to applicants relying on it and counting on it for enforcement then she's nervous because there is no paper trail. Doug mentioned he believes the Peace Officers monitor almost every business and he's sure they are monitoring on Friday and Saturday. Doug added the Peace Officers send a report to the Mayor. Patricia asked if the monitoring is done on other days during the week and Doug responded he was sure it's done on the weekends and wasn't sure what the process is for during the week. Doug added if there is a specific complaint he can check on it. Dan Courtney indicated he feels there is a problem during the week and pointed out the meter wasn't even in the Village because it was sent away to be recalibrated. Dan indicated he spoke to the Mayor after Americade. At that time he learned the decibel reader had been sent out and the decibel readings didn't start until after Americade when the decibel reader was returned. Dan mentioned he doesn't understand why readings can't be taken every night. Doug suggested to Dan that perhaps he should talk to the Mayor regarding the number of times decibel readings should be taken and he (Doug) can address specific complaints. Doug indicated anyone can call the Tom Tom Shop or Fire and Ice. He also mentioned a complaint can be lodged with a Peace Officer and a Peace Officer can locate Doug if they feel it's needed. Dan asked how late in the day the Peace Officers are on duty. Carol indicated she thought it was midnight during the week and 2 AM on the weekends. (Note: Carol checked on this after the meeting; during the summer months the Peace Officers work until midnight Monday – Wednesday. Thursday, Friday and Saturday they work until 2 AM.) Dan indicated he feels the noise is terrible on Monday, Tuesday and Wednesdays. Dan also requested that the decibel reader be calibrated during the winter for next summer's use.

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- At this point Robert Mastrantoni asked the Board to return to the discussion regarding adding an additional meeting to review zoning issues. The discussion continued and ultimately the Board agreed to meet every other month (starting in August 2008) for an hour before the regularly scheduled Planning Board meeting. They agreed the meeting should be scheduled and they can decide whether or not the extra meeting is needed.
- Mobile home – zoning change.
 - Currently “mobile home” is defined and not listed in the Use Table. Our code states if a particular use is not shown in the Use Table it is prohibited. The Mayor, however, would like to add Section 220 - 81 to clarify mobile homes are not allowed within the Village of Lake George.
 - Proposed Section 220 – 81 – It shall be unlawful to use or occupy a mobile home for any purpose or any site within the Village of Lake George with the exception of permitted construction sites and areas.
 - The Board agreed to add Section 200-81.
- Boardinghouse – zoning change .
 - Proposed zoning change – remove reference to fee.
 - Boardinghouse as currently defined:
 - BOARDINGHOUSE 1 -- An owner-occupied dwelling, or part thereof, in which lodging is provided by the owner for up to one individual boarder and for a fee.
 - BOARDINGHOUSE 2 -- An owner-occupied dwelling, or part thereof, in which lodging is provided by the owner for up to four individual boarders and for a fee.
 - Carol described the reason for removing “for a fee” and indicated the use of Boardinghouses in the various zones as prescribed by our current Zoning chapter.
 - A discussion ensued regarding whether or not this change would prohibit someone from allowing friends, family, etc. to live/stay in someone’s home.
 - The Board does not agree with this change and recommends no change.
- Dan Courtney presented the colors he will be using to paint his building on the corner of Mohican St. and Dieskau St.
 - Dan indicated he will be painting the building after the foreign students leave.
 - The Board accepted the color scheme.

MOTION: Margy Mannix made a motion to approve the colors that Dan submitted. Coffee Bean for the trim and Faint Maple as the body of the building.

2ND: Robert Mastrantoni

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye	Recused	Aye	Aye	Aye

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MINUTES

APRIL 16, 2008

- Patricia Dow, mentioned on page 4 referring to the Beach Road project (she had not yet recused herself from the Beach Rd. project/meetings) she feels the term visual is misleading because she had asked for elevations.

MOTION: Robert Mastrantoni made a motion to approve The April 16th minutes with the change.

2ND: Patricia Dow

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye	Aye	Aye	Aye	Aye

MAY 21, 2008

- Patricia Dow and Dan Courtney had recused themselves from the portion of the meeting pertaining to Duffy's at this meeting.

MOTION: Margy Mannix made a motion to approve the minutes of May 21st

2ND: Robert Mastrantoni

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye	Aye – except Duffys	Aye – except Duffy's	Aye	Aye

JUNE 11, 2008

- Patricia Dow and Dan Courtney had recused themselves from this meeting.

MOTION: Margy Mannix made a motion to approve the minutes of June 11th.

2ND: Robert Mastrantoni

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye	Recused from 6/11 mtg.	Recused from 6/11 mtg.	Aye	Aye

JUNE 18, 2008

- Robert Mastrantoni recused himself from the portion of the June 18th meeting pertaining to Somewhere in Time.
- Patricia Dow recused herself from the portion of the meeting pertaining to the proposed project on the corner of Beach Rd and Canada St – property owner: Holly Raj
- Margy Mannix pointed out a change on page 6 of 8, second bullet – refuge should be refuse.

MOTION: Robert Mastrantoni made a motion to approve the minutes of June 18 with one change.

2ND: Margy Mannix

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye – except Somewhere in Time	Aye	Aye – except corner of Beach Rd/Canada St.	Aye	Aye

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OLD BUSINESS

GEORGIAN - TIMESHARE

- Phase 1 – indoor pool, restrooms, restaurant renovation – waiting for letter of credit.
- When actual unit construction begins a landscape plan must be submitted.
- All phases will require a letter of credit for that particular phase.
- 1/16/08 – received a couple of phone calls from contractors. Accepting bids for Phase 1 – indoor pool, restaurant renovation and new bathrooms.
- 3/3/08 – rec'd phone call from Pete – Manager. Georgian is going start construction of timeshares as phase 1 and pool/restaurant will be delayed 'til fall 2008. Waiting for landscape plan and letter of credit.
- 4/8/08 – Carol spoke with Pete Temales (Georgian Manager). Pete indicated the project has been pushed to the fall of 2008 and Phase I will actually be the 3 building reconstruction that was discussed when the Site Plan Application was approved. There will be no construction this spring. Carol indicated the approval could lapse because of the delay (approved for one year) and she would check on this.
- JUNE 2008 – CAROL SPOKE WITH PETE REGARDING RENEWING HIS PERMIT. ADVISED HE WILL NEED TO SEND A LETTER INTO THE VILLAGE OFFICE REQUESTING RENEWAL FOR ONE YEAR.

LAKECREST – DECK ON RESTAURANT

TAX MAP 251.14-3-30

APPLICANT: SUNG (JAMES) KIM

ADDRESS: 366 CANADA ST

ZONE: COMMERCIAL RESORT – PARTIAL OVERLAY

SITE PLAN APPLICATION: 0768

- The Owner is proposing adding a deck to an existing restaurant.
- 3/19/08 – Deck, flower boxes and furniture approved. Waiting for lighting plan and awning or umbrella plan.
- 6/12 – asked to be withdrawn from the May 21st agenda and will pursue at a later time.

VILLAGE MALL – DECK ON SECOND LEVEL OVERLOOKING SHORELINE

TAX MAP: 251.18-3-57

APPLICANT/OWNER: SEAN QUIRK

ADDRESS: CANADA AND LAKE WALK

ZONE: COMMERCIAL RESORT - OVERLAY

SITE PLAN APPLICATION: 0805

- 3/11/08 – Spoke with Sean. He will delay this until the Fall 2008. Wants to redesign the deck taking the Board's comments into consideration.
- Waiting for color samples for repainting the exterior of the mall. Shingled overhang will be one color and balance another.