

**LAKE GEORGE VILLAGE
AUGUST 20, 2008
PLANNING BOARD
MINUTES**

Board Members present:

Robert Mastrantoni, Dan Courtney, Patricia Dow, Dan Garay, Debbie Tirri

Board members absent: Margy Mannix

Others present:

Doug Frost (Code Enforcer), Carol Sullivan (Secretary), Mark Schachner (Attorney for the Planning Board), Tariq Tarav, Attorney Jon Lapper, Dan Ryan, Rajiv Sharma.

Chairman Mastrantoni called the meeting to order @ 6:05 PM.

6:00 PM – 7:00 PM PLANNING BOARD TO DISCUSS ZONING ISSUES.

OVERLAY DISTRICT – working with ELAN.

- Robert indicated he felt once the summer season is over the Planning Board should begin working on this once again.
- The board discussed the overall goal:
 - Define the actual footage and include Beach Rd. in the overlay district.
 - Provide more information in the Code for the Overlay district as a zone.
- They agreed they would like to see where ELAN is on this and the changes ELAN has made thus far. Carol will send Lisa an e-mail requesting documentation of the changes made so far. Carol will forward the information to the PB members and after they've had a chance to review the material the Board will meet with Lisa.

SIGNS – working with ELAN.

- Patricia indicated she feels the entire sign ordinance should be looked at as a whole. I.e. the number of signs a business can have, window signs, a-frames signs, the material a sign is made of, lighting and whether a window display is a sign or part of the store inventory, etc. She also indicated it would be nice to have a sign/window display inventory to refer to.
- Menu boards should be added to this review as they are not addressed in the sign ordinance.
- Should window signs be approved? Window signs can become the store identifier without approval.
- Once a sign is approved there is nothing in our ordinance which requires installation of the sign.
- A discussion ensued regarding what a sign is and what it isn't. Are items in windows which are not part of a store inventory (rope and/or flashing lights) a sign? The board believes ELAN is drafting language to address this.
- Carol will check with ELAN as to their progress on this.

MURAL - Definition of "mural" for 220-24 (Signs).

- The Mayor submitted a memo (8/11/08) to the Planning Board suggesting a definition for a mural. A discussion ensued regarding allowing murals, including the definition in the sign ordinance and how murals could be regulated.
- Dan Courtney indicated murals were discussed at length when the new zoning was drafted. He pointed out if murals are to be considered they should be considered as a part of the sign ordinance the board is working on with ELAN and not just at a time when an application for a mural has come before the board.
- The board indicated they appreciated the idea of a mural and the one proposed by the Mayor in his application is very nice however, it's difficult to control the content. They also agreed maintenance could be an issue.

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- Dan Garay pointed out the Boardwalk's mural is tastefully done and as long as murals are tastefully done he feels they should be allowed. Again, other members pointed out the content is difficult to control.
- Margy, though not at the meeting, expressed some thoughts via e-mail.
 - *Mural: a painting or photograph adhered or painted to a wall or ceiling. A mural, done by a professional artist should depict an historic event or a culturally significant representation of the locality.... A mural should not contain wording or letters that need to be concentrated on by the viewer. A mural should be able to be viewed and understood from a distance in a relatively short period of time.*
 - *The problem I had with the mural presented for the Fun World site was that it needed to be concentrated on and read by the viewer. It could not be understood from afar, for example, sitting in a car stopped at the traffic light. As proposed, it would have to be read by standing next to the mural for a period of time. If something presented on the side of a building has to be read and interpreted, it should be considered a sign. A mural should be viewed for its artistic value.*
- The board discussed allowing murals at busy intersections. They agreed they should consider whether or not the community should be a community with murals or without and perhaps let the public decide at a public hearing.
- The board asked for information on what other communities have with regard to regulation; Warrensburg has a mural, Ace Hardware in Q'bury painted the entire building as a mountain scene. Carol agreed to check General Code.
- The board agreed to table the Mayor's application until the entire topic of murals can be considered in greater detail.

MENU BOARDS

- Carol provided background information regarding how the issue of menu boards came to light. Carol referred to the e-mail she sent to the Planning Board.
 - *As you know we regulated menu boards with the implementation of our sidewalk cafe ordinance.*
TAKEN FROM SIDEWALK CAFE ORDINANCE.
C. Signs; design.
*(1) ****
(2) Menu boards will be allowed. Such boards shall not be illuminated and shall be no larger than six square feet with no one dimension greater than three feet. Menu boards can be attached to the cafe railing. When attached to the cafe railing, they shall not project more than two inches from said railing.

Doug has seen a lot of menu boards this season on establishments other than sidewalk cafes. Our current zoning only regulates menu boards for sidewalk cafes. It's likely, since operators of sidewalk cafes installed a menu board other establishments saw them and these other establishments followed and put out menu boards. It's difficult to allow sidewalk cafes to have menu boards and enforce no menu board allowed for other establishments....people can be creative in the design of menu boards, having more than one, etc.
Consideration should be given to allowing menu boards for all establishments and if so how they should be regulated.
- Doug also pointed out that many businesses come right up to Village property and the Planning Board should take that into consideration because right now menu boards are on Village property. He also mentioned the board should consider where menu boards can be placed, size, number of boards allowed, etc.
- Patricia suggested allowing one menu board, if the building is set back from Village property the menu board can be placed just inside the property line, It can be on a pole in an enclosed box. If the building abuts Village property then the menu board should be affixed to the building, in a box. The goal would be to have menu boards at the sidewalk property line and a size needs to be determined.

