

**LAKE GEORGE VILLAGE PLANNING BOARD MEETING
JULY 21, 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, and Patrina Leland (Alternate)

Board members absent: Dan Wolfield

Others present: Dan Barusch (Director of Planning & Zoning), Lori Bott (Clerk), James McReynolds, Areeb Ahmad, and James Anagnos (Code Enforcement)

Carol Sullivan called the meeting to order at 5:00 p.m.

Minutes done verbatim.

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

Applicant is returning with the proposal for 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: Adirondack Brew Pub, do you want to tell us what you added to your plans?

James McReynolds: Sure, last time I was here you guys wanted an answer from the Village regarding the easement. Which I think it has been answered.

Carol Sullivan: Yes, that was.

James McReynolds: You had wanted a more detailed drawing that I submitted to Dan, and he printed, and I also brought some copies. Just so it has more details, it shows tables and different trees and just a little more details. There was also a question on the SLA. I also sent Dan the I guess they call it the alteration; I don't want to say the phrase, it was a generic phrase they sent us. When we called, they said it doesn't sound like you need to do anything new, but they said call us back before you actually make the additions before you reopen next year. We said okay, we aren't adding an extra bar or extra place where you could purchase alcohol so they didn't think it was an issue for what we are doing for our waiting area. That was the SLA part and those are the three things we talked about. We also talked about a Performance Bond. I believe John Carr spoke to the Mayor about that as well, he said that would not be applicable for this project either. Is what I was told by John.

Carol Sullivan: Who said that?

James McReynolds: John said he spoke to the Mayor about that as well.

Carol Sullivan: And the Mayor said that?

James McReynolds: And the Mayor said that for this project he didn't think it would be applicable.

Carol Sullivan: And did you – Did you know about that Dan?

Dan Barusch: I was not aware of that.

Carol Sullivan: Alright, I am going to speak to the Mayor about that. Someone may get back to you and just for the record I don't really appreciate anyone going to the Mayor after this Board and Dan have discussed something.

James McReynolds: I think he was there and spoke with him about the easement as well. So, it was brought up at that time.

Carol Sullivan: Shouldn't have happened. Does anyone have any questions or comments?

Patricia Dow: I have two, I think that we talked about the tree not being in a planter and it is shown here in a planter. It seemed like we –

Carol Sullivan: I don't – (Inaudible)

Patricia Dow: - said it wasn't going to be in a planter.

Carol Sullivan: We could look in the minutes, I suppose.

Dean Howland: I have a question too. If you drive by it's done already.

Carol Sullivan: Right.

James McReynolds: It's not, we painted the ground brown so it wouldn't look like you were sitting in a parking lot, but it will look much different.

Dean Howland: I was just by it; it looks brown to me.

James McReynolds: We did, we painted the ground brown.

Carol Sullivan: But the tables are out. I have been by it.

James McReynolds: There's some tables out, for sure. The tables...(Inaudible)

Carol Sullivan: So, the only thing that really isn't there is the bathroom.

James McReynolds: The bathroom, the brick pavers, we would like to make the stone and stuff more appropriate and fit. We would like to get the stone and stuff more permanent looking and not look just put there.

Dan Barusch: Are you going to draw lines on the ground or actually do pavers?

James McReynolds: Yup, we are actually doing pavers, yup.

Carol Sullivan: So, that's part of your next project?

James McReynolds: That will be part of this full-on project.

Carol Sullivan: Okay, essentially for today's purposes it is done. It is out there; the picnic tables are out there.

James McReynolds: Yes.

Carol Sullivan: Okay.

Dan Barusch: Our plan that you gave us doesn't actually show tables, unless you guys have something that I don't?

Carol Sullivan: No.

Dan Barusch: Do you have one with tables shown?

James McReynolds: Yes

Dan Barusch: Yeah, that is not the one we have.

James McReynolds: This one? Number two I sent you? (James McReynolds, held up a plan)

Dan Barusch: No.

James McReynolds, passed out copies of the plan to the Board members with the tables shown.

Carol Sullivan: Any other questions or comments?

Patricia Dow: Page 5 does say, "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."

James McReynolds: Okay, just remove the planter is what you are saying? I think the guy that did it, just went with what is currently there and didn't update the drawing.

Dan Barusch: But you are going to plant it in the ground?

James McReynolds: Yes.

Carol Sullivan: Okay, just for the record the tree that is currently in the planter will be planted in the ground.

James McReynolds: Yeah, for sure.

Carol Sullivan: Anything else?

Walt Adams: I think we mentioned that there would be a catch basin for water runoff somewhere in there? Does that need to be considered or are we all set with runoff?

Dan Barusch: That's closer to the addition.

Carol Sullivan: Anyone else? Does someone want to make a motion?

Patricia Dow: I just want to be clear we are approving something now that is already there?

Dean Howland: It looks like it.

Carol Sullivan: That's essentially it.

Patricia Dow: I was just looking back, there was no vote on this last time.

Carol Sullivan: No, there was not a vote.

Dan Barusch: But it wasn't done before the first meeting so it is not technically what I would call in after the fact, but it was done, for whatever reason.

James McReynolds: What I think what we thought was with last year due to Covid we were able to use that space. We had a tent up and a tent permit and things and essentially, we did the same exact things as last year, we just had a tent over it and umbrellas and things like that. So, I think this year we were assuming we were allowed to use the public space. We did the same exact thing, just didn't put the tent up for extra seating for Covid. Then we applied to do it more permanent, as people wanted to sit out there and actually enjoyed it.

Dan Barusch: It's a nice intelligent answer but is not an answer to the question we have. The question we have is- you submitted a month ago a started review here and before coming back and getting final approval you guys installed what you submitted. Why did that happen?

James McReynolds: We have had that stuff out there for quite some time, I think.

Carol Sullivan: You had it out before you even came to us the first time?

James McReynolds: We had the two umbrellas. I think we painted the floor brown, I'm not sure when that was done. The planters were out there, and the picnic tables were out there as soon as I could to be honest with you. Again, the reason we did that was because last year for Covid we did a tent permit, and we did the same exact thing in that parking lot area, it is the same space with the picnic tables.

