

## APPROVED

Minutes of Lake George Planning Board Meeting, held **JUNE 20 , 2007 @ 7:00 PM** at the Village of Lake George Administration Building, Old Post Road, Lake George, New York.

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### Board Members present:

Robert Mastrantoni, Dan Courtney, Patricia Dow, Dolores Marinelli, Dan Garay

### Others present:

Jerry Devoe (Code Enforcement Officer), Carol Sullivan (Secretary) Dan Brown (Architectural Consultant), Attorney Dan Hogan, Robert Rastelli, Ray and Claire Hipple, Bob Leombruno, Rich Lancette, Mickey and Linda Duffy

Chairman Mastrantoni called the meeting to order @ 7:10 PM.

### TAX MAP: 251.14-2-37

### APPLICANT: BOB LEOMBRUNO

### SIGN APPLICATION

### CHOICE INN AND MOHAWK MOTEL

### ZONE: CR

- Sign
- Bob explained to the Board he is “franchising” to America’s Best Value and therefore, needs to change the sign at the southern end of the property. Bob explained he has two freestanding signs on Canada St. – one at the northern end of the property and the other at the southern end.
- He is proposing to change the face of the southern sign (closest to Marios) to the new name. The sign on the northern side (closest to Econolodge) which states Mohawk Motel and Cottages will be removed and the current sign on the southern side (Choice Inn & Suites) will replace the northern Mohawk Motel and Cottages sign. He is only changing the panels on each sign.
- The America’s Best Value sign will be 5’ x 5’. This is the same size as the Choice Inn & Suites sign that is presently in place.
- Dan Courtney pointed out that the current Code only allows for one freestanding sign. Patricia pointed out that the current Code states “if the lettering, message or graphics on a freestanding sign is changed, it shall be required to conform to this chapter”.
- Dan Courtney mentioned that the sign at the southern end of the property, the sign that is becoming America’s Best Value, is more than 50 square feet because the reader board is approximately 40 square feet. The overall square footage of the new sign, America’s Best Value and the reader board, will be approximately 65 square feet.
- A discussion ensued regarding the change of the signs. Freestanding signs are grandfathered if they are not changed. Since Bob is proposing a change he should be required to conform to the Code.
- Patricia questioned whether or not the sign on the back street (Ottawa) which is also a freestanding sign (Mohawk) will remain. Bob explained he is not doing anything to that sign.
- Bob explained because he is franchising he needs to have the franchise name, America’s Best Value, as the major sign. So he’s changing “Choice Inn & Suites” to “America’s Best Value” on the southern sign (the sign that contains the reader board). He needs to retain the Choice Inn & Suites sign, the name he’s been using and Mohawk is just a business/corporation name. Bob further explained he had a problem with Choice Hotels International, not to confuse it with his current name. He mentioned that he made the Choice Inn & Suites name up. Choice Hotels International (which includes Econolodge, Quality, Comfort Suites) has about 9 franchise flags. They sued Bob because of the similarity in the name. Bob explained he won because he made the name up before Choice Hotels International trademarked the name. Choice Hotel International feels the name Choice Inn & Suites conflicts with their name even though they do not currently have a flag for Choice Inn & Suites. Bob indicated someday they will want to have a flag for Choice Inn & Suites and they will have to buy him out. If he removes the Choice Inn & Suites sign he feels he will no longer have control, will no

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longer be grandfathered and therefore, because he hasn't maintained the name and sign Choice Inn & Suites there will be nothing to buy out.

- Jerry Devoe explained that the Planning Board, because of the way the Code is written, cannot massage the language; they have no room to move. He further explained to Bob that he has a right to go for a variance. Bob explained he will have to pursue a variance because he has already paid for the franchise. Jerry explained the variance process, the Planning Board will "listen" and then he (Bob) can go before the Zoning Board of Appeals.
- Robert Mastrantoni pointed out because of the current Code he feels the Planning Board has no room for movement and the only thing they could recommend would be applying for a variance.
- Bob indicated he felt he was getting different interpretations of the law tonight and he felt he was "grandfathered in" before the law was changed. The Board explained that his signs are grandfathered as long as they are not changed.
- Robert Mastrantoni indicated Bob should start the variance process and Jerry pointed out Bob will have to come back before the Planning Board as it is the first step in the process.
- Patricia suggested having a "special meeting" when the application is ready in an effort to move the process along more quickly. Jerry pointed out the application will have to go before the Warren County Planning Board and therefore there is only about a week between the Warren County Planning Board meeting and the Village's Planning Board meeting.

