

APPROVED

LAKE GEORGE VILLAGE SEPTEMBER 17, 2008 PLANNING BOARD MINUTES

Board Members present:

Robert Mastrantoni, Dan Courtney, Dan Garay, Margy Mannix, Debbie Tirri (Alternate)

Board Member Recused: Patricia Dow

Others present:

Doug Frost (Code Enforcer), Carol Sullivan (Secretary), Mark Schachner (Attorney for the Planning Board), Dan Brown (Architectural Consultant), Attny. Jon Lapper, Virginia Henry, Priscilla Fordyck, Mitch Lesi, Tom Zappieri, John Carr, Virginia Etu, Barbara Neubauer, Jo DeSanto, Don DeSanto, Horst Schwemmlein, Patty Kirkpatrick, Dave Stanton, Kathy Redpath, Mickey Magee Onofrietto, Robert ???, Bill Dow, Jackie Freihofer, Chris Freihofer, Bob Flacke Sr., Bob Flacke Jr., Lin King, Len Bunaski, Jan Loonan, John Loonan, Nancy McKee, Cathy O'Brien, Rose Iannaco, Caryl Clark, Stephanie Merrill, Linda Duffy, Kim Cornelius, Carollee Labruzzo, Alex Labruzzo, Rick Gage, Melissa Engwer, Anne Greco.

Chairman Mastrantoni called the meeting to order.

HOLLY RAJ INC - PUBLIC HEARING

TAX MAP: 251.18-3-71

ZONE: COMMERCIAL RESORT – OVERLAY

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

- Chairman Mastrantoni asked the applicant's attorney to open the discussion. Attny. Jon Lapper gave a brief overview of the project which is proposed at the corner of Beach Rd. and Canada St. Attny. Lapper indicated many changes have been made to the project design over the last 8 months of working with the Planning Board. He mentioned the current design is for a family friendly atmosphere during the day and a tavern/restaurant in the evening. He added he is aware of expressed concern of the mixture of uses but neither he nor his client sees a conflict with that. Attny. Lapper indicated this design is not much different than some establishments currently located in the village such as the Boardwalk, Neptune's, Shoreline or the Lookout Café.
- Attny. Lapper turned the discussion over to Dan Ryan who presented a more detailed description of the project.
 - This project is in the Commercial Resort (CR) zoning district. The proposed project of a tavern and amusement park are permitted uses within this zone. Currently the proposed project complies with all the zoning regulations for these proposed uses.
 - Some of the existing facilities will be utilized and there will also be an expansion for an additional use of the property by building a second story over the existing structures.
 - The CR zone requires a front yard setback of zero feet. Side yard setback is zero feet. The rear yard setback is fifteen feet. The maximum lot coverage (any impervious surface on the site) is up to 85% coverage. The building is required to be less than 3 stories or forty feet. Dan Ryan read the definition of the Commercial Resort zone from the Village code for the public's information. He indicated from the start of the project they have attempted to apply the specifics of this definition to the project.
 - Currently the lot is 90% covered; 90% is impervious surface. Currently there are no on site storm water controls. With the proposed project storm water controls have been designed and the impervious surface lessened.
 - Dan Ryan indicated to the public that during the planning board review process there have been discussions about storm water management, architectural design, noise, lighting, pedestrian access and that these are all things they want to develop in line with what the community is looking for.