Dan Barusch: That's why you're here presenting this, right? You want to fully utilize the space you used during Covid but that's not really the question. The question is why was the stuff put out there prior to tonight's approval?

James McReynolds: I guess, I don't know the answer to that.

Carol Sullivan: For the record, again, nothing is supposed to be constructed, be put out, I don't care if it is an umbrella, a picnic table, whatever, until it is approved by this Board.

James McReynolds: Okay, for sure.

Carol Sullivan: Okay

Dean Howland: Can I say something? We have been through this before, numerous times and they just... to me this just wrong, the way they did it. I would say put it back to a parking lot and then start over. This is just wrong; someone is just going to do it next year and keep on doing it. I hate to do it. I like them, but you did it before you came here. That's just not right. I'm sorry.

Carol Sullivan: It isn't right, and I think Dan and Jim try to do or do a great job trying to keep track of all of these things and you're absolutely right, Dean. It is everywhere. It's signs, its banners, it's you name it, it is everywhere but to make someone disassemble it now I think would be- (Inaudible)

Dean Howland: I agree.

James McReynolds: I will say, in my defense, I don't want to say in my defense. I apologize in advance for it, we did it for this year assuming all things Covid. We put the tables out, and I think we even put in a tent permit for the space we are using again like we did last year for the same exact thing. I think that really was our intention was people want to be outside, we didn't know we were going to have one hundred percent capacity so we put those tables and things back out there. So, it wasn't a purposeful thing to do it to sideswipe or anything. I just wanted to address that, sorry.

Dean Howland: If you did this in Bolton Landing, Queensbury you would be removing it, that's a fact, and we just have to put something out that if you do it in the future. If you go ahead and do something without a permit you have to put it back to its original state. It's just going to happen, happen, happen, something has to be done by the Town Board.

Dan Barusch: We try to be lenient when we can, it's always going to be the give an inch and take a mile. This one was interesting because it was already in front of you, and we literally sat here a month ago and started discussing it, and it was not done at that time and then I think Jim and I noticed it maybe two weeks ago or something. My leniency will wear thin, and we are going to start ticketing people as soon as we find these things, no warnings, no e-mails.

Carol Sullivan: And quite honestly, that's how word gets out because everyone talks to everyone. I know because I know the people that call me and the comments that I get and it really is; if you can do it, they do it until someone tells them they can't. Quite honestly, I don't know how we make a motion on something that has already been done.

James McReynolds: I will say it will look different than it does now. The pavers will be in, and it will be much more permanent, and I guess full on use like our current beer garden is now. It's a very distinct space, it will not look as it does now it will look substantially different than it looks right now.

Carol Sullivan: So, Dan, do you have any guidance on how we make a motion on something that is already out there?

Dan Barusch: I would just say the motion is not really an after the fact if they are going to have substantial changes. I would word it to encapsulate both what was done already and what is going to be done to complete it. Also, don't forget in the motion this whole project, the expansion part. So, if you do it in pieces, this can be that other piece but the expansion of the building, the outdoor bathroom those are all other components of this project.

James McReynolds: We haven't done those.

Dan Barusch: Well, those require building permits.

James McReynolds: Yeah, for sure, yes.

Carol Sullivan: So, let me just poll the Board. How do we want to approach this? Do you want to make a motion for each piece of this? Which is the patio we are looking at, and then a motion for the addition and the bathroom?

Dean Howland: To me the patio and bathroom because that's one part of this, the addition is a separate part.

Carol Sullivan: We did review the addition, and I believe we are prepared to make a motion.

Dean Howland: Correct.

Carol Sullivan: We are prepared to make a motion on that? Is everyone in agreement on that?

Patricia Dow: What about because we figured a bond?

Carol Sullivan: I will have to talk to the Mayor about that.

Patricia Dow: Just add that into the motion?

Carol Sullivan: No.

Dean Howland: Should we just table it for another month because they already have this working?

Dan Barusch: What specific item was the bond going to be for, do you remember?

Carol Sullivan: It was for-

Dan Barusch: Was it for the whole thing?

Carol Sullivan: Not the whole thing, it was for, I don't think it was for the whole project. I believe it was for those things that typically the County has no control over, which is landscaping, all the site stuff, the stormwater. It was to dissuade the County from, you know they can give you an approval for the addition, but the bond or the money if it was a cashier's check or whatever would not be returned to you from this Village until the entire project was completed. Which would be the storm water management, the -

Patrina Leland: It does say patio in the minutes from last time.

Dan Barusch: Yes, site, stormwater, so it was not related to the building itself.

Carol Sullivan: Right, so it was everything that the County sort of bypasses when they issue their CO, and we end up never seeing a finished project. Of which there are a few.

James McReynolds: I assure you, we will finish this project

Carol Sullivan: We have a lot of assurances come before this Board. Everyone assures us that their project will be finished but not everything gets done. I really am not picking on you but we get a lot of assurances that projects will be finished and Dan I'm sure can attest to this, he is working on things that are three years old and that was the purpose of asking for a financial instrument to ensure to the Village of Lake George that the project was going to be finished. I really don't know at this point in time how to move forward since the Mayor already acted on this.

Patricia Dow: Not necessarily. You know.

Carol Sullivan: What are you saying, what do you mean?

Patricia Dow: Well, there is a report of a conversation that has not been passed through the official channels yet.

Carol Sullivan: Excellent point.

Patricia Dow: So, I wouldn't necessarily feel bound by it. Isn't that the purview of the Planning Board?

Carol Sullivan: That is the purview of the Planning Board, or at least I thought it was.

Patricia Dow: Well, let's act like it is.

Carol Sullivan: That is an excellent point that Patricia has made. We will have to get confirmation of that-

James McReynolds: Yeah, sure.

Carol Sullivan: -to ensure that is in fact the case, and I hate to bring you back again, but-

Patricia Dow: If I may, I would propose we go with this. With what we are going to approve, do the bond in the amount of \$10,000 put that in. Then if we need to change some of the things, we can, but basically this is already half to two thirds done.

