

**APPROVED**

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
SEPTEMBER 16, 2009  
PLANNING BOARD MINUTES**

**Board members present:**

Patty Kirkpatrick – acting Chairperson, Patricia Dow, Dan Garay, Ed Kokalas (Alternate), Chuck Luke,

**Board member absent:**

Robert Mastrantoni

**Others present:**

Edrie Squires (Secretary), Carol Sullivan ( zoning), Rajiv Sharma, Ed Esposito, Mitch Lesi, Luisa Craig Sherman, John Carr, Mary Alice Leary, Marisa Muratori, Anne Greco, Ellen H ?? (handwriting illegible), Richard Caiola, Melissa Engwer, Michelle Guerra, Virginia Etu.

Patty Kirkpatrick, acting Chairperson opened the meeting at 7 PM.

The discussion regarding the approval of minutes was moved to the end of the meeting. It was noted, however, the May and June minutes could not be reviewed as there weren't enough original board members present tonight to have a quorum.

**OWNER/APPLICANT: RICHARD CAIOLA**

**TAX MAP: 251.10-3-34**

**2 PETTIS ST.**

**ZONE: RESIDENTIAL MIXED USE**

**SITE PLAN APPLICATION # 0947**

- Application for adding a roof at the first story level. The roof will cover a deck and will run the entire length of the house. This roof extension is needed to divert water away from the foundation and to prevent water from entering the basement.

Rich Caiola explained to the board he would like to add a roof over the existing deck at the rear of the house. The roof will run the entire length of the house. The length of house is 31 feet. The existing deck is 26 feet long. There will be no change to the deck or the existing roof. There will be no gutters on the new roof. Runoff will be into the (flat) backyard and absorbed into the soil. Dan Brown, noting the application indicated no lighting pointed out there is one light and asked if that light is enough to light the stairway. After some discussion Rich Caiola agreed to add another light.

**MOTION** – Chuck Luke made a motion to approve the application as presented with an additional light added. If the deck is to be enclosed, an application will be submitted for approval by the Planning Board.

**MOTION 2nd** – Dan Garay.

Patricia Dow – Aye.

Ed Kokalas – Aye

Aye – 4    Nay – 0 Motion carried.

**APPROVED**

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
SEPTEMBER 16, 2009  
PLANNING BOARD MINUTES**

**OWNER/APPLICANT: FRED AUSTIN**

**TAX MAP: 251.18-3-7**

**83 MONTCALM**

**ZONE: RESIDENTIAL MIXED USE**

**SITE PLAN APPLICATION # 0951**

- Adding a pre-fab sunroom to existing SFR.

Fred Austin explained to the board that he would like to add a sunroom to the east side of his house. The sun room is pre-fab and is 12' x 13'. Sonatubes with gray beams will be used for the foundation. The foundation will also consist of a cement slab and cement block. The room will be winterized. There will be no outside lighting. Chuck Luke asked if the addition will meet the 10 foot side yard setback requirement for the residential mixed use zone. Fred indicated there will be more than 10 feet on the side yard after the sunroom is added.

**MOTION** – Chuck Luke made a motion to approve the application as presented.

**MOTION 2nd** – Dan Garay.

Patricia Dow – Aye.

Ed Kokalas – Aye

Aye – 4    Nay – 0 Motion carried.

At this point Patricia Dow recused herself from the meeting.

**HOLLY RAJ INC**

**TAX MAP: 251.18-3-71**

**ZONE: COMMERCIAL RESORT – OVERLAY**

**APPLICANT:**

- New design firm = Monarch Design, 1399 Vischers Ferry Road, Halfmoon, NY (Ed Esposito – RLA – Registered Landscape Architect and Lawrence Lavine – PE – Professional Engineer).
- Reminder: Public hearing remains open.
- A new long form SEQRA will have to be completed based on new design.

Ed Esposito, landscape architect (Monarch Design) represented Holly Raj Inc. Ed provided a visual presentation showing an overview. He indicated the objective he worked from was how the design could be more compatible in the environment and community. He mentioned the major revision is that there is no longer a second story; the height will not exceed 15 feet.