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- The board agreed menu boards should not be a-frame signs. If the building is set back then the menu board could be on a pole placed at the property line.
- A discussion ensued regarding the size and whether or not white boards should be allowed. The board also discussed whether or not retail shops should be allowed "menu boards" if they sell food/drink.
- Patricia agreed to create a draft for the board's review.

In the interest of time, the board agreed at this point to review the submitted applications and move the discussion regarding zoning issues to the end of the meeting.

SEVEN DWARFS MOTEL

TAX MAP: 251.10-3-42

APPLICANT: TARIQ TARAV

ZONE: CR

SIGN APPLICATION: 0836

- Applicant is redesigning a free standing sign at the front of the property. It will be 49.3 square ft. (50 sq. ft. allowed).
- The applicant explained the new sign will be in the same location as the previous sign. The previous sign was damaged.
- The color of the new sign will match the color of the existing sign. It will also include a rendition of a cottage along with 7 dwarfs.
- The applicant indicated he would like to get the new sign completed and installed by the end of the season – end of September.
- The applicant indicated he would like to have rope lighting around the raised # 7 shown in the oval and rope lighting around the letters that change. Rope lighting would also be around the marquee border. The # 7 will also be back lit. There is a pre-existing light at ground level which will shine upwards.
- A discussion ensued regarding the lighting and the use of the rope lighting and the back lit # 7.
- Applicant agreed to remove the other freestanding sign at the north end of the property.

MOTION: Dan Courtney made a motion to approve the sign. The sign will be the same color as the existing sign. There will be no rope lighting. The existing lights at the base will be used and will shine upward to light the sign. The freestanding sign at the north end of the property must be removed. The # 7 will be the only part of the sign back lit because it is surrounded by a dark background. Size as presented.

2ND: Patricia Dow

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Debbie Tirri
Aye	Aye	Aye	Aye	Aye

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At this point Patricia Dow recused herself from the meeting

HOLLY RAJ INC**TAX MAP: 251.18-3-71****ZONE: COMMERCIAL RESORT – OVERLAY****APPLICANT: DAN RYAN – VISION ENGINEERING (for Holly Raj Inc.)**

- Attny. Jon Lapper introduced himself and stated that Vision Engineering has supplied a compilation of the all the changes that have been discussed and made during the application review process.
- Robert asked why the plans were not stamped and Jon Lapper explained once approved the plans would be stamped by the engineer. Attny. Mark Schachner mentioned the plans would not and should not be considered final until after the public hearing as something may arise during the public hearing which would warrant additional changes to be made.
- Dan Courtney indicated that Margy had a question regarding a stage. The original plans indicated a stage would be constructed where service bar #2 is now shown. Dan Ryan responded that the stage has been omitted; there is no stage proposed in the current project.
- Carol Sullivan indicated the plans were reviewed by the Supt. of the Water Dept. (Dave Harrington) and he has signed off on them. She also indicated the Supt. of Sanitation (Reggie Burlingame) reviewed the plans and Dan Ryan's letter of August 20, 2008. In his letter of August 20th Dan Ryan indicated the grease trap to be installed will be a minimum of 1,500 gallons. Dan also addressed the issue of the sewer main within Beach Road and the fact that it is privately owned. If permission is granted Dan's client will hook into that sewer main. If permission is not granted Dan provided two alternatives. Reggie has signed off on the issues addressed in Dan's August 20th letter.

MOTION: Robert Mastrantoni made a motion to deem the application complete and schedule a public hearing to be held at the Planning Board's next regularly scheduled meeting, September 17, 2008.

2ND: Dan Courtney

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Debbie Tirri
Aye	Aye	Recused	Aye	Aye

At this point Patricia Dow rejoined the board.

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JULY 16, 2008

MOTION: Robert Mastrantoni made a motion to approve the July 16, 2008 minutes.

2ND: Patricia Dow

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Margy Mannix
Aye	Aye – 7/16/08 recused from Duffy's Tavern portion.	Aye – 7/16/08 recused from Duffy's Tavern and Holly Raj Inc.	Aye	Absent 8/20/08

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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.
- 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.
- Aug 2008 ltr req. extension rec'd. – to begin in fall.

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.
- 8/20/08 - no action to date – maybe will reactivate in the fall.