Carol Sullivan: So, you're saying act like the bond is there. We ask for a financial instrument. We don't have anything that tells us other than, and I'm not saying you're lying, but we should have gotten a more formal information on this even if it was an e-mail. Especially to me or to Dan.

Patricia Dow: Right so act like it is there-

Carol Sullivan: -so, I don't know if we should make-

Dan Barusch: I want to interject. This is really to Patricia's point that it is within the Planning Boards purview and let's act like it is. It's not actually, and I will say it on record because that is just something that I do in my job here. It is not on the purview of any elected official to interject with the Planning Board and Project Review. Unfortunately, I have had this come up more times than I care to remember because I have told both the Elected Officials at the Village and the Town that it is not appropriate. It is not ethical, and it is borderline illegal. This is a really small Village, and this happens all the time, all the time. Carol can attest to some of it because it does end up affecting my projects where it should not because we have, just like the Federal Government, separation of the three branches. This is an administrative subsection of this branch of government, and it should not be impacted or impacted by the executive branch, and I don't like saying this because they are elected officials, and they should know better, but this happens, it comes up and back to the point. There really should not be a change in mindset from last month to whatever decision is made tonight based on the conversation that might have been held because it should not be impacting the Board's decision. Whether or not it was held.

Carol Sullivan: And I agree and having said all that- that is an excellent point Dan, we are going to move forward as if we are asking for a \$10,000 financial instrument to be held in a non-interest-bearing escrow account. So, having said that. Now does anyone want to make a motion?

Patricia Dow: I propose doing it in the steps of the campground proposal, and then the bathroom, and then the expansion like that.

Carol Sullivan: And to be clear the motion for the financial instrument is to cover site work, which is stormwater management, and this campground and anything that would deal with stormwater management. For instance, if you are going to gutter the project, I don't remember. To encompass things that the County would issue a CO on any event. Landscaping, blacktop, driveway, and stormwater management.

Dan Barusch: I'm putting stormwater, campground area, landscaping, and sitework.

Carol Sullivan: Correct, and I-

Dan Barusch: And the bond is a condition of your approval?

Carol Sullivan: Correct, and Dan help me out here. Do we make the motion for the, let's call it a financial instrument, do we make it separately?

Dan Barusch: No, you have to make it as a condition of approval on your first motion with the nonbuilding work.

Carol Sullivan: Okay, what we will do then is make a motion for the nonbuilding work- which is the landscaping, stormwater management, the campground and that will be conditional upon receiving a \$10,000 financial instrument to be held in a non-interest-bearing escrow account and then we will do a motion on the construction of the building and the bathroom. Does that make sense to everyone?

Patricia Dow: I think the campground would also include the rest of whatever happens in the parking lot.

Carol Sullivan: Yes, and the parking lot.

Dean Howland: Really, the bathroom is the separate one.

Patricia Dow: Talking about the campground area that they have delineated.

Carol Sullivan: So, it's the changes in the parking lot-

Dean Howland: The piece of property to the west.

Dan Barusch: That's what I kind of put under sitework.

Dean Howland/Patricia Dow/Carol Sullivan: Yes

Carol Sullivan: Stormwater management, landscaping, parking lot, campground and those four will be conditional.

Carol Sullivan: I will make a motion to approve the proposed changes at 33 Canada Street. The proposed changes for the parking lot, the improvements entitled campground, all stormwater management, and the landscaping. This is conditional upon receipt of a \$10,000 financial instrument to be held in a non-interest-bearing escrow account.

2nd MOTION: Patricia Dow

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams	Patrina Leland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Motion carried.

Carol Sullivan: Now we will do a motion on the construction of the building improvements, and the bathroom. Who would like to make that motion?

Patricia Dow: I will make a motion to approve the construction of the brewery expansion as indicated on the plans we were given last month, and with the access to the cooler properly positioned-

Carol Sullivan: There is an outstanding question on that cooler. I don't know if you spoke to anyone at the County?

Dan Barusch: Tom really couldn't give me a definitive answer because the cooler is technically not a combustible structure. Now I tried to kind of point him to Backstreet BBQ which has that sort of similar situation. It has been that way for a long time. It wasn't conjoined, but I would say that if anything from permitting review comes up and they do have to move those, I will let you guys know what comes out of it, but I am not expecting them to have to move that.

Carol Sullivan: So, we can make it conditional upon the County's input on the-

Dan Barusch: I would say make it conditional upon adjourning the two and the County's review of the two.

Carol Sullivan: By the County?

Dan Barusch: Yes.

Carol Sullivan: I'm sorry Patricia I didn't mean to interrupt.

Patricia Dow: No, I was going to do that, with the cooler.

Lori Bott: I'm sorry, but for the record could you do the motion from the beginning?

Carol Sullivan: Yes, we definitely will.

Patricia Dow: I will make a motion to approve the brewery expansion to the west, as indicated on the plans with the positioning of the cooler. The building and their connection being dependent on the County's review and approval, and also with the indicated facade work on the new part and the construction of the handicapped bathroom adjacent to the proposed campground area that is being developed.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams	Patrina Leland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Motion carried.

Patricia Dow: We forgot to add that the tree in the planter in the campground is actually going to be planted in the ground. Can I add that in?

Carol Sullivan: You can make a separate motion for that.

Patricia Dow: I make a motion to include that the tree in the barrel planter as indicated on the drawing for the campground has been confirmed by the Manager that it is actually going to be planted in the ground.

2nd MOTION: Carol Sullivan

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams	Patrina Leland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Motion carried.

Dan Barusch: James, I will get you an answer from the County for the cooler this way you don't have to revise the plans after, and then once you have everything finalized on your end and ready for submission, we will take three sets.

TAX MAP: 251.18-4-5

APPLICANT: AHSAN ISMAIL

ADDRESS: 111 CANADA STREET

ZONE: COMMERCIAL MIXED USE

APPLICATION: SIGN7-2021

Applicant is proposing a wall mounted sign at 111 Canada Street, LG Ice Cream & Juice Shop by Gyro Hut. Proposed sign will be rectangle measuring 4x3 feet and made of metal and Tuffak SL polycarbonate. Colors will be maroon with white vinyl lettering. There will be two graphics on the sign. The sign will have interior LED lighting.