### **TAX MAP: 251.10-3-47**

#### **APPLICANT: RAY AND CLAIRE HIPPLE**

#### **LAKE GEORGE INN/BALMORAL**

#### **ZONE: CR**

- Sign – new sign has already been installed.
- A discussion ensued with the Ray and Claire regarding the fact they changed the sign prior to seeking Planning Board approval. Ray explained they changed the name and type style but not the background color or color of the lettering. They simply slid out the old panel and slid in a new panel with the same background as the previous sign and same lettering color as the previous sign. Ray indicated they did not know they had to have a permit and neither did Mike Baird who constructed the new sign. Ray indicated they have spent \$3,000 for this new sign.
- Dan Courtney mentioned the new ordinance does not allow light colored back lit signs.
- The Planning Board explained the background color should be dark and the lettering can be a light color.
- Jerry Devoe indicated the Planning Board cannot change the law, however, obtaining a variance is an option.
- Robert Mastrantoni suggested Ray and Claire investigate with the sign maker what options they have and then come back to the Board next month with a course of action.

### **TAX MAP: 264.06-2-50**

#### **APPLICANT: ROBERT RASTELLI**

#### **LAKE GEORGE PANCAKE HOUSE – 77 CANADA ST**

#### **ZONE: CMU**

#### **SITE PLAN APPLICATION: # 07-23**

- This application was tabled at the 5/16/07 Planning Board meeting pending further review of the space allotted for the drive thru and waiting vehicles.
- Dan Hogan, Robert Rastelli's attorney, made a presentation by using pictures and walking the Board through the distance of the beginning of the driveway to the pick-up window. The total distance is 92.5 feet. Of the 92.5 feet there is 36 feet 3 inches to the corner of the building where people will actually drive in and order.

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- Dan Courtney expressed concern that these measurements were not provided in advance in order for the Board members to visit the property and look at the lay out.
- Dan Hogan indicated the intent tonight is to show how many cars can fit. He indicated there is enough room for one car at the pick-up window, another car waiting to go to the pick-up window, another making the turn at the order/speaker box and behind those vehicles there's room for two more (pictures were provided with vehicles parked in the actual spots). A total of 5 cars can fit into the drive with approximately 8 feet left to the street.
- Dan Courtney asked exactly where the order/speaker box and pick-up window would be located.
- Pointing to the picture he brought and showing the vehicle locations, Dan Hogan indicated where the order/speaker box and pick-up window would be located.
- A discussion ensued between the Board members, Dan Hogan and Robert Rastelli regarding the number of vehicles the driveway will allow, the exact location of the pick-up window and exact location of the order/speaker box.
- Dolores asked about safety issues regarding the flow of traffic and suggested there should be signage to direct the flow of traffic. Jerry Devoe indicated there should be "one way" signage along with a "drive thru" entrance sign.
- Dan Hogan indicated the width of the drive way is 11 feet 1 inch and it does not interfere with the "NIMO" pole.
- The Board expressed concern over the spacing of the order/speaker box and the pick-up window. Robert Rastelli indicated he is willing to change the position of either or both at the Board's suggestion. The Board continued to discuss the positioning of the order/speaker box and pick-up window.
- Robert Rastelli also indicated the business only serves breakfast and the latest they have been open in the recent past was 2 PM.

**MOTION:** Robert Mastrantoni made a motion for a one year conditional approval to be revisited at the July 2008 Planning Board meeting based on:

- Demolition of cottage/cabins on west side of the property. The remaining area should be paved.
- Moving the order/speaker box "up" 6 feet (to just around the corner) so there is room for at least 3 cars to the sidewalk.
- Installation of a closed caption camera to check traffic flow.
- Installation of a sign on Mohican St, indicating "drive thru". The sign should not be larger than 2 square feet.
- Installation of a sign "no left turn" onto Canada St. or "right turn only".
- Installation of a planted border, about 6 feet high to separate the Pancake House drive thru from the residential property located on the west side of the property.