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- At this point Dan Ryan pointed to his site plan design and pointed out design details.
- Chairman Mastrantoni opened the meeting for public comment.
- Jan Loonan – question regarding garbage and pick up.
 - Answered by Dan Ryan. Using the site plan drawing Dan pointed out the area where the garbage would be stored. He indicated extensive calculations have been done to determine the existing needs and estimated the future needs. He mentioned he worked with local service providers and was able to determine an approximate value of what kind of refuse would be generated and the necessary storage needed. The service pick up rate is a function of how much storage is available and the service companies can pick up garbage every day of the week if necessary. Beverage containers can be returned to the suppliers as recyclables. At the south end (back south corner) of the site is a screened in service area (Canada St. side) which will house the trash receptacles. It will be screened by a solid stockade fence with landscaping and on the adjoining property line there will be a landscaped hedge/buffer.
- Nancy McKee – If approval is granted how long will the project take?
 - Answered by Dan Ryan. The construction schedule could last ideally 6 months. The goal would be to avoid peak season in the village.
- John Loonan – asked how deliveries (liquor, beer, soda, food) will be delivered; where will it be delivered, what time will it be delivered and how it will be brought in on a busy, busy street.
 - Answered by Dan Ryan. Currently it is well known that deliveries are difficult to deal with throughout the village. Without utilizing existing streets it would be impractical or impossible to operate businesses. What is being proposed for this site is no different than any other business in the village. There is a predominant location where traffic entering Beach Rd. heading east is only one lane traffic. Typically, people coming off of Canada St. taking a right turn or people heading south on Canada St. taking a left turn, turn into a single lane of traffic entering Beach Rd. There are two lanes on Beach Rd. in front of this project. There will be a storage facility on the lower level which will be constructed where the existing arcade entrance is. That will allow for service deliveries to occur in the southern lane of Beach Rd. a couple hundred feet from the intersection which will allow all the one lane traffic to bypass without any impedance.
- John Loonan asked Dan Ryan if he is aware of the amount of the traffic on “that” corner. There are numerous deliveries made on Canada St, the trucks are double parked, everyone has to go around them. John asked if Dan is aware of how much traffic goes around “that” corner.
- Dave Stanton – he attended some of the earlier meetings and was concerned about the noise coming from a second story tavern. From what is being presented tonight it appears a lot of great improvements have been made to the project.
- Jackie Frieheffer – addressed the issue of “no place for small children” in the village. Asked what age group is being considered for the kiddy park area.
 - Answered by Dan Ryan. Based on the types of rides selected, he believes it would be very young children to toddler age.
- Jackie Frieheffer - then asked if this would be a kiddy park by day and adult entertainment by night. Will the park be closed at night?
 - Answered by Dan Ryan. They are anticipating complete closure of the park by approximately 9 PM though they have not determined an exact time. The park area will be closed off at a particular hour of the evening and this would be determined by the amount of business. They don't anticipate it being open after the 11 PM hour.

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- Jackie Frieheffer - expressed concern over the proximity of a toddler facility with a tavern. She mentioned there are family restaurants throughout the village and there are also places that are more adult oriented and this facility seems to be more adult oriented.
 - Dan Ryan explained this aspect was discussed with the Planning Board and he recognizes it is hard to see the mitigation efforts; there is no access from the upstairs to the area. A 6 foot wall completely separates the area.
- Bob Flacke – reminded the applicant of the noise restrictions. Lookout Café rarely has entertainment because a band would blast down the lake and neighbors down the lake can hear anything.
 - Dan Ryan mentioned this has been a concern mentioned by the Planning Board and they have worked with the Planning Board. Other businesses have amplified music and he is aware of the noise ordinance. He added they have completed studies and analysis to show they will comply with the noise ordinance. He also added they willingly have agreed that there will be no exterior amplified entertainment on the deck.
- Kim Cornelius – read a definition of tavern of that which sells beer and liquor – no food. She added that it is her understanding that a restaurant in NY has to provide parking. This facility will be the largest in Lake George and is better suited for a larger city. This facility will require a lot of parking. It's wrong to mix a children's facility with a facility where alcohol is served.
 - Addressed by Dan Ryan. These two uses are permitted in this zone. There are no parking requirements for the commercial resort district.
- Kim asked if the parking requirement is something the village has always had and should it be something going forward for new development. If this developer is allowed to do something this large with no parking what about future developers. Where are the employees and tourists going to park?
 - Addressed by Dan Courtney – a tavern does not require parking in this zone, however, an amusement park, according to our code, parking is as determined by site plan review.
- Horst Schwemmlein – is concerned about noise level. His bar is on the street level (Village Pub), however, his B & B is high with a second story where all the guest rooms are located. He's concerned about the noise level. Question whether or not the liquor authority will allow construction so close to public areas and any existing bar and restaurants.
- Virginia Etu – questioned the Canada St. elevation - the 6 foot screening doesn't look to be 6 feet.
 - Address by Dan Ryan. Starting at the south corner (pointing to the site plan) there will be a 4 foot high half wall and 2 feet of glass screen wall. Some of it will be open.
- Virginia asked if people will be allowed in the open area in the evening.
 - Dan Ryan responded that the exterior decks are open for seating.
- Chairman Mastrantoni asked Dan Ryan to address what time entertainment will start.
 - Dan Ryan mentioned they have not developed a specific plan for entertainment. They could have late evening live entertainment on the interior of the building. There are vestibules, sound proofing to the exterior wall and windows which do not open; it will be very difficult for noise to escape. The planning board has received an analysis of the dampening levels which shows compliance with the noise ordinance.
- Virginia Etu - asked what would prevent 200 people from congregating on the outside deck and creating their own noise? Why not screen the entire deck.
 - Addressed by Dan Ryan. There is potential on an exterior deck for groups of people to congregate. Part of the appeal of Lake George is to have some area open to enjoy the views of the lake and exterior dining. The Boardwalk and Lookout Café have upwards of 2 – 3,000 square feet of exterior deck which is outside dining with views of the lake.