Carol Sullivan: Okay, 111 Canada Street, you have been waiting patiently, thank you. So, you are adding a sign?

Areeb Ahmad: Yes.

Carol Sullivan: I don't have any issues with it.

Dean Howland: Is the sign is going to go where the Welcome Lake George sign is?

Areeb Ahmad: That sign stays, this sign will go on the wall.

Dean Howland: Okay, I see.

Areeb Ahmad: I have a rendering of that too.

Dan Barusch: It should be on the page right after the sign design.

Dean Howland: Yes

Dan Barusch: They have a similar situation to Two Scoops. They have essentially two businesses that are connected via interior, but they have two separate operations going. So, we talked to Areeb and said if he had two separate business licenses for two separate businesses, you can have two signs for each business. I don't know if they are doing that yet but right now, they only have the one free standing sign for Gyro Hut. So, this is a separate business with a separate wall sign.

Carol Sullivan: Right, so do you have a business license for this business yet?

Areeb Ahmad: No currently we are just going under one. We don't have a wall sign for Gyro Hut; we just have a freestanding sign. So, we are only going to have one wall sign.

Carol Sullivan: I understand that but you have a sign for Gyro Hut, and you have a business license for Gyro Hut, is that correct?

Areeb Ahmad: Yes

Carol Sullivan: But you don't have, or do you have a business license for the Lake George Ice Cream and Juice Shop?

Areeb Ahmad: Currently we are operating it under the same license as Gyro Hut.

Dan Barusch: They are allowed to have one wall, and one freestanding.

Carol Sullivan: Yes, they are but that's not what I'm objecting to. I was wondering if they had a separate business license.

Dan Barusch: Are you going to split it up?

Areeb Ahmad: I don't.

Dan Barusch: I think that is their call. I don't think they have too, unless we feel that there are more than two signs total.

Dean Howland: And there is not.

Carol Sullivan: And there is not, right. Okay, that is the only reason why I was asking is if you were going to.

Areeb Ahmad: Maybe next year we are going to apply for another wall sign for Gyro Hut and at that point I will apply for a separate license for the ice cream place.

Dan Barusch: Then they will split.

Carol Sullivan: Okay.

Areeb Ahmad: For now, I just wanted to have something for the ice cream because not a lot of people know that is there.

Carol Sullivan: I understand, I was just asking to see which way it was going to go. Is everyone clear on that?

Dean Howland: I am, yes.

Carol Sullivan: Does anyone have any comments about the sign?

Patricia Dow: I think the graphics are kind of taking up a large part of it.

Carol Sullivan: We state how many graphics you can have.

Patricia Dow: You can have two.

Carol Sullivan: You can have two graphics, but I don't think we give a size. Dan, do we give a size?

Patricia Dow: No.

Areeb Ahmad: It might look bigger here, but when it goes up on the side it won't.

Dan Barusch: The sign is only twelve square feet.

Areeb Ahmad: Yes, it is a smaller sign.

Patricia Dow: Yes.

Carol Sullivan: Anyone else, any issues? Does anyone want to make a motion?

Dean Howland: I make a motion for the new sign as shown in the application for 111 Canada Street for an ice cream shop on the door adjacent to the driveway.

2nd MOTION: Walt Adams

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams	Patrina Leland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Motion carried.

MINUTES:

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

Carol Sullivan: Does anyone have any comments about the May 5th minutes?

Carol Sullivan: I will make a motion to approve the May 5, 2021 minutes as presented.

2nd MOTION: Patricia Dow

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams	Patrina Leland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Motion carried.

June 16, 2021 (CS, PD, DH, WA, DW, PL)

Carol Sullivan: Does anyone have any have any comments on the June 16, 2021 minutes?

Patricia Dow: I do, I have a couple. Page 2 of 7 down at the bottom about 7 lines up, after board meetings, that sentence should have something in there; "...navy-blue swatch if they are submitting..."

Lori Bott: I will change it to "... navy-blue swatch but if they are submitting..."

Patricia Dow: That would be good and then on page 4, maybe 10 down. "Carol Sullivan asked what the square footage is for the area. James McReynolds said he wasn't sure (comma maybe) about 550-600 square feet."

Lori Bott: Okay.

Patricia Dow: Then on down a little way, "...the parking spots that are being removed are handicapped (comma) they will be shifted over."

Lori Bott: Okay, I will add a comma there.

Patricia Dow: And then, on page 5 on the second paragraph, about 9 lines down- "Dean Howland asked if there are solar panels (on the proposal)..." It says on the building, I didn't understand that.

Dean Howland: It was on the building. I couldn't tell on the proposal.

Lori Bott: Okay, I can edit that.

Patricia Dow: I think the thing is if there are solar panels on the proposal or in the proposal.

Lori Bott: Okay, so the word on should be in?

Patricia Dow: I think so.

Patrina Lealand: Didn't he ask if they were on the proposal and he responded that they were already there.

Dean Howland: If you look at the roof it looks it looks like solar panels but normally, they note it on the drawing, and they didn't. That is what I was asking.

Patrina Lealand: Didn't he say they were already there?

Dean Howland: They haven't built the building yet.

Patrina Lealand: Okay, I think he answered that they were already there on the existing building.

Dean Howland: Yes, I know they are.

Lori Bott: I will relisten to the meeting.

Dan Barusch: Just type up whatever, he says exactly.

Carol Sullivan: Anyone else?

Carol Sullivan: I will make a motion to approve the June 16, 2021 minutes with the changes as presented by Patricia.

2nd MOTION: Patricia Dow

Carol Sullivan	Patricia Dow	Dean Howland	Walt Adams	Patrina Leland
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nays = 0 Motion carried.

OTHER BUSINESS:

Dan Barusch: I only have 20 minutes. I wish I had a little longer but I have a Zoning Meeting over at the Town tonight at 6. This is Jim, our new Code Enforcement Officer. Jim, this is the Planning Board.