**2ND:** Patricia Dow

|                    |              |           |              |                   |
|--------------------|--------------|-----------|--------------|-------------------|
| Robert Mastrantoni | Dan Courtney | Dan Garay | Patricia Dow | Dolores Marinelli |
| Aye                | Aye          | Aye       | Aye          | Aye               |

**TAX MAP: 264.06-1-34**

**APPLICANT: ROBERT AND DAWN GRIFFIN**

**42 SHERRIL ST**

**SITE PLAN APPLICATION # 07-41**

**ZONE: SFR**

- Applicant is requesting variance in order to build a 10'w x 28'l deck at the back of his home. Addition of deck would create a new setback of 3 feet.

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- Applicant previously requested a setback variance when the residence was built in 2006. The previous variance was 10 feet, however, when the house was built 7 feet was used, leaving a 13 foot setback.
- Robert Mastrantoni asked how the property behind the house is used. Currently it is a vacant lot.
- The Griffins also indicated they would like to install a property line, green vinyl chain link fence.
- Jerry Devoe pointed out the addition of the deck should allow for permeable space. In other words the deck floor should contain “normal” deck floor spacing (slotted opening) allowing for stormwater to run off to the ground below.

**MOTION:** Patricia Dow made a recommendation to move the application to the Zoning Board of Appeals and recommended the Griffins be allowed the variance for a 10’ x 28’ deck conditional upon the deck having spaced flooring between the boards to allow for stormwater run off and conditional that it remain a deck; it can never have a roof or be enclosed in any way so the lot retains the little permeability that it currently has.

**2ND:** Dan Courtney

|                    |              |           |              |                   |
|--------------------|--------------|-----------|--------------|-------------------|
| Robert Mastrantoni | Dan Courtney | Dan Garay | Patricia Dow | Dolores Marinelli |
| Aye                | Aye          | Aye       | Aye          | Aye               |

**TAX MAP: 251.14-3-37**

**APPLICANT: MICKEY AND LINDA DUFFY**

**DUFFY’S TAVERN – LOWER AMHERST**

**SITE PLAN APPLICATION – 07-35**

**ZONE: CMU**

- Mickey and Linda are proposing elimination of the awning/canopy on the upper deck (west side) and replacing it with a permanent roof. They are also proposing adding a 3 foot extension on the Amherst St. side of the upper deck and this extension will not have a roof on it. Another upstairs deck on the east side of the building is proposed. This deck will cover the roof of an existing shed.
- Linda Duffy and her contractor presented the Board with pictures of the building as it currently exists. Using the pictures, they explained to the Board where the new roof will be built. A discussion ensued.
- The roof will replace the area where the awning/canopy existed.
- The unroofed addition on the Amherst St. side will be 3 feet by 32 feet. This will allow for an “outdoor” smoking area. Jerry Devoe indicated he needs to see a survey in order to determine if the new 3 foot extension extends over Village land. Linda has a survey and will provide.
- The east deck (lake side) will be 9 feet 6 inches by 14 feet. It will go over the shed roof - it’s on the existing roof and doesn’t cantilever.
- Linda indicated “stamped” plans are being developed and she will provide.
- Linda mentioned they would like to start the work as soon as possible. Robert Mastrantoni explained the Board will need to see the stamped plans and survey.
- Jerry Devoe explained a survey is necessary in order to see where the “front” line is (Amherst St.) Robert Mastrantoni indicated the Board could not give approval unless they know where the line is.
- Jerry Devoe mentioned in an effort to speed up the process, he can look at the survey and if there is plenty of room to add the deck then he can advise Linda.
- Dan Courtney mentioned he would like to see complete plans for the roof, 3 foot deck addition and deck on east side (deck over existing shed).
- Linda and Mickey indicated the roof is the important piece of the construction and it needs to be completed as soon as possible.

