

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
MAY 20, 2009
PLANNING BOARD MEETING – 6 PM
APPROVED – MINUTES**

Board Members present:

Robert Mastrantoni, Dan Courtney, Dan Garay, Patty Kirkpatrick
Board Member arrived 9 p.m. Patricia Dow

Others Present:

Carol Sullivan (Sat in for Doug Frost) Edrie Squires (Secretary) John Root (Trustee) Joe Mastrodomenico (Trustee) Ed Kokalas (Alternate) Dan Brown (Architectural Consult), Janet Loonan, John Carr, Linda Duffy, Mickey Duffy

Proposed Zoning Changes: 6PM

Chairman Mastrantoni called the meeting to order at 6:07 p.m.

Patty Kirkpatrick was brought up to speed on the previous meeting. She questioned why only the Overlay District was redesigned and did not include residential areas.

Robert explained that the signs are currently working and can be changed with reapproval. The board will currently hold off on making decisions about murals. He feels that the current the signage is working well and coming together with uniformity. Sign maintenance is allowed, however to make changes they need to comply with the new sign codes.

DILLIGAF signage was questioned by Dan Courtney. Since it is inside the window the board feels that they have no control.

Patty Kirkpatrick asked if there is an obscenity ordinance, Carol Sullivan explained that there is not and it would need to be taken to the Village Board. Chapter 55 would need to be broadened to have an "Adult Area". Carol read the criteria of Chapter 55. Ed Kokalas suggested that a task force be set up to deal with this issue and that it be taken to the Village Board. It was agreed upon by all members.

Robert Mastrantoni questioned when the criteria was set for the colors of signage, why the back ground must be darker than the lettering. Carol read the official signage ruling. Bella Luna does not meet the current compliance.

MURALS:

Murals were discussed and recommendations made at the April 15, 2009 Planning Board meeting, however, at that meeting the board neglected to vote on the recommendations. Murals appeared on tonight's agenda in order to have the board vote on the previous recommendations. In addition Carol made a suggestion regarding the use of the term "professionally done" as it can have different meaning to different people. She suggested defining the term. She also suggested the term could be deleted and a requirement set to have

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a rendition submitted to the Planning Board for review. I.E. an application for murals must contain full color depiction and exact representation of the planned mural done by the proposed artist. The size of this representation must be 15" by 15". The board when seeing an exact rendition would be better able to determine if the applicant/artist is capable of creating a mural on a building.

The board decided not to change their previous recommendation as follows:

General Definition

Mural: A design or representation painted or drawn on a wall which does not contain logos or commercial or promotional advertising and must have historical significance to Lake George.

- Any depiction or contents of a commercial, trademarked, copyrighted or other licensed feature; any message or advertisement for any message or advertisement for any individual, group or entity (whether or not commercial); or any subjects or material of a scandalous, libelous or indecent nature as determined by contemporary community standards shall not be allowed.
- Murals will only be allowed on backs and sides of buildings
- Murals will only be allowed in the overlay district.
- Murals must be professionally done.
- Planning Board must consider the impact of the mural upon surrounding properties.
- Murals will be allowed except where it would detract from the architectural significance or historic value of the building or adjacent properties.

This evening a motion was made by Dan Courtney to send to the Village Board recommendations for murals as listed in the agenda. Seconded by Dan Garay. Robert Mastrantoni – AYE. Patty Kirkpatrick – AYE. Motion carried.

Planning Board meeting convened at 7 p.m.

FUN WORLD – FAÇADE CHANGE

TAX MAP: 251.18-3-57

ZONE: COMMERCIAL MIXED USE

APPLICANT: ROBERT BLAIS

Application is for changing the exterior color of the building. The color of the south wall will be Benjamin Moore – Clearspring Green. The front non bricked area will be resurfaced with board and batten vertical siding. James Hardie siding product – Countrylane red. The brick façade will not change, however the bricks may be replaced in the future. Represented by Bob Gunther. The board reviewed the colors as provided. Bob Gunther indicated there would not be a mural at this time.

Patty Kirkpatrick made a motion to approve the façade change as presented. Seconded by Robert Mastrantoni. Dan Garay – AYE. Dan Courtney – AYE. Motion carried.

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MONIQUE MERCHANT

Monique is a student involved with “New Visions” a program at Glens Falls Hospital. As part of her senior project it has been suggested that she paint a mural for Lake George Village. She is aware that the Village does not currently have a Local Law which allows murals to be painted, however, she wanted to discuss the possibility Planning Board. Monique explained she selected her theme as the Starvation of Children.

The board agreed that since there is no current mural ordinance she would not be able to do this. If she would like to revisit this at another time with Lake George relevance, she may reapply.

FREIDA BEE – SIGN

TAX MAP: 251.14-3-1

ZONE: COMMERCIAL MIXED USE

APPLICANT: JOYCE ZIMMERMAN

Joyce Zimmerman is opening a consignment shop located on Montcalm (previously Rustic Living).