Board Members: Hi Jim.

Jim Anagnos: Hello.

Dan Barusch: We have had a couple of good discussions about all the new things Jim and I have been working on, you guys asked me to bring him. We will probably go over a few items on our list. Some are right on the agenda, and if there are any other questions, I want to get to them before I have to go and we can tackle them in the near future.

Carol Sullivan: Chat House, anything?

Dan Barusch: Nothing. Jim and I are prepared to tomorrow or at the latest Friday deliver them a ticket. It will be a ticket for violating the section of code that they basically came here to seek approval for. Unfortunately, I don't know why I say unfortunately, the owner is the mother of the gentleman, Sunny, that came here, so she will be the one to get the ticket. Even though she has technically been the least involved in this whole thing. I have dealt with the father, Sunny himself, and his sister but that is who we will have to ticket as the property owner. We will likely set a court date that is pretty soon. If they are able to between the day we ticket them, and the day we set court, if they are finally able to come in here and give me that navy-blue swatch and say this is what we are going to do, we will drop the ticket.

Carol Sullivan: But this is what we are going to do, doesn't equal when. You know you can say this is what we are going to do, and the ticket is null and void, but then it doesn't happen and then it's winter time, and we are into-

Dan Barusch: Would I have this Board's approval if they came into to me and said here is the navy-blue swatch, we are going to paint it. Would I have the Board's approval to allow them to do that and if they bring in the swatch and paint it to drop the ticket, if they get it done right away before the court date. Then we could lift it?

Carol Sullivan: I don't have a problem with that. I can poll the Board Members. Walt?

Walt Adams: I'm okay with that.

Carol Sullivan: Patricia?

Patricia Dow: If it's truly navy-blue, as I understand navy-blue.

Carol Sullivan: Well, the swatch.

Dan Barusch: They would have to do the swatch they had in that very first submission. Which is the one that you guys said you were comfortable with.

Carol Sullivan: Right, they have to use that swatch, and the can of paint has to have that number on it. Just like any of us went to Lowe's or wherever to buy a can of paint.

Dan Barusch: If they don't do anything or we don't hear from them prior to the court date it is possible we will ask the Judge to impose a fine for every day, and that is just because we have had really a difficult time on this seemingly simple thing. Not only did they break our ordinances and do things they were not approved to do, they also went and did some construction work inside that created an illegal building, it no longer has ADA accessibility, so the County is not issuing any permits until they fix that and the Department of Health is not issuing any licenses for anything in there until both of us are satisfied with what goes on. So, there will be nothing there this season. Whether or not we get the paint completed will probably be dependent on how much they don't want to go to court. That is the plan, it has been long enough. I remember going there in probably April to take the photo.

Carol Sullivan: Uh-huh, that is what I thought.

Dan Barusch: So, it has been long enough. Like I said my leniency is starting to wear thin.

Walt Adams: And they missed out in the audience that is here.

Dan Barusch: Three times, well they were here once. So, they missed out twice, but we gave them ample time to do a very simple thing. So, that's the Chat house.

Carol Sullivan: Okay, so Giuseppe's.

Dan Barusch: Giuseppe's, put this on here just because they are an outstanding thing that I have addressed a few times before to the Board. We reached out to them basically at the beginning of the season to let them know they had an issue with the sidewalk café furniture. After originally fighting back, they ended up saying we will do what we have to do. Then kind of hinted it would be later in the season. I have not heard from either of them since so I kind of assume that later in the season means at the end of the season or after the season. So, I am going to with Jim write a formal letter because the letter seems to do the trick. It will get something moving. In some cases, it is easier for me to make a phone call or send a quick e-mail, and I get my answer right away. It saves postage, time, and this and that but in some instances, it is not enough and I think it is time to write them a letter and give them a deadline to change the stuff to what was approved or submit something to this Board to get a new approval on the furniture. Outstanding miscellaneous items, so there is a long list that we have been keeping. The one item I wanted to go over with you guys, and it is kind of outstanding, but we haven't talked about it in a while is the Shoreline Project. We have talked about how the County signed off on it early, and we did not give any blessing, and now we have had trouble getting the site stuff done. We had a good discussion on that tonight. Since the last time we met they have, I will say, made an attempt at installing the stormwater controls. If you drive by, you can see some patches of stone, I guess.

Dean Howland: But that's not what is approved.

Dan Barusch: It is not.

Dean Howland: Can I just interject with one thing. I had a discussion with a person that was involved in that project with a different agency, and they said part of the approval from the Park Commission was storm water management to operate as a marina they had to have it done. Well, it is not done. It was a question to me. They have been trying to get it done.

Carol Sullivan: Well, I have had that question too. The question that was posed to me was, why hasn't the Park Commission stepped in.

Dan Barusch: I think the answer is because we are already on it. Joe has been working hand in hand with me to figure out. They haven't done any correspondence or sent him any letters because technically the building permit is still open. They only had a temporary so it is still an active permit until it is closed and because we were on top of it.

Dean Howland: That is not what this fellow said to me. He said their approval to act as a marina was to put all the stormwater management in.

Dan Barusch: Was that a condition of their approval?

Dean Howland: Yes, a condition and that was read to us. I think Devin Dickson said that it was part of it. This was just brought up in a conversation. Why wasn't it done and then he turned to me.

Carol Sullivan: There are a lot of eyes on that project.

Dan Barusch: I think they are waiting for them to do all the stormwater. Which includes, landscaping, it includes even finishing up with the signage and any lighting that they have to do. Now they have done some of that and like I said they have made an attempt at the stormwater and why I say attempt is because we have driven by a few times and it is nowhere near adequate. To the point where I have requested Devin to perform an as built. An as built survey plan showing exactly what was put into the ground. Now the newest thing is, the gentleman or whatever it might have been, Jag, whoever built the building and did the storm water is not doing the landscaping. A separate company has reached out to me about implementing the landscaping that was on the plan. They are thinking about changing some of the species. So, I am looking through that and trying to match it up on the approved list and talking to the waterkeeper about it. Not a minimization, or adding anything just changing the types of species. They will still be like species so if you requested something like a tall hemlock it will be a tall arborvitae or something similar. So, we are going through looking at what they coming up with now. The moral of the story is we have been pushing hard, and now there is some movement. An attempt was made at stormwater, and it looks like we will see some plants there soon. He still has to take down one of his signs. If you guys remember the motion, he had two signs at the old building and put it on the new building, but it is all one business, he has to take one down still. So, we are not giving him his blessing until he does that as well, but I don't suspect that Devin's as built is going to come back as we want to see it.

