

**APPROVED**

**LAKE GEORGE VILLAGE  
OCTOBER 15, 2008  
PLANNING BOARD  
MINUTES**

**Board Members present:**

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

**Others present:**

Doug Frost (Code Enforcer), Chris Latham (Secretary), Mark Schachner (Attorney for the Planning Board), Dan Brown (Architectural Consultant), Attny. Jon Lapper, Dan Ryan (Applicant's Engineer), Patty Kirkpatrick, Linda Duffy, Carol Lee Labruzzo, Glenn Powell, Mike Makehy, Phil Colletti, Ron & Kim Cornelius, John Loonan, Carol Miele, Chris Navitsky -(Water Keeper) Frank McCoy ( Town Councilman), Janet Loonan, Melissa Engworth, Ellen ??? – 107 Mohican St., Virginia Henry, Steven Fiato Barbara Neubauer, Rajiv Sharma.

Chairman Mastrantoni called the meeting to order.

**OWNER: GLENN POWELL**

**TAX MAP: 264.06-1-38**

**ZONE: RESIDENTIAL**

**APPLICANT: GLENN POWELL**

- Mike Makehy the owner's builder described the construction to the planning board. The owner plans to construct a 28' x 30' pole barn (840 sq. ft.). Patricia Dow pointed out the maximum size for an accessory building/garage is 800 square feet and anything larger will require a variance. Mike agreed to scale down the size to 28' x 28' = 784 square ft.
- Patricia asked for side setbacks and Mike stated the garage will be setback 15 feet on the west side, 32 feet on the other side and approx. 24 feet behind the house.
- There will be no exterior lighting.
- No additional paving. Gravel will be used.
- No trees will be removed.
- Colors will match the existing house.
- There will be no living space in the garage.

**MOTION:** Patricia Dow made a motion to approve the garage plan for 119 Mohican St., the garage a separate building, 28 feet by 28 feet, 115 feet from the northwest corner of the property to the base of the structure and 15 feet from the west property line to the side of the structure. No external lighting. Colors as proposed. Gravel driveway coming around to the doors, no additional paving. No living plans for this structure, an unheated garage.

**2ND:** Robert Mastrantoni

Robert Mastrantoni	Dan Courtney	Margy Mannix	Patricia Dow	Dan Garay
Aye	Aye	Aye	Aye	Aye

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**DUFFY'S CONVENIENCE STORE – CHANGE OF USE**

**TAX MAP: 251.14-3-36**

**APPLICANT: LINDA DUFFY**

- Dan Courtney advised the board this should be a sketch plan review (Special Use permit).
- Linda Duffy explained her proposed plan to change the use of the current convenience store/gas station to a seasonal restaurant with outdoor seating. There will be no change to building construction. Architecturally there isn't much other than landscaping being done on the outside.
- Linda advised the board she would be removing the gas pumps and gas tanks and putting in picnic tables for a family friendly environment. The interior of the convenience store will be changed to provide for food prep. and there will be a few tables inside. Linda indicated she would be serving "fast food", burgers and the like along with ice cream and perhaps fried bread dough. No alcohol.
- There will be landscaping done with trees and a big planter in the middle. Landscaping will make it more appealing and it will be a family oriented place.
- Margy Mannix asked Linda if she would consider using a semi-permeable surface rather than repaving (when the gas tanks are removed). Linda indicated the repaving will only be where the tanks are removed. She would like the surface to match the rest of the area and it will be easy to hose down and clean off.
- Linda indicated they would like to have a drainage system where they can wash off the black top and keep the water (even rain) contained on the site.
- The current lighting will be left in place and eventually replaced with something similar in design to what the village is using in the park. She hopes to have the lighting converted by the time they open for the summer season '09.
- The fencing will be located along the property line on the Canada St. side. On Amherst St. they would like to put the fence 22 feet off the property line to allow for parking. Margy mentioned accessing the parking on Amherst requires driving over the sidewalk and Linda pointed out this is what is currently done to access the gas station. Linda mentioned an alternate plan is to have the parking in the area of what was The Sunglass Shoppe on the north side.
- There will be some seating inside, however, the majority of seating will be outside. Outside there may be 9-eight tops and 6-six tops. Inside seating capacity has not been determined – perhaps 5 or 6 tables.
- The service window will be predominantly for ice cream.
- Linda described the interior configuration with regard to cooler location, counter location and the kitchen area.
- There are no plans to include the sunglass shop building in this renovation.
- There will be a large planter box in the center with a permanent tree. There will be tree planters along the fence, however, these will not be permanent. The fencing and tree planters will be removed in the off season.
- The permeability requirement (green space) in this zone is 10% of the property. The board advised Linda since she is changing the use she has to meet this requirement.
- The board asked Linda if she has a property survey and she indicated there should be one on file.
- There has to be something installed along the parking side which, if necessary, will stop a vehicle in the parking area from entering the outdoor seating area.
- Umbrellas will be used for the outdoor seating.
- The board discussed this sketch plan review and advised Linda because this is a Special Use application there will be a public hearing.