Ed showed a redesigned court-yard and mentioned the palette of materials will be Adirondack stone, timber and stone gables at the entrance-ways. The façade will be timber-like and real logs – in tune with architecture across the street.

The business plan is reduced – new goal is to have one owner with more control.

There will be more than one entrance. One entrance will be to the amusement; the amusement is now all internal and there will be no outdoor amusement. There will be a corner entrance with a hostess stand for seating at the future restaurant. The corner entrance will be a prominent feature providing access to a recessed eatery with upscale lighting and cable railings. This will allow people to come into the glass foyer – showing on a slide - a cut-away of the 30 foot recessed dining deck with the parapits screening the street.

There is a sound wall which will separate the eatery, the kitchen, and service bar from the amusement use.

G:\planning\My Documents\BOARD MEETINGS\PLANNING BOARD\2009\MINUTES\SEPT 09 MINUTES\9 16 PB MINUTES FINAL 2.doc

## **APPROVED**

## **LAKE GEORGE VILLAGE 26 OLD POST ROAD SEPTEMBER 16, 2009 PLANNING BOARD MINUTES**

The amusement use will be a "newer age" arcade that has a warehouse look with exposed sealed metal ductwork. The amusement is enclosed so the noise level may be somewhat improved. There's a sound wall separating the self-contained amusement from the rest of establishment; the entire corner will be an eating and amusement establishment.

There will only be one restaurant; the pizzeria will remain.

The line of the property development is no more than what currently exists or what was previously proposed.

Mechanicals will be screened on the roof.

(Attorney Mark Schachner joined the meeting at this time.)

Ed presented the 3 components to the footprint. There will be a 30 foot recessed dining deck with a kitchen core. There will be an amusement arcade concealed with a sound barrier and insulated glass windows. There will be a canopy area which will define the new landscaped court-yard.

The parcel is .43 acre and there will be 14% green space.

Referring to the environmental form (SEQRA) Ed summarized there is less impact than the previous application. He stated the Village would be getting a new product, utilizing many of the existing utility features to minimize required permits. Stormwater and drains that are pooled into a drywell network that overflow into the existing storm drainage network will be the same.

Ed mentioned there was concern expressed with the previous application regarding sound metering for the outside play area. This should improve because there will not be an outside play area.

Patty Krikpatrick asked if the establishment would have a liquor license – yes.

Ed stated there are plus or minus 30 seats and 36 seats around the bar internally. The bar is horseshoe shaped with an island in the center.

Ed indicated the corner will be completely renovated. "This is a demolition and reconstruction application. All the current shops on Beach Rd. will be gone; the other application was keeping the buildings and working around them. The existing buildings will be gone."

Patty Krikpatrick asked Attorney Schachner to provide guidance for the board in determining if this is a revision of the original application or a new application. Mark explained it is not his position to suggest something is appropriate for approval, denial or the like. He added there's a threshold legal process issue that the board should evaluate. The threshold legal process issue is whether what has been presented this evening constitutes a new application or is a mere modification of the previous application. That's important from the standpoint of legal process because the original application went down a review path and certain steps were taken on that review path – the most obvious one being that at some point the application was deemed complete and a public hearing was opened. That Public Hearing was continued over a period of several months and never closed. Today, the Public Hearing on the original application remains open. Mark explained that a new representative presented a modified proposal this evening. The legal threshold question is whether the proposal that the board has in front of them is merely a modification of the original application or is substantively, materially or significantly different enough from the previous application so that tonight's presentation should be legally and procedurally

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
SEPTEMBER 16, 2009  
PLANNING BOARD MINUTES**

treated as a new application. Mark mentioned that whether or not the board determines what was presented to be a new application or continuation of the previous application, they have to separate that from whether or not the proposal is better or worse. The board needs to decide if the presentation is sufficiently similar to the original application so it can be considered merely a modification of that application or if tonight's presentation is fundamentally, substantively, materially and or significantly different enough from the original application to be treated as a new application. Mark noted that during the applicant's presentation numerous references were made to the previous application in contrast to the current application.