Dean Howland: And what is there is not approved.

Carol Sullivan: I just want to say and not to beat a dead horse, but this is the perfect example of, and I take full responsibility for this; I am the one that knows that the section is in the code that allows us to get a financial instrument. I had completely forgotten about it then, but it is the perfect example of what can happen. So, Dan has been running around on this project and now Jim, welcome Jim, has been running around on this project since 2018. In my humble opinion that is far too long to allow projects like this to go on. If we had asked for a financial instrument, and asked for something substantial, we wouldn't be dealing with this today. Dennis Quirk would want his money back. He doesn't want his money in a non-interest-bearing account. This is why we, this board, has the authority to ask for that. We cannot play favorites; we have to be consistent when we ask for it. So, it is things outside of construction outside of what the County is going to approve. We have every right to ask for it and probably should have asked for it on the Shoreline building. It is water under the bridge, but it is the perfect example of what happens when we don't ask for things like that and the code doesn't differentiate, it doesn't say if it is a residential house. We have a right to ask for it on a house or anything else and again here we are three years later and finally getting some movement.

Dan Barusch: And on a larger scale the movement that has been made to date is me pushing the County Board of Supervisors to adopt a county law that would require that any level of CO issued by the County first have the local municipal approval. Right now, the way it is written is final COs are the only ones that require municipal signoff. So, they can get temporaries, that are six months go ahead and live in it and come back in six months if you are not done and redo it.

Carol Sullivan: And they do that forever.

Dan Barusch: I think you can do three years' worth. So, the clock is ticking, maybe that is why he has moved on it more this year or maybe it is all the badgering. Either way, I believe it is three years and you can do it in six-month intervals. And a conditional is basically there is something outstanding, but the rest of it is good, and we are okay to sign off because the outstanding item is small like, I'm going to put in a CO detector or something tiny. Typically, not a local zoning thing. So, neither of those need Town or Village sign off. We have similar issues in the town, more so with residential projects. If that doesn't happen, and I think while the discussions occur... The Town and the Village are also planning on amending their laws as well to address this. We talked with Matt Fuller about it, and there are some pretty simple fixes, and it gives us more teeth. That's it on that one.

Patricia Dow: This is probably not exactly related but in terms of amending things so there are more teeth... just I know when the Shoreline project came up there was some discussion on can't it be placed anywhere else on the property that he has and there was this reason and that reason as to why not. It just seems like a good solid look at that to see what the loopholes were that allowed it to not be relocated, because I don't really feel like the reasons why it was, something about dividing the property and the approved X amount of boats over here, made sense.

Dan Barusch: He wasn't looking for a variance on that. When you are asked to consider feasible alternatives legally, then there is some ground in saying you can't do that because there is a feasible alternative, and granting a variance the Zoning Board can say that and they can deny a project based on that. The Planning Board's authority was limited to the project itself and not the site of the building while you discussed the location and why not else.

Dean Howland: We did discuss that.

Dan Barusch: And while you discussed that you could not go back and say, you can't do this here because we don't want it because it is allowed.

Patricia Dow: The Zoning Board was asked for a variance, weren't they?

Dan Barusch: Not on that location, no.

Patricia Dow: I thought they need a variance for the setbacks?

Dan Barusch: It was a four-foot rear setback.

Patricia Dow: So, that's not a variance?

Dan Barusch: It is a variance, but it was the back near the back near John Carr's property line. The Zoning Board didn't think it was a big deal they barely spent any time on that variance.

Carol Sullivan: In other words, he wasn't saying there isn't any other place for me to place this building therefore I need a variance on three sides of it. That would have been refusable if there was a feasible alternative, he was just asking for a variance on John Carr's side.

Dan Barusch: Yes, on John Carr's side and it was less than five feet. The Zoning Board was quite quick with it. You know if they were three variances on the side and if there were other multitudes or substantially to it, they might have pushed harder on alternative locations. They showed two on a plan I think that they gave both Boards and one was in the wetlands, probably purposely, and the other I think was pretty much encroaching on John's property in the back. So that's, you know. At this point in time, I am not going to spend my time looking back at what could have been.

Patricia Dow: I'm not talking about looking back. I'm talking about going forward. In going forward let's have a whole discussion on if you don't have the set backs and how it was zoned you don't need a setback from a certain point that requires a variance. But that precludes certain landscaping things that you could do to disguise the massive part building. Do you know what I mean?

Dan Barusch: Yes, they proposed landscaping back there.

Patricia Dow: What I am saying as you decrease the variance it impacts what landscaping hiding features you can do, not that they did them anyway. I'm just saying going forward since the person goes to the one Board and gets a variance without maybe not thinking of the impact on the landscaping maybe there should be some coordination and maybe this really impacts the neighborhood and the character of the neighborhood.

Dan Barusch: There can be some coordination. That's typical with big projects, the Zoning Board starts and then the Planning Board starts then it goes back to the Zoning Board and they can discuss some of the same things and you do vice versa and other than taking a few more months that's a way to do that coordination between both Boards.

Carol Sullivan: My understanding was that the Planning Board used to review. Not this Planning Board or any one of these people, used to review a project before it went to the ZBA but then we were told by a Council that, that was inappropriate.

Dan Barusch: It is.

Carol Sullivan: So, the discussion part of it really-

Dan Barusch: It really is more inappropriate for the Planning Board to consider any approvals before the Zoning Board looks at it for variances. That's why at the Town I flipped my meetings so the Zoning Board goes first. That is typically how it works, same here. Now if, say the Zoning Board tabled and the Planning Board started their review and they had questions or wanted to coordinate on the project as a whole they could table and discuss amongst each other or through my office but it would be inappropriate for the Planning Board if they said, we are going to approve this based on the condition that the Zoning Board approves it next time. That would be inappropriate the order is the problem not the communication. That is okay.