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- Virginia Etu – what would prevent somebody from throwing something off the railing? Is the whole Beach Road elevation totally open deck?
 - Dan Ryan responded pointing to a handrail system with exposed deck, some of it covered. To alleviate the concern of people throwing items over the railing, it has been set back a couple of feet from the edge of the deck. There is enforcement of “everyday laws” such as disorderly conduct.
- Virginia Etu – asked about the previous reference to sidewalk improvement and traffic pattern.
 - Dan Ryan mentioned the village is trying to promote more friendly streetscapes which is more than just a wider sidewalk. Initially the park was intended to be completely open but because of safety concerns it was decided to continue the physical barrier much as it is today, however, there will be a completely landscaped separation of the use and the pedestrian sidewalk to enhance streetscape. On the other side (Beach Rd.) substantial improvement will be made to the sidewalk.
- Virginia Etu – on the top rendering, what is the “little building” on the end?
 - Dan Ryan responded that it is a small accessory building for restrooms. It is built into the landscape so it helps to screen the service area.
- Virginia Etu – asked if this is a year ‘round facility.
 - Dan Ryan responded that the park would be closed in the off season and the tavern is currently planned as a seasonal operation.
- Virginia Henry – asked about the size of the deck.
 - Dan Ryan stated the deck is 4,300 square feet. Calculations for the seating capacity, based on the NYS building code which governs occupancy limits, sets the interior space (3,600 sq. ft. of tavern) as 255 patrons and the exterior deck for 248 patrons.
- Dan Courtney asked what time the deck would close.
 - Dan Ryan mentioned this has been discussed but there hasn’t been a decision made yet. Dan indicated they are flexible to certain considerations and discussions that have taken place. They have also discussed closing certain parts of the deck.
- Dan Courtney asked how late the tavern would be open.
 - Dan Ryan stated state law controls operational hours and no specific plans have been determined but it could be based on the success of the facility.
- Patricia Dow – recused planning board member speaking as a public citizen. Patricia stated she feels the project hasn’t changed much from the beginning. There have been some minor changes. It conflicts with the Village Comprehensive Plan, the local laws such as sidewalk cafes and the goals of the village to design a diversity of businesses to serve residents and tourists, not just more of the same, to promote year ‘round businesses, to have family friendly streetscapes. A deck bar overlooking a street is not exactly a family friendly streetscape. It is a huge bar, there is a service bar on Canada St. overlooking with no railing. There will be traffic congestion for deliveries and for garbage pick-up. Parking, some of this has been addressed, is an issue. The noise information that has been provided to the planning board is strictly from the project engineer; the planning board should request a noise study. Noise will go out across the lake, up McGillis and the neighborhoods. The character of this most important intersection will be dramatically changed by this huge building.
- Bill Dow – Lake George over the last 40 years has done a lot to change its image. Each year more and more has been done to have the village become more of a family town. This will be the largest bar in the Adirondacks and it hangs over the busiest intersection. If approval is granted it’s Bill’s opinion that the family reputation and family attraction will be set back. Beach Road is about to be redone and an engineering firm that has been hired shows only one lane going eastbound on the Beach Rd. The planning board should make sure there will be two lanes. The

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Sheriff's Dept. is responsible for keeping Canada St. at two lanes. With regard to garbage pick-up on Canada St. the board should check with Bud York and see what he says. Who is going to run this bar, are they experienced? The planning board should ask these questions.