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- Robert Mastrantoni suggested the Board approve the roof if there are no issues with the roof being completed. He also suggested when the complete plans are received the Board will review them for the 3 foot deck and the deck on the east side of the building.
- The Board agreed that it would be OK for the roof to be constructed in the area where the canopy existed. They further agreed that Linda and Mickey will return with a set of plans showing the 3 foot deck extension, and the deck on the east side.
- Patricia Dow expressed concern that she sits on the Board and is also a neighbor of Duffy's tavern. She questioned whether or not anyone had a problem with her voting on this project or considered her activity to be a conflict of interest. No one expressed a concern.
- Patricia Dow asked that the smoking be contained to the east deck and that the butts not be thrown over the deck to the ground below. Dan Courtney expressed a concern regarding noise from this deck as it faces east and neighboring residences.
- Linda Duffy mentioned the stairs are blocked at night and the area on the east side is not used late at night. Mickey indicated they are really looking to utilize the deck during the day and he is willing to work with the Board regarding limiting the use to a certain time.
- Patricia Dow mentioned the convenience store sign and that it has never been approved by the Board. A sign permit should have been completed and the design reviewed by the Board. The Board asked the Duffys to submit a sign permit now and further pointed out that the sign is backlit with a light background which is not allowed in the current Code. Mickey and Linda indicated they had just refaced the sign approximately 5 years ago and were not aware a sign permit would have to be completed if the sign was just refaced. They agreed to complete a sign permit for review by the Board.

**MOTION:** Dolores Marinelli made a motion to approve the application from the Duffys to replace the awning portion with a permanent metal roof. The remainder of the application will be addressed when the final plans and survey are received. The colors of the building will be green and white to match the existing building. The gable near the roof construction will be covered with white vinyl siding now and the rest of the building will be painted white before the end of the year.

**2ND:** Robert Mastrantoni

|                    |              |           |              |                   |
|--------------------|--------------|-----------|--------------|-------------------|
| Robert Mastrantoni | Dan Courtney | Dan Garay | Patricia Dow | Dolores Marinelli |
| Aye                | Aye          | Aye       | Aye          | Aye               |

### **MIKE RILEY/ADIRONDACK CLOTHING SHEPARD SQ/CHOLAKIS BUILDING SIGN APPLICATION**

- Mike indicated he will be opening another store, "Adirondack Clothing Co", to be located in Shepard Square. He currently has a T-shirt store on Canada St. (Benham Building) which he will maintain this year and close next year.
- Mike mentioned he will be able to be open more hours and days in this new location. The new store has heat and this will allow him to open at peak times (Winter Carnival, etc.) during the off season.
- Dolores explained "off premise" signs are not allowed in the store windows. Patricia Dow mentioned she had an "off premise" sign at the Steamboat Co. advertising the Boardwalk and Jerry called her on it. She mentioned she told Jerry "as soon as that Riley T-shirt shop takes his off-premise sign out of his window then I will take it off. Patricia then queried Jerry, "didn't I say that" and Jerry confirmed she had.
- Mike mentioned he wasn't aware he could not have an "off premises" sign and would remove it.
- A discussion ensued regarding the t-shirt displays in the window. The t-shirts are stuck to the windows using suction cups. The Board explained displays can be in the window but must be away

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from the window – not attached to the window. Jerry Devoe mentioned the Code indicates only 35% of the window can be covered with a sign. Mike indicated there are many stores in the Village that have t-shirts in the window and he would not display the t-shirts using suction cups on the window.

- Robert Mastrantoni asked the Board to review the sign. A discussion ensued about the sign and its color. The building is burgundy and beige.

**MOTION:** Patricia Dow made a motion to approve the Adirondack Clothing Company sign as presented (the 2<sup>nd</sup> one down on the renditions provided by Lake George Signs). The lettering and moose will be in burgundy and black and the background will be a light shade (cream, beige) to match the building.