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- Dan Courtney advised Linda that historically the board has asked applicants not to use picnic tables, wood tables or plastic and to use wrought iron table and chairs. Linda indicated after the first year she might use something other than wood picnic tables.
- Margy asked how the fence would be stabilized. Linda indicated they could either put holes in the black top or use cement blocks with 4 x 4 holes in them.
- The board discussed the parking area on Amherst St. and suggested the parking spaces line up straight rather than at an angle.
- The store which used to house The Sunglass Shoppe is not connected to the store.
- The board requested inside plans of the restaurant. Dan Courtney advised Linda she should submit a plan of the interior showing where tables will be located and where the kitchen will be located.
- Patricia Dow advised something more formal and detailed should be provided. Patricia stated, the board's suggestions should be taken into consideration, put the fence in, where you're going to get the 10% permeability, the parking - sort of a much more formalized layout than this.
- Dan asked about the signage and the "big" light. The sign will be gone. Linda indicated the lighting will be changed by the time they open in the summertime.
- Dan discussed the parking and questioned whether or not the parking was up to the planning board. He suggested the parking may be better served if the parking spaces were straight rather than on an angle. Linda indicated she has reserved 22 feet from the fence to the curb.
- Patricia advised Linda that she should include the type of umbrella she will be using and the tables.
- The board discussed the use of picnic tables and pointed out they have previously asked property owners to use wrought iron. Margy suggested to Linda that she return with a couple of ideas.

At this point Patricia Dow recused herself from the Planning Board.

**HOLLY RAJ INC - PUBLIC HEARING**

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

**ZONE: COMMERCIAL RESORT – OVERLAY**

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

- Attorney Jon Lapper opened the discussion. At the last meeting, the public hearing, they listed the issues that were raised and for the most part a lot of the issues were issues they had gone over with the board and have made substantial changes over the last 10 months. Jon pointed out they have addressed deliveries, trash removal, noise, etc. The public hearing was left open; Jon is hoping to hear any additional changes the board would like them to consider.
- Attny. Lapper pointed out many of the items they listed, that were brought up by the public, were issues they had already worked with the board on, such as noise, such as aesthetic issues, such as trash removal and deliveries and have conditions which are now included in the application. Attny. Lapper stated there are numerous issues they have worked on with the board – the gates, the difference between the children's area and family area – his point being much of what was heard was on the same issues they have spent many months talking about with the board. Attny. Lapper added they were willing to come back to this meeting and propose something with modifications if they thought there was something constructive they needed to address. After reviewing the list of issues raised it didn't appear there was anything that hadn't already been addressed by the board.
- Dan Courtney asked about parking and if there was any access to parking. Attny. Lapper responded that the issue of parking in the Village is the same for everyone. There are public parking lots and metered parking. Dan Courtney pointed out parking for an amusement park is

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required per the planning board discretion. Attny. Lapper indicated there is no parking available on this site. He also indicated if the kiddy rides are removed from the project in order to not fall within the parking requirements he believes it could be done but one of the benefits of the project would be lost and that benefit is having something available for small children.