- Lin King – The school system has worked very hard on putting together a new drug and alcohol policy to try and lead the young people in the right direction. Another facility like this is counterproductive. It's such a large building for such a small space.
- Mitch Lezi – has operated the pizzeria on the Canada St./Beach Rd. corner for 9 years. His pizzeria does not offer alcohol. Many times customers ask if beer is available to have with the pizza. People on vacation want to enjoy a beer, they go to Judd's or wherever while the kids play in the arcade. This would be a better destination in the community, something other than an arcade for the kids. Lake George Steamboat Company has beer on their boats and there are kids there.
- Stephanie Merrill – asked a question regarding the increased sewer usage. How much of an increase will there be.
 - Doug Frost responded. Reggie Burlingame (Supt. of Sewer) and Dave Harrington (Supt. of Water) have walked through the project with Dan Ryan and have reviewed the plans with regard to the overall impact. Both have stated there is not an impact and there should be no problem for this particular project.
- Bob Flacke – Representing Ft. Wm. Henry the adjacent property. Pleased that the project sponsor is going to eliminate the various encroachments on the Ft. Wm. Henry property. Does the 95 % rule include the state owned land; there's an area on Canada St. which is owned by NYS. The project sponsor should not use the state land. Where do the employees park? It should be determined if the village can withstand new employee parking and there should be some direction or compensation from the project sponsor. There should be a study done to determine whether or not there is enough parking. The Lookout Café is not a bar or tavern, it is a restaurant. It does not have a bar; people cannot purchase a drink at a bar. There are 3 proposed bars at this new tavern.
- Linda Duffy - Question regarding seating capacity.
 - Answered by Dan Ryan. As required by NYS code the occupancy limit is 255 for the interior and 248 for the exterior; the seating capacity will be less.
- Linda asked about entrances/exits to the upstairs. How many exits are there for 500 people?
 - Dan Ryan stated there are two stairwells. One is on Beach Rd. and one on Canada St. They are working with Warren County on the exact specifications for entrances/exits.
- Linda asked if the stairwells will be monitored so children cannot get upstairs.
 - Dan Ryan answered that in the evening there will be age group restrictions but during the day families will be welcome.
- Melissa Engwer – What are the NYS laws for a tavern; will smoking be allowed outdoors? (Tape inaudible for other comments.)
 - Dan Ryan stated they will comply with NYS smoking law.
- Bob Flacke – Noted the plans indicate the restaurant will be equipped with a charcoal grill. The vents for the grill should not blow onto the Ft. Wm. Henry property.
- John Carr – Believes new development in the area is critical. The Comprehensive Plan discusses high quality development which will enhance the image and economic health of the village. John mentioned he is concerned about the economic health of this community, more places are needed, and however, he is concerned about a "nightclub with a carnival". This project will identify this community more so than any other project because of its size and location. The Planning Board needs to look at the Comprehensive Plan and the increased diversity of businesses located in the central business district to ensure a wide variety of business

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services are available. John stated he believes a carnival and a nightclub do not meet the requirements stated in the Village's Comprehensive Plan. This group should look at what could be done there. We need the commitment of developers willing to spend money in our community but they should look at other uses. Why not offer other types of businesses in this location? Why not have a smaller bar and incorporate other uses? John urged the developers to listen to the concerns of the residents.

- Chris Friehtoffer – Concerned about deliveries. Asked if there is a service elevator? What kind of food will be served? The residents and business owners have managed to turn the corner on the image of this town; it is now a family oriented town. We're advertised all over the country as a family oriented vacation destination.
 - The developer is considering a service elevator.
 - Dan Ryan indicated they do not have menus developed and at this point they aren't sure where the project is headed and therefore it's too early to develop food service ideas.
- Patty Kirkpatrick – planning board alternate speaking as a public citizen. Agrees with John Carr – we do need diversity. There are many ideas that could be generated for this piece of property. This isn't a drinking town and the bar owners can no longer be open until 4 AM because it isn't feasible for them; businesses don't have the number of people to support staying open. Patty added that she lives on Canada St. and has a shop with a sidewalk café on Canada St. – someone could throw an ice cream cone at a pedestrian. Lake George customers will either embrace this new business or if there are not enough customers this new business will go out of business. The planning board has done a remarkable job fine tuning this project. What will happen to the stores on the bottom – will they still be there? If they are there then there are other businesses on the corner, not just a bar. She added she likes the idea of the rides and sees it as a nice place for kids.
- Joe Mastrodemenico – Bar business in the area is not that great. We need to bring families into the village – we need year 'round businesses. Expressed concern over the town's sewer credits; concerned how 400 seats can be put in.
- Patty Kirkpatrick – As far as parking, she has 12 employees and only one part-time person drives. Lake George is very dependent on foreign students and they walk or ride a bicycle; not sure this corner will draw more driving employees.

Chairman Mastrantoni asked if there were any additional comments. There were none. The Planning Board agreed to leave the Public Hearing open and hear comments at the October 15, 2008 meeting.

MOTION: Robert Mastrantoni made a motion to adjourn.

2ND: Margy Mannix

Robert Mastrantoni	Dan Courtney	Margy Mannix	Dan Garay	Debbie Tirri
Aye	Aye	Aye	Aye	Aye

Meeting adjourned.
Respectfully submitted,
Carol Sullivan
November 17, 2008