Carol Sullivan: We don't have a lot of projects that come to us but you know I understand what Patricia is saying and they did give us non feasible alternatives one was in the weeds and one was encroaching the neighbors.

Dan Barusch: They were asked to provide those to the Zoning Board and when they did the Zoning Board was quite quick to say those are no good.

Carol Sullivan: Which they aren't.

Dan Barusch: But to Patricia's comment, if they then said, hey maybe we should give this back to the Planning Board they are only going to have four feet behind the building and will impact X. That would have been an appropriate thing for them to table and start communication with you guys on.

Carol Sullivan: I think there is a learning curve there and I think-

Dan Barusch: Oh, yeah. I don't think that the Zoning Board would even know to do that.

Carol Sullivan: I believe they wouldn't and the reason I believe that is because it has always been a strict rule that they come first and they look at it and I don't think they know that they can communicate with this Board.

Dan Barusch: There can be, whether its direct or through my office it is appropriate.

Carol Sullivan: Right, and I think how the boards have always functioned as separate and distinct and we are separate and distinct.

Dan Barusch: Right and neither decision should force the hand of the other. That's the inappropriateness of the Planning Board approving something prior to the Zoning board. You are essentially forcing the hand of the Zoning Board to say we have to approve this because the Planning Board did.

Patricia Dow: I feel like that happens from the Zoning Board side of things.

Dan Barusch: So vice versa, so they get a variance first and you feel like this Board has to say yes.

Carol Sullivan: I don't but I have heard people, applicants say, well I have a variance for that.

Dan Barusch: Well then, communication and the coordination back and forth on those items can fix that problem.

Carol Sullivan: Yes, it absolutely could.

Dan Barusch: I could say something at the next Zoning Board meeting. It could be years from now before we get another project like this. I could say something to them and especially to Ron that this has some impact at the Planning Board level do you want to refer it to them so you can discuss it back and forth.

Patricia Dow: Perhaps even just asking and presenting that idea to them before the project arises. That this is a possibility especially on bigger projects.

Dan Barusch: I have to run over there. Sorry we didn't cover everything together but you can ask Jim any questions. He has everything up in the head, property maintenance, lawns, signs, everything he has a long list. We have done about 50 plus letters in the last two weeks. I have

to go; I will see you in August. Well, I might not, we haven't gotten anything yet. There is just a couple of more days for signs.

Dean Howland: As the song says, we will see you in September.

Carol Sullivan: Bye, oh wait, what about Blue Thirty-Two?

Dan Barusch: Really quick, Carol has been copied on all the e-mails. Another example of someone taking words in e-mail way quite to literally. They reached out to me and wanted to put up a new sign. Blue Thirty-Two wanted to put up a sign they are at the old place which is the old Nordick's Inn and if you have driven by there, you will notice there is a sign there.

Patricia Leland: I did see that; I drove by that and I was like wait I don't remember that coming across here.

Dan Barusch: They reached out to me and they had a sign that was nothing like Nordick's and I said new business, new sign, not similar to the existing sign you need site plan review and you need the Planning Board's approval. At that time, I offered him the ability to put a banner up with a banner permit, temporarily until that gets approved. He put the banner up, submitted a banner permit, paid for the banner permit. Claimed he submitted a sign permit and fee which we did not get and have no evidence that was dropped off. Then he subsequently, after I reached out to him and mentioned to him that we never got your sign application, he went and installed a sign that was a different design than he originally sent me and it was green and had the same outline as the Nordick's Inn sign so it was very similar to the one that was there before. So, he took one of my prior e-mails that said in certain cases I am allowed to administratively approve signs if it is very similar to the one that was there before in size, color, everything. So, they took that literally and designed a sign like one the Nordick's Inn old signs and designed something similar and put it up without saying anything and they are still going on that they know they delivered it here but no we did not get it.

Dean Howland: Is that Kevin you are speaking to? Because I specifically spoke to him on the night, they opened about getting your sign permit before you put it up. I told him not to just go put it up, he knew.

Dan Barusch: And the best part was they did go put it up after I talked to them the second or third time without telling me they were going to put it up. I could have stopped them and said similar or not you are a new business and you might have to go to the Board or I at least have to check with them. So, now it is an after the fact. You know the drill.

Carol Sullivan: Does anyone have any questions for Jim? (inaudible) I have a couple of things.

Walt Adams: I saw the solar thing, that came today and it is comprehensive.

Carol Sullivan: Yeah, I haven't read it yet. Anything for Jim, property maintenance, without permits. Anything you have seen? I have a couple of things. One is in my neighborhood, what is going on with the Littledale Cottages on the corner of Caldwell next to the DPW. The pool is falling in. I spoke to the Mayor about it months ago, and he said that she had contracted with someone. They have a tarp on the side of the building.

Walt Adams: It looks terrible.

Jim Anagnos: Dan has been working with her. She has been working on the landscape slowly trying to clean it up a little bit. She has what I have found out are native flowers which prevents them, I call them weeds, but we can't make her cut them down. Supposedly, she had a contractor that was supposed to – probably the best solution is to fill in the pool because it is so.

Carol Sullivan: It is about to fill in itself.

Jim Anagnos: The fence is in a dilapidated state and is a public safety issue. It is a health issue. Kids could wander in there and fall in the pool and get hurt or drown.

Carol Sullivan: There is a history on that house if you look in the tax map folder there have been letters that have been sent to her over the years about the condition of the pool and the condition of the property. She can't say, gee I didn't know. This has been going on for years and is getting worse for years because she hasn't done anything about it and as far as the native flowers, I have run into that as well. I have that experience.

Dean Howland: Around 2000 I was looking to invest in property in the Village and her's was one of them. I wanted all of them all the little cottages, everything. She was going to fill in the pool then. We made an offer and then she came back with something like four and half million dollars and we said no. We said, if you want to be serious, we gave you a good number but we had gotten appraisals and things but she said she was going to fill in the pool then.