- At this point Chairman Mastrantoni opened the meeting for public comment.
- Ron Cornelius – asked for the square footage of the facility. Dan Courtney responded that the entire facility is less than 12,000 square feet. Ron mentioned that he believes it is inappropriate to put toddlers in with a facility serving alcohol. Ron stated that with the number of trucks (beer, liquor, food, garbage, linen, etc.) that will be there plus the number of employees he does not believe the town should give the applicant the right to block off a lane on the busiest intersection in the town. He believes the board should hire a traffic expert/a safety expert. Many places have off-street parking and the parking facilities are also used for deliveries. There is no place equal in size on Canada St. that has deliveries from the street.
  - Attny. Lapper responded that a packet of pictures has been submitted to the planning board showing deliveries from the street. Attny. Lapper added they have proposed parking the delivery trucks in one spot approx. 150 feet from the intersection where there are two lanes.
- Ron Cornelius - added that if this type of development continues eventually a parking garage will be needed.
- Frank McCoy – is a Town councilman but is representing town residents tonight. Residents on the other side of the lake have expressed concern about the noise coming across the lake from the bars and right now it appears to be under control. Whether there is music or not the lake carries the noise across. Another concern that has emerged is the character of the neighborhood. This is a family oriented town and this doesn't fit in with the character of Lake George. Kids go to Great Escape and Magic Forest for rides; this is a bar. Believes the kids rides are a fallacy to try and get this project through. There is also a concern of safety. Who is going to prevent people from lobbing beer bottles off onto the sidewalk? What happens if a fight breaks out upstairs? Who knows what could possibly happen. This project is too large for Lake George. This is a historical corner in Lake George and this project doesn't belong in this area. All four of these concerns are in the SEQR form and the planning board should consider these concerns which will trigger an environmental impact statement. This project deserves an environmental impact statement.
  - Attny. Lapper responded, stating this is an important corner and this is approx. a 2 million dollar renovation. He believes this renovation is a positive change to the corner. The character of this tavern/restaurant is no different than Neptune's, Boardwalk, Shoreline, Lookout Café and others. It's not going to attract gangs and fraternities; it's going to attract the same people who come to Lake George now.
- Dan Courtney disagreed with Attny. Lapper stating there isn't anything in the Village that has 5,200 square feet of deck. The noise issue is huge. How do you control 200 – 300 people on the deck. What stops that noise from going across the lake and up the back streets?
  - Attny. Lapper responded that this is no different than the Boardwalk which has multiple levels and multiple decks and these are on the lake. The Lookout Café is many square feet of deck as is the Shoreline and Neptune's.
    - Dan Courtney responded to Attny. Lapper's comment, stating this is a bar and the other establishments are restaurants. The kitchen is smaller than the women's room and that's a big bar. Dan added that another main concern is mixing toddlers in with a bar. Restaurants are not open until 4 in the morning. Dan stated

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he is trying to point out the differences between the establishments referenced and this new facility.

- John Loonan – pointed out the Shoreline deck is all for a restaurant. The entire deck has tables for dining. The Boardwalk has one deck upstairs for entertainment the rest of it is a restaurant. The deliveries on that corner would be horrendous; traffic will be tied up.
- Kim Cornelius – last Thursday she received notice from the school of two more sex offenders listed in the area. She feels mixing toddlers and a drinking establishment is a candy store for pedophiles and sex offenders.
- Carol Miele – Wondering if anyone has done a traffic study; this is a tough area for pedestrians to cross. With delivery trucks in the area it will be a nightmare. She's wondering if any traffic studies have been done regarding accidents, pedestrian accidents, accidents in particular.
  - Dan Ryan responded stating there are improvements being made for pedestrian traffic. The sidewalk where the current candy store is will be almost twice the size it is today. These improvements are designed to take advantage of the pedestrian traffic. This site is designed to pull from the pedestrian traffic. People aren't going to drive to take advantage of the kiddy rides. If there are safety concerns regarding pedestrian accidents Dan indicated the Village should take a look at it from a standpoint of pedestrian walkways, queuing lights for walking, etc. That's not a problem that they control; Dan feels they have added safety measures by enlarging the sidewalk.
- Chris Navitsky – Lake George Waterkeeper. He understands this project it is redevelopment of an existing site. The existing site is almost completely impervious. Chris indicated the project does not appear to comply with section 200-59 regarding major storm water projects. (Secretary note: believe he means section 220-59). This section states at a minimum the control measures shall include those reasonable and necessary to infiltrate the run-off from the first half-inch of precipitation from any event in all areas within the site which has been previously developed. Has this been incorporated and if so it should be added to the calculations. Chris added they recommend the proposed landscape areas have storm water treatment incorporated into the areas. If the entire miniature golf area is to be removed, the grades will be lower and this will allow drainage to be routed into the landscape areas and they can be used for bio-retention which will reduce the run-off rates and improve water quality. The current plans show this running into catch basins and then there is discharge after some dry-wells. Water quality structure should be incorporated. The plan proposes to install catch basins without any sediment or sumps to remove sediment or hoods to catch trash. The applicant should be required to modify the details. The plan proposes to install a drain from the proposed refuse storage area. This drain first drains into the dry well and can impact the dry well with trash, grease and other pollutants. This drain should be reconsidered. Chris indicated he is very concerned about this drain because these measures are necessary because there is a 60 inch pipe which they are connecting to – **tape inaudible** - Prospect Mtn. brook through this area directly to Lake George. Chris also feels the planning board should have these plans reviewed by an engineering consultant prior to approval. There are aspects on the plan which he feels should be looked at regarding proposed volume of their storage and also the infiltration rates. It should be determined if the existing wastewater treatment facility has capacity for the proposed increase in waste water flows. The Environmental Assessment form claims that the water usage will be 6,000 gallons per day. What was that based on? Does it include the additional 300 seats? Basically you have to use 10 to 20 gallons per day per seat. That information should be provided. At peak season the Lake George waste water treatment facility exceeds its designed flow capacity. In addition the facility has problems handling the average flow through the sand beds which results in high nitrate levels in Westbrook.