Joyce presented a picture of sign to the Planning Board. The sign will be projecting from building. It is lightweight wood that has been hand carved and painted yellow with a rendering of a “Bee” on the backside of the sign.

Dan Garay made a motion to approve the sign as presented. Dan Courtney seconded. Robert Mastrantoni – AYE. Patty Kirkpatrick – AYE. Aye – 4. Nay – 0. Motion carried.

FORT WILLIAM HENRY

JT KELLY’S – NEW NAME/NEW SIGN – FREESTANDING SIGN ONLY

TAX MAP: 251.18-3-72

ZONE: COMMERCIAL – OVERLAY

Applicant is changing the freestanding sign due to a name change – JT Kelly’s to Bella Luna. Applicant has been advised because the sign is backlit the light background is too light but the applicant wishes to approach the Planning Board with the design.

Applicant indicated he was not aware of the sign requirements before having the sign constructed and therefore, would like to ask the board for a 6 month variance to allow time to have the sign redone. Carol made mention that she discussed the sign requirements with an employee of the Fort when that employee came to the Village office for a sign application. Carol advised the Planning Board that the Planning Board does not have the authority to allow a variance. The board discussed the project and agreed a new rendition must be presented at the next meeting or the sign will have to be removed. Robert Flake agreed to have a new rendering completed by the next meeting. They also agreed that the current Bella Luna sign with the dark lettering and light background could remain until the board makes a decision at the next meeting.

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A motion was made by Robert Mastrantoni to allow the current Bella Luna sign, the one with dark lettering and light background, to remain until the next Planning Board meeting. At the next meeting the applicant will present a revised sign and the Planning Board will make a decision at that time.

Seconded by Dan Courtney. Patty Kirkpatrick – AYE. Dan Garay – AYE. Aye – 4. Nay – 0. Motion carried.

THE COMMON MAN BISTRO – SIDEWALK CAFE

TAX MAP: 251.14-2-2

ZONE: COMMERCIAL MIXED USE

APPLICANT: JOHN CARR

This application was tabled at the 4/15/09 Planning Board meeting. The board had asked for the seating capacity, number of planters to be hung, height of trees and height of railing. John Carr explained to the board that Warren County Building Code will not issue a certificate of occupancy until the area is built. Once built the seating capacity will be determined. John feels he's caught in the middle because this board won't grant approval until the seating capacity is known and Warren County will not determine the seating capacity until the sidewalk café has been constructed. He questioned why seating capacity was questioned by this board when ultimately it is Warren County who determines the capacity. He went on to explain the Sidewalk Cafe will be have 24' frontage and be approximately 10' from the building. He will add 7- 4' flower boxes along the railing which will be 42" tall. He has added front plumbing for ease in watering. He mentioned he would like to add an arbor area to give the area a different feel. Dan Brown (architectural consultant) likes the idea of an arbor. The door at north end of building will have access to rest rooms. The Sidewalk Cafe will have a gate. Seating will be determined after construction. Tables are approximately 39" tall. The board had no additional questions.

A motion was made by Patty Kirkpatrick to approve the sidewalk café as presented. Robert Mastrantoni seconded. Dan Garay – AYE. Dan Courtney – Aye. Aye – 4. Nay – 0. Motion carried.

CONVENIENCE STORE - AMENDMENT TO SITE PLAN APPLICATION/SPEC. USE PERMIT

TAX MAP: 251.14-3-36

ZONE: COMMERCIAL MIXED USE

APPLICANT: LINDA DUFFY

Linda has advised that the convenience store (market) will remain a convenience store this year and that she will continue to pursue the fast food restaurant in the off season (has one yr. from approval). This will allow for more time in the off season to comply with Warren County/Dept. of Health rules relating to a fast food restaurant. As a market Warren County Bldg. Dept will allow a maximum of 8 tables. (Dec. 17, 08 approved for 12 6-foot tables). Since there is a reduction

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in the number of tables Linda will reduce the size of the outdoor café to 50 feet by 63 feet. (Dec. 17, 08 approved for 58.4 feet by 65 feet). As a market off-street parking has always been available (not in designated parking spaces). Parking can now be designated. Parking will be designated to the south side of the café. It will be separated from the outdoor café by fencing which will surround the café. In addition, there will be "car park barriers" secured to the pavement at the south side of the café. There will be 6 parking spaces designated by lane painting on the pavement. Each space will be 9 feet x 18 feet with an additional 4 feet to the property line.

Robert expressed concern over the current parking plan and addressed a memo from the Mayor questioning the parking (Exhibit one). Linda explained that they can allow 24' for the parking which will allow safer exiting from the parking lot. She explained that since the Warren Cty Bldg. Dept. will allow a maximum of 8 tables (as a market) this gives them more room to expand the parking area. Carol read the criteria for required space for a one car parking spot. Dan Courtney expressed concern over cars backing into the street and the safety issues involved.