Chuck Luke as a new member of the board pointed out that he did not have the opportunity to sit in on the previous meetings where this project was discussed. He asked if the board previously asked the applicant to make changes to the application and now the applicant has returned with changes, isn't the applicant responding to what the board asked them to do?

Mark responded to Chuck's question stating he didn't believe it would be appropriate to characterize this proposal as directly responsive to requests of the Planning Board. It is not appropriate for a board to design a project for an applicant. Some elements of this design could be characterized as responsive to concerns previously expressed by the board and concerns expressed by the public during the public hearing.

Mark reminded the board they have to look at what is now before them and determine if it is sufficiently similar to what was previously reviewed to be considered a continuation of that application proceeding or if it is materially, fundamentally, substantially different so that it should be treated as a new application.

Chuck Luke stated that there has been a change in the square footage but the business plan appears to be the same - there will be an arcade, a restaurant and a bar. It's the same business plan but smaller.

Dan Brown pointed out that one main component has changed. The original presentation showed a "playground" with permanent features. There is no longer an outdoor amusement area.

Mark advised the board it was appropriate to look at the uses when making their determination.

Patty Kirkpatrick suggested the board discuss essential elements of the original offering compared to this presentation.

Ed joined the discussion stating what was presented tonight was in direct response to the public hearing and the board's comments. They are starting all over but that's because of the previous comments.

Carol pointed out there would be at least one issue with demolition and rebuilding. Certain uses in the Village are now grandfathered for instance, the arcade. Once the arcade is demolished there are other procedures which come into play in order for it to be rebuilt. The previous applicant designed enhancements to the arcade changing the façade, windows and doors. Since there was only a façade change the use could continue.

Mark pointed out that classifying what was presented tonight as a new application or continuation of the original application has an important role in what is allowed by zoning and what isn't.

## **APPROVED**

## **LAKE GEORGE VILLAGE 26 OLD POST ROAD SEPTEMBER 16, 2009 PLANNING BOARD MINUTES**

Ed Kokalas stated, previously people expressed concern about live entertainment in the then upstairs bar and the possibility of bottles being thrown onto the sidewalk below. He asked if there will be a live entertainment area in the design presented tonight. Ed Esposito responded that there's no stage, there's no second floor and it's a family restaurant. There's no band. Ed Kokalas stated so there is no live entertainment. Ed Kokalas also asked if the shops currently in existence would remain or if there is going to be just a brand-new restaurant? Ed Esposito responded the shops would be gone; there will be only a brand new pizzeria restaurant.

Since the Public Hearing remained open there were members of the audience who asked if they could speak. A few members of the public felt because the entire site is going to be demolished and rebuilt a new application process should be started. Other members of the public felt the use was very similar to the originally proposed use and the presentation was a redesign of what was originally presented and therefore, the original application process should continue.

Motion: Patty Kirkpatrick made a motion to define the paperwork brought before the board as an existing application with a long form SEQRA. Decisions will need to be made on the exterior design of the property. None of the plans have been approved or disapproved.

Motion 2<sup>nd</sup>: Ed Kokalas

Dan Garay – Nay. Chuck Luke – Aye.

Aye – 3 Nay – 1 Motion carried.

At this point Patricia Dow rejoined the Planning Board.

## **MINUTES**

No quorum for May and July minutes.

June 17, 2009 – Changes/corrections.

Dan Brown – add his name to other attendees.

Patricia Dow – referring to the Craft residence motion – looks like – recording inaudible. In the voting section for the Craft residence Patty is referred to twice and there is no reference to Patricia.

Patricia Dow - motion for 8 Beach Road is not specific as to which two signs were approved – will have to listen to the tape to capture the motion as it was stated.

Minutes remain unapproved until motion for 8 Beach Rd. is determined.

.

Motion: Patty Kirkpatrick made a motion to adjourn the meeting at 9:15 PM.

Motion Second: Chuck Luke

Dan Garay – Aye Ed Kokalas – Aye

Aye – 4 Nay – 0 Motion carried.

Respectfully submitted.

Carol Sullivan