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Westbrook is located down from this facility and this will impact water quality. It should be determined if the additional 300 seats will impact the waste water facility.

- Dan Ryan mentioned that they have a sign-off from the Village sewage dept. indicating the plan complies with the dept.'s requests. Dan Ryan mentioned that they do have a site that is currently almost impervious. There are, however, limited pollutants on the site; there is no parking, no road salt usage, there is no onsite sewage. In terms of water quality, there are few pollutants and maybe some sediment from rain storms. The facility is going to be closed in the wintertime; there won't be salt and sand used inside the facility. Water quality consists predominantly of roof runoff which is relatively clean from a rubber roof and a metal roof. Dan added they are making two attempts to infiltrate as much as possible by pulling everything to a dry well bank prior to discharge of overflows. He added they also took into consideration previous discussions with Kathy Bozony (Lake George Waterkeeper office) for impervious pavement which are also included in the proposal but not included in the calculations because they are impervious.
- Jan Loonan – have the hours of operation been established?
  - Dan Ryan responded by stating whatever local law/state governs.
- Jan added she is concerned about the changing character of the village.
- Melissa Engworth – asked a question last month about laws about smoking in an open air tavern and doesn't believe her question was answered. She also asked about beer bottles going over the edge and she is also concerned about cigarette butts going over the edge. She reiterated her comment of last month, the town does not shut down for children after 9 PM and there are lots of children out after 9 PM.
  - Doug Frost responded concerning the state law regarding cigarette smoking. He added the village does not regulate this. Doug indicated he believes under state law it is permissible to have 25% of the outside uncovered deck designated for smoking as long as the area is not covered. There has to be a distance of 4 feet or maybe 6 feet between the smoking and nonsmoking area. He added the area has to be completely open.
  - Dan Ryan indicated the uncovered area is the corner area by the stairs and pointing to the site plan indicated two areas – on the north side approx. 10 or 12 feet, again pointing to the site plan and then the corner he pointed to earlier. These are the uncovered areas. Dan added they intend to comply with state law and there have been no discussions regarding making the entire facility nonsmoking.
- Ron Cornelius – urged the board to deny this because it's clear the residents are not in favor of this. Safety is a huge issue. The character is the first thing you see when you come into the village and this will be perhaps 400 – 500 people drinking on a deck and that will have a material impact on the character of the village. He believes the applicant should work with the board to downsize the facility.
- Ellen Hemmel – disagrees with the entire project. It is not in keeping with Lake George. Our image is a tourist destination for family.
- Virginia Henry – what happens if this is approved and it doesn't make it, are we going to be left with a big empty building?
- Patricia Dow – speaking as a resident/worker in community and not as a planning board member. Believes some areas of this project need more review. With regard to the sewer capacity she does not think a letter presented at the beginning of the project is adequate. She's heard that the village sewer is maxed out and she thinks the board should have exact numbers on what the 500 person capacity will add to the sewer. Expert advice should be sought. Noise should also be reviewed by an expert. The path of the village with the comprehensive plan, the zoning changes, the sidewalk café ordinance, the noise ordinance, the expense of the Gaslight Village project- I

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think those need to be taken into account. All those things are going in one direction and it's not the direction that allows an 11,900 square foot tavern to be at the most prominent corner.