**2ND:** Robert Mastrantoni

|                    |              |           |              |                   |
|--------------------|--------------|-----------|--------------|-------------------|
| Robert Mastrantoni | Dan Courtney | Dan Garay | Patricia Dow | Dolores Marinelli |
| Aye                | Aye          | Aye       | Aye          | Aye               |

### MINUTES – MAY 16, 2007 PLANNING BOARD MEETING

- Margy Mannix approved via e-mail.
- Dolores Marinelli was absent from the May 16<sup>th</sup> Planning Board meeting

**MOTION:** Patricia Dow made a motion to approve the minutes from the May 16, 2007 Planning Board meeting as drafted.

**2ND:** Robert Mastrantoni

|                    |              |           |              |                                   |
|--------------------|--------------|-----------|--------------|-----------------------------------|
| Robert Mastrantoni | Dan Courtney | Dan Garay | Patricia Dow | Dolores Marinelli                 |
| Aye                | Aye          | Aye       | Aye          | Absent from May 16, 2007 meeting. |

### MINUTES – MAY 16, 2007 SKETCH PLAN REVIEW (GEORGIAN – TIME SHARE PROJECT)

- Margy Mannix approved via e-mail.
- Dolores Marinelli was absent from the May 16<sup>th</sup> Planning Board meeting

**MOTION:** Robert Mastrantoni made a motion to approve the minutes from the May 16, 2007 Planning Board Sketch Plan review of the Georgian Timeshare project as drafted.

**2ND:** Dolores Marinelli

|                    |              |           |              |                                   |
|--------------------|--------------|-----------|--------------|-----------------------------------|
| Robert Mastrantoni | Dan Courtney | Dan Garay | Patricia Dow | Dolores Marinelli                 |
| Aye                | Aye          | Aye       | Aye          | Absent from May 16, 2007 meeting. |

### TIMESHARES

- Dan Courtney expressed concern over the number of motel/hotel rooms that will be eliminated if converting existing motels to a timeshare facility becomes a trend.
- Robert Mastrantoni indicated he is aware of other motels that are currently considering such a conversion.
- Dolores Marinelli indicated the Board should have a plan for review and implementation of these conversions.
- Jerry Devoe mentioned that during the Sketch Plan discussion there was a discussion about the overlay district and that it extends about 200 feet back into the property and that would indicate that section of the property would have to have retail shops at the lower level and the timeshare units could be above the shops. Jerry further explained, Section 220-15 (6) indicates that when a zoning district boundary intersects a building or structure or alteration to said building or structure which exists as of the date of the Chapter then the zoning district that is in effect for the greater portion of

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the structure/building shall apply to the entire building structure or alteration. Jerry pointed out, for the Georgian, the larger portion of the building is outside of the overlay district.

- Patricia Dow expressed concern that this language eliminates the requirements of the overlay district for many, many properties. She further indicated that she was on the Steering Committee when the new Code was being developed and she does not believe this was the intent when the overlay district was being discussed, developed and implemented.

## **MAYOR BLAIS MEMO OF JUNE 5, 2007 (ATTACHED)**

### **RE: ZONING SITE PLAN ARTICLE VII 220-46 – SITE PLAN REVIEW PROCEDURE**

- Board unanimously rejected this idea.
- They feel it is inequitable to those who come in early in the year and complete all the necessary paperwork to start up a business.
- They also feel having applicants appear before the Board gives everyone the opportunity to have a dialogue regarding the Village intent for business, signs, windows, etc.
- They indicated they and all involved try to accommodate applicants as quickly as possible, agreeing to meet at another time if necessary, to stop in the Village office to review plans, etc.
- Most importantly, they expressed concern regarding the amount of rent people are being asked to pay to lease a store in the Village. They all indicated that perhaps the reason we have vacant storefronts in the Village is not a cumbersome process but the high rents people are being asked to pay. They pointed out that many of the Benham stores have been reduced in size to create 2 stores and the rents “overall” have increased. Mike Riley had indicated the same concerns during his discussion regarding the opening of his new shop at a new location; he can no longer afford to stay at his current location.

**MOTION:** Patricia Dow made a motion to adjourn this meeting at 10:15 PM.

**2ND:** Dolores Marinelli

|                    |              |           |              |                   |
|--------------------|--------------|-----------|--------------|-------------------|
| Robert Mastrantoni | Dan Courtney | Dan Garay | Patricia Dow | Dolores Marinelli |
| Aye                | Aye          | Aye       | Aye          | Aye               |

Meeting adjourned.

Respectfully submitted.

Carol Sullivan

6/25/07