Robert asked about the fence which keeps tipping over. Linda responded that they are being secured with a rebar and will not be able to tip over, however, until she can get approval for these changes she is not able to move the fence because she is asking to move it when making the "café" area smaller.

Robert also questioned on whether a second dry well had been put in and Linda responded that it had. Dan Courtney questioned the size of the dry wells. She said she could make the small one larger but it would have to wait until after Americade.

Patty Kirkpatrick brought up the parking issue again and Dan Courtney reiterated that he felt it was a safety issue that could not be approved. Robert explained that since the size of the outdoor café area would be changing to a smaller area the board needed to deal with this issue now and not dwell on the previous request. Patty Kirkpatrick tried to explain how the new plan was going to work since they have allowed for an extra 6' and it was going to be safer. Dan Courtney still feels since people will be backing out and that the people who have parked on the other side of the street will also be backing out and blocking the intersection. Robert explained since they have given the extra 6', people can swing around on the property and would not be backing directly into the street. Dan Courtney feels that now they will be backing over the sidewalk which can't be allowed. Robert questioned Patty and Dan Garay and they both feel that the plan as proposed would be safe, as does Robert. Dan Courtney does not. Dan Courtney feels that it is going to cause too much congestion and too many safety issues. Robert explained since there are already parking spaces across the street, people are backing out from that area anyway and with the extra space Linda has allowed for it will be safer.

Dan Courtney asked about the previous plan that had allowed 18' diameter for the area with the picnic tables. Linda explained it would be smaller since they are only going to be allowed 8

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tables by Warren Cty Bldg codes. Dan Courtney questioned the square footage. Carol read the criteria and since it is not being increased it is within the boundaries as it exists.

Robert tried to explain to Dan Courtney that they are dealing with the plan as presented now and not to dwell on the previous application. Dan Courtney does not feel that the new plan makes any sense since it has changed and that they were already approved. Linda Duffy explained she is asking for a modification of the previous plan and she feels Dan Courtney should have recused himself because of his ownership proximity.

Dan Courtney announced that he felt this is a “Bad Project” where upon Mickey Duffy came forward from the audience and an altercation ensued with Dan Courtney. Dan Courtney left the board meeting to call the police. The meeting was delayed from 8:35 until 9:15. Patricia Dow came in at 9:00 p.m.

The meeting resumed at 9:15 with all board members now present.

Patricia Dow questioned the parking issue with Linda Duffy. She feels that it will be dangerous for cars to be backing out onto the street from both sides. Linda Duffy gave examples of other area parking lots that also had only the option of backing out of the lot. Patricia did not agree with her. Robert explained that since the extra room was being given that it was going to be safer. Patricia Dow questioned why the Village had drive in parking on that side of the street.

Linda Duffy felt that Patricia Dow was automatically going to vote against the project because of personal animosity and asked why Patricia was allowed to join the meeting at this time. Patricia explained she had never said she was not coming she was just coming in late.

Patricia went on to explain her concern has always been about the “creeping building projects” where buildings are being added onto frequently. This and the parking are her main concerns. Patricia Dow felt that the project should be allowed to go forward for the year and address any problems at that time. Dan Garay questioned how much space was allowed and Linda agreed to give up 26' for the parking area allowing more swing space. Dan Courtney questioned whether or not car barriers are being put up to which Linda agreed. The board upon taking a closer look at the parking came up with another design. Rather than have the cars park close to the café fence have the cars park closer to the sidewalk leaving enough room for an exit lane in front of the cars. Cars can pull in on lower Amherst, park at an angle (west) and pull into the exit lane and out onto Canada St. The exit lane should be marked as an exit only and one way. Linda agreed that she thought this design would work.

Dan Courtney questioned again about the permeability of the space being used and why it is allowed to be smaller than previously agreed upon. It was explained that the Duffy's did not increase the nonpermeable surface and in fact, had created some permeable surface.

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Patty Kirkpatrick made a motion to allow Duffy's to use the space as planned and presented. Parking would be allowed for 6 angled parking spaces with appropriate signage and to be able to exit directly onto Canada Street. Dan Garay seconded. Patricia Dow – AYE. Dan Garay – AYE. Dan Courtney – NAY. Aye – 4. Nay – 1. Motion carried.

MINUTES

APRIL 15, 2009 - A motion was made to accept the minutes of the 4-15-09 meeting with the exception of an error which showed Patricia Dow voting for the application of Convenience Store to Fast food when in fact she had voted against. The change was noted and all were in favor of accepting the minutes. Robert Mastrantoni – AYE. Dan Courtney – AYE. Patricia Dow - AYE. Dan Garay – AYE. Patty Kirkpatrick – AYE. Aye – 5. Nay – 0. Motion carried.

Next meeting June 17th to begin at 6 p.m.

Meeting adjourned.
Respectfully submitted

Edrie Squires/Carol Sullivan.