- Steve Fiato – We're moving forward as a family town and approving this project will make us go backward and not forward.
- Ron Cornelius asked how the streets, Canada and Beach, would be closed off during construction.
  - Dan Ryan stated they have not yet worked out the logistics of construction. Much will depend on the time of year. They would like to avoid the vacation season.
- Ron Cornelius asked what the building setback is on Canada St.
  - Dan Ryan responded that the zone setback is zero and the actual building footprint varies. Dan advised they do have staging plans for the construction and they are part of the plans that have been submitted. These are sequencing and staging plans and it also includes a DOT approval for a temporary curb cut to access the site. DOT will not allow the state highway to be blocked during construction.
- Bob Rockwell – asked if a market study has been done? Is there really a market for this with all the other establishments in the village?
  - Dan Ryan mentioned it isn't in his jurisdiction to ask the client if a market study has been done.
- At this point there were no more comments from the public.
- After some discussion the board agreed to keep the public hearing open.
- Barbara Neubauer – asked about the procedure when the board decides.
  - Chairman Mastrantoni explained the meeting will be an open public meeting. The public hearing must be closed prior to decision making.
  - Attny. Schachner explained the decision must be made at an open public meeting. Anyone can attend the meeting but may not be able to speak at the meeting.
- Jon Lapper summarized. His clients have been very willing to work with the board and make changes. The project that is being discussed now is not the project that was initially presented to the board. At the same time they hear the concerns of the public. His clients are not proposing to invest a couple million dollars on top of what they have already spent for the property to have people throwing beer bottles and cigarette butts at people walking by. Changes can continue to be made for anything that is reasonable, anything that will help the project and keep it moving forward.
- Robert Mastrantoni addressed some of the issues that have been brought up.
  - Parking.
  - Noise traveling up the lake and across the water.
  - Sewer capacity. Need to determine if the current sewer system can handle the capacity of the building.
- Margy Mannix asked if anyone had looked into the comment regarding the reconfiguration of Beach Rd.
  - Dan Ryan stated he has checked with the county and at this point in time the reconfiguration is not being considered.
- Margy Mannix pointed out over the months there has been much discussion regarding noise, traveling up the lake and across the lake. The community is very concerned about the crowd noise even though it is understood that the applicant will not have outdoor entertainment. Having a noise study completed might answer the concern regarding this. A discussion ensued between the applicant and the board members regarding the noise that will be generated, the noise ordinance and the need for a study. The board agreed this type of study should be done.
- Jon Lapper asked to be kept informed of any quotes that are obtained.

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- A discussion ensued regarding having a safety study done. Dan Ryan asked the board to be specific as there have been a lot of different discussions about traffic and pedestrian traffic. He pointed out guidelines would have to be given to a consultant. He mentioned there is a concern but what is the safety concern - he cannot mitigate pedestrian safety on public sidewalks. He would like to know exactly what is trying to be accomplished by hiring an expert.
  - A discussion resulted identifying pedestrian traffic, where trucks will be loading/unloading, as the safety concern. Dan Ryan indicated he was unclear as to what was being pin-pointed. He added the area they have identified for temporary loading and unloading does not have pedestrian traffic in the road and should not, that's what the sidewalk is for and they have improved the sidewalk in that area.
  - Ron Cornelius – when he referred to safety earlier this evening it was specific to closing off a lane on Beach Rd. and in doing so a new traffic pattern will be created for anyone turning right and if there are two lanes shut down to one lane then people may walk around the trucks. He believes this should be incorporated into the study, the physical parking of the truck(s).
  - Dan Ryan stated he didn't understand why people would be walking around the truck when the truck would be 150 feet from the crosswalk. There is a south bound lane on Canada St turning left which is one lane of traffic entering a two lane highway; 150 feet is ample distance to maneuver to the left lane. Northbound traffic is turning right onto Beach Rd. but it would not be turning at the same time as southbound traffic. There is no dedicated right turn off Canada St. at this corner.
- Robert Mastrantoni asked that the board define the specific area. Dan Brown suggested having a traffic engineer, such as Creighton Manning, study the concept of parking for the delivery area and what hazards that might present. He added he isn't aware of anyone who is an expert on pedestrians on sidewalks because there are so many variables.
- Dan Courtney brought up the issue that the area the applicant is identifying as the loading/unloading area is not a designated loading/unloading area and he questioned if the project is approved is the board then approving this area as a designated loading/unloading zone.
  - Dan Ryan pointed out the current village traffic ordinance does not prohibit stopping for loading/unloading anywhere in the village for that reason.
  - Margy Mannix added she believes the public concern is the loading/unloading in that area will have a greater impact on the corner; the Ft. Wm. Henry already unloads for their beach front stores just down (east) from this proposed area. She believes what the public is saying when the truck(s) stop in this proposed area there will be a significant impact.
- Patty Kirkpatrick - speaking as a resident/owner and not as an alternate planning board member. This is an enormous project and she asked if the applicant obtained a schedule of deliveries; its unlikely there will be 3 or 4 trucks every day. Most of the people delivering to the businesses are fully aware of the traffic issue and do make an effort to make deliveries early enough when traffic is not at its peak.
  - Dan Ryan commented that all the deliveries will probably stop on various streets throughout the village and not just make one delivery to this establishment. These establishments will be following a delivery schedule that they already have developed for this area. Dan added a traffic engineer should be able to determine at what frequency deliveries become a problem.
- Margy Mannix asked if the design of the building includes a downstairs storage unit.
  - Dan Ryan stated they do have a plan for a storage room that is directly adjacent to the proposed delivery area. The storage room will be used for permanent/temporary supplies