Carol Sullivan: This has gone on forever for the Village.

Jim Anagnos: There is a financial aspect there as well.

Dean Howland: She doesn't have the money; she just doesn't have it.

Jim Anagnos: Yes, but just from a safety issue, priority should be to fill in the pool. I don't know how many truck loads of stones it would take or if the town did it, and added it to her taxes.

Carol Sullivan: I don't know if we can do that.

Jim Anagnos: I can talk to Dan tomorrow and see what we can do to force her hand.

Carol Sullivan: It really is, it is becoming a Board of Health issue.

Jim Anagnos: It is, it is a mosquito breeding ground.

Carol Sullivan: It is, it is like a swamp and the building itself is in disrepair.

Dean Howland: Absolutely, you can fall into it. The fence is down you can just walk over it and that's a violation. That's a Warren County Building code, if you have a pool without a fence around it. That's a major violation.

Jim Anagnos: Yes, we can send a letter but they have no teeth behind them. Some people cry poverty, and they just don't want to do it so they are not going to do it. I would say we sent 56 letters, and about 50 of them made the corrections. They are pretty good once they receive the letter and then we send a second notice and after that we send them a final letter and then a

summons but it is only a couple of those. Most of the violation notices that we sent out were for the a-frame signs until they got their second notice, they kept pushing it. Plus, I was the new kid on the block, and they wanted to see how far they could push it.

Carol Sullivan: And now they know. I was going to mention this while Dan was here, I know we have mentioned it before but there is a game store in the Village that we allowed him to put a banner instead of a sign. I talked to Dan about it before you came because this Board made the determination that we would let him continue with his banner until April of this year, and I talked to Dan about it and in fairness it is a nice banner. Does everyone know what I am talking about it is the game store in the Cholakis Square? Where all the signs fit in, so the banner is there. We brought it up at a Planning Board meeting in early spring, late winter. He was having some financial issues so we decided we would give him until April of this year. I brought it up to Dan and he said that the individual had some financial issues and couldn't really do the sign at this time. While I appreciate all that, he is in a building and he is paying his rent because I know the people that own the building and it is not rent free.

Jim Anagnos: Is that Hero's Hideout?

Carol Sullivan: Yes.

Jim Anagnos: We just got him to pay his licenses. What last week, Lori?

Lori Bott: Yes.

Jim Anagnos: He got all the way up to the threat of getting a serious fine because he was three months overdue.

Carol Sullivan: I appreciate that he has financial problems and many people do, but the rent is obviously being paid because he is occupying the building. Therefore, is it just the Village of Lake George- I don't have any money for my sign, I don't have any money for my business license, but I can pay my rent. Just food for thought. Anyone else have anything else.

Dean Howland: I just have one thing, tonight with John Carr's project its- we did miss it on the Shoreline project but it is too bad that those two have done such battle and the first one, second one, that comes up is him. We made the pretzel shop get one. I think that is part of it and I don't feel bad because I know they should get one but I think that is part of it.

Carol Sullivan: I am fully prepared to talk to John about it, and again we have to be consistent.

Dean Howland: We have to be consistent, yes.

Carol Sullivan: We have to be consistent.

Dean Howland: We started before him.

Carol Sullivan: We started before him, and we will continue. Yes, we did miss it on the Shoreline. The Shoreline is the perfect example, but in the future, we will not miss it because now I have all of you thinking of it in case, I forget it.

Dean Howland: Yes

Carol Sullivan: And I understand what you are saying Dean.

Dean Howland: Because that's how I know it happened in the past.

Carol Sullivan: Yes, I am prepared to talk to John about it, and I anticipate it. It is an unfortunate chain of events that he didn't come before the Board. We proceeded as if we have the authority and it is done.

Patricia Dow: I think that was important to do.

Carol Sullivan: I appreciate your suggestion, Patricia. (inaudible)

Dean Howland: It is also good because he already did the parking lot. It's the perfect example of why we need to do this, he has already done something without proper approval.

Carol Sullivan: The doing things without approval is rampant in the Village. It's rampant because people talk to one and another and I know this because they come to me with their gripe and I tell them they need to talk to Dan. If they are still coming to me, they are talking to all the business owners. They know I did the Planning and Zoning before I moved on to this and they know I know the code. They know I did what Dan does and he does it far better than I ever did because that is his training but they all talk to each other.

Patricia Dow/Patrina Leland: (inaudible)

Dean Howland: Should we go to the Town Board and tell him we are getting too many people that are just going and doing it?

Carol Sullivan: I am going to speak to him.

Dean Howland: I know, I mean at an official meeting. Can't you come up with a penalty for this?

Carol Sullivan: Matt Fuller is working on it.

Dean Howland: He is?

Carol Sullivan: Yes, he is working on it.

Dean Howland: I know the wheels turn slow.

Carol Sullivan: Yes, they do but I spoke to the Mayor about it. I pleaded our case and he got Matt Fuller involved. I provided some information to Matt Fuller about why we wanted this and he also stressed the importance of being consistent. I am well aware of that; my career was in compliance so I know the meaning of consistency. That is my point, if we are going to do it, we have to be consistent.

Walt Adams: I think the timing is good. I'm getting more and more indications from people in Saratoga and Albany and their eyes are on Lake George development and the Water Slide World development could be changing. I think we are poised to see a lot of activity in the next few years. A lot of new growth and now is the time to get to where we need to be.

Carol Sullivan: Yes, we could see projects like this. While there is not property available that doesn't mean that things can not be bought and buildings torn down and new buildings established.

Dean Howland: Yes, we have seen this before with Hilton (inaudible)

Carol Sullivan: And they do, and it isn't that there isn't property, there isn't any vacant property, but there are people willing to sell for a price, and this Board needs to be prepared to do a good job.

Dean Howland: Well, when I sell my house, I will be sure to let you know.

Lori Bott: Carol, you didn't end the meeting.

Carol Sullivan: I make a motion to adjourn the meeting at 6:15.

Patricia Dow: I will second it.

Unanimously carried.

Respectfully submitted,
Lori M. Bott