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.
- 8/20/08 – no action to date

PANCAKE HOUSE

- Drive thru. (Set for discussion in Sept. 2008)

DISCUSSION OF ZONING ISSUES RESUMED

VILLAGE MALL

- Robert initiated a discussion regarding the Village Mall and the fact they are allowed to have displays on the interior walkways of the mall. A discussion ensued regarding the fact the displays are on the "interior" of the mall.
- Doug, Carol and Robert indicated they are continually asked why the mall tenants can have these displays but other establishments cannot. Doug has spoken to people who have questioned this; he mentioned they can approach the Village Board for clarification. Doug feels the Village Board should look at this because there has been a long standing argument that these displays are on the "interior"

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of the mall even though they are on the mall walkways. Patricia pointed out, as an example, that Stormin Normans has property on the outside of their building; Village property does not directly abut the store. Stormin Normans is not allowed to display merchandise outside even if it would be on their own property. The Planning Board is requesting the Village Board to look at this issue.

- As a point of reference Doug referred to §186.7 which specifically states out of doors displays whether from an alcove, porch, marquee, covered area or other area not physically within the interior of a permanent building is prohibited. Yet, the Village Mall has been allowed to display merchandise in their walkways – are these walkways the interior of a permanent building?
 - § 186-7. *Encumbrances upon streets. C. - Outside display of merchandise. It shall be unlawful to display merchandise for sale or otherwise out of doors within the Village of Lake George. The prohibition contained herein shall include, but not be limited to, the display of merchandise on the exterior of any building or sign or from any alcove, porch, marquee, covered area or other area not physically within the interior of a permanent building.*

BANNERS

- Dan opened a discussion regarding the use of banners. Carol indicated only one banner is allowed to be hanging at one time, the maximum size is 3' x 5' and a permit is required.
- Once the banner ordinance went into affect the number of banners hanging and the period of time they hung lessened and so it appears the banner ordinance is working.
- The board agreed they should look at the use of banners when they look at the entire sign ordinance.

TRUCK DELIVERIES

- Patricia suggested the Village Board look at zoning with regard to truck deliveries. She added there are times when it's difficult to see around large trucks that are unloading merchandise; they double park on Canada St. Beach Road is also an issue.
- Doug mentioned the Village Board does look at this issue probably annually and has never been able to come up with a good solution.
- Since this issue is outside the scope of the Zoning chapter the Planning Board can only make recommendations to the Village Board regarding this topic.
- Dan mentioned unloading zones could be established but then parking revenue would be lost (at least 3 parking spots would be lost) however, these zones could be set for certain times of the day. The Planning Board agreed the Village Board should look at this issue in advance of the 2009 season.

DECKS

- The Board agreed they need to have more information and agreed the Mayor's suggestion of having someone complete measurements is a good one.
- Robert questioned what percentage of square footage would apply – would it apply to sidewalk cafes or just taverns. Sidewalk cafés have their own ordinance and decks are addressed in it so the decks on sidewalk cafes probably would not be considered in the scope of this project.
- Dan indicated the information needed is the square footage of the footprint of the business (not the building) and the square footage of an existing deck. Once the Planning Board has this information it will be easier to develop an ordinance. A discussion ensued regarding the proposed definition of "deck" and pointed out the term "roofless" in the current draft eliminates some of the decks in the Village.
- The Board asked if the Mayor has assigned someone yet. The Planning Board agreed someone should be assigned to measure any establishment that has outside seating on their own property, roofed or roofless, temporary roof or permanent roof. They also agreed the deck size should be measured (sq. footage) and the footprint of the business should be measured.

APPROVED

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- A discussion ensued regarding the time involved to complete the project and whether or not owners will allow measurements to be taken. The Board agreed a sampling of small and big buildings should provide the information. The Village office should have plans on file for the more recent decks that have been constructed.
- Patricia pointed out the larger the deck the greater the requirement is for enforcement. This project has developed into a sizeable project which will take months and perhaps something should be put in place now – projects are coming before the Planning Board which rely on enforcement from another section of the Code (i.e. the noise ordinance).
- Doug pointed out it is not the deck that is the problem – minimizing the deck does not necessarily minimize the problem – the owner of the business has to manage the problem. Dan pointed out as more and more businesses have decks and more and more of that particular business is deck space the noise issue and need for enforcement increases. Doug indicated much of the noise is generated from the interior of the establishments. He added there are already many decks in the Village and any new ordinance would have to take those decks into consideration as well as the sidewalk café decks – the sidewalk café decks are on Village property.
- The Board agreed the office files should be reviewed for information on the newer structures, The Mayor should appoint someone to get a sampling of the decks in the Village based on size of the deck and footprint of the building. Once this information is gathered they can rework the draft of the deck ordinance. They agreed:
 - Establishments that have outside seating on their own property should be measured regardless of whether or not it is roofed or roofless, has a temporary roof or permanent roof.
 - The deck size should be measured (sq. footage) and the footprint of the business should be measured.
 - A sampling of the decks in the Village would be acceptable.

MOTION: Robert Mastrantoni made a motion to adjourn.

2ND: Patricia Dow

Robert Mastrantoni	Dan Courtney	Patricia Dow	Dan Garay	Debbie Tirri
Aye	Aye	Aye	Aye	Aye

Meeting adjourned.

Respectfully submitted September 3, 2008

Carol Sullivan