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for both up and down and all facilities. The existing arcade door will become the door into the storage room.

- Margy Mannix addressing her comment to Mitch Lezi (Mazarella Pizza on the ground level) and referring to his previous comment regarding his patrons asking for beer service asked Mitch if his food would be served or brought up to the upper area.
  - Mitch said there has been some discussion about this but nothing has been decided.
- Dan Courtney asked about the storm water plan.
  - Dan Ryan stated they have provided a storm water report and have complied with the village ordinance regarding storm water. It requires the post development rate to be less than the predevelopment rate and they do comply with this requirement. It is achieved by infiltration and a small reduction in the impervious surface area. Dan Ryan added that Chris Navitsky had mentioned putting hoods on the sumps for additional water quality treatment and he (Dan) would be happy to include these. These hoods cover the outlet opening and any floatables or grease inside the catch basin could never get down stream into the pipes. This system could be maintained a couple of times a year to keep the pollutants from entering Lake George. There is maintenance criteria and plans in place; this would be an added measure of safety. Dan Ryan indicated he would be happy to work with Chris Navitsky on any of the issues that Chris has raised.
- Dan Courtney asked who would be reviewing the storm water plans.
  - Robert mentioned he was sure the village has someone who could review the plans for the board.
- Jon Lapper asked if these studies might be ready for the December meeting; they would like to see them so they could be prepared to comment on them and if there is something that requires a change they can work with the client prior to the meeting. The board agreed the reports would be distributed as soon as possible.
- Dan Ryan – will submit the most recent documents regarding storm water for review and will supply plans as needed.
- Doug Frost asked for a list of the requests and indicated research can be done as to particular consultants.
  - Dan Courtney mentioned a traffic engineer would be needed. A noise impact expert. Sewer capacity verification. Review of the storm water plan.
- For the record Attny. Schachner mentioned Diana McFarland had to leave the meeting but did submit written comments on an envelope.
- The public hearing remains open.

**MINUTES**

9/17/08 – Robert mentioned to Christine Latham that the board would like to see more detail in the minutes; more information from the tapes should be added. Dan asked for quite a bit more detail. The minutes should reflect the discussions that took place but do not have to be word for word. Patricia Dow speaking about other situations and in general indicated the minutes are the public record so more specific information is needed of the content of the discussion.

**Patricia Dow**

In reviewing Linda Duffy's application and realizing it is a Special Use Permit she stated it should have been a Special Use Permit initially when any of the deck was added and Pizza Jerks is also in that same category for their deck and since they haven't done the deck and since they were asked to work with Price Chopper, I don't know if they have, but that's going to be a very difficult deck and there's a lot of

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controversy around that and it should have had a public hearing and it should have been a Special Use Permit; that should have been a Special Use Permit with a Public Hearing.

- Doug Frost responded that the use did not change; this was just an addition to an existing use. The zoning office determined a special use permit was not necessary; it's not as if the applicant was coming forth to put a new business in. Linda Duffy's current application is a change of use and would initiate the special use permit. An addition or a material change to a building that is already in use, from the zoning office standpoint, does not initiate a special use permit.

**Margy Mannix**

Question regarding the Villager's cement block – how is this going to be finished off. Dan Garay mentioned the board approved brick on the front (currently it is cement block). Dan Courtney mentioned the approval also included an extended sidewalk. Currently there is cement there but it's not an extended sidewalk, it is on a slope. Robert asked that this be looked at, there was suppose to be some additional footage for the sidewalk.

**MOTION:** Robert Mastrantoni made a motion to adjourn.

**2ND:** Margy Mannix

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

Meeting adjourned.

Respectfully submitted,  
Carol Sullivan  
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