

Minutes of the Town of Lake George Planning Board meeting held on March 13, 2018 at 6:00 p.m., at the Town Center, 20 Old Post Road, Lake George, New York.

Members Present: Sean Quirk, Chairman
Fred Pape, Vice Chairman
Heath Mundell
Robert Flacke
Nathan Hall
David Meixner

Members Absent: Rich Askew

Also Present: Adele Behrmann, Dan Barusch, Tom Hutchins, Chris Reagan, Bill Bernard, Bonnie R. and David Colomb, Mike Burke and others.

Chairman Quirk opens the meeting at 6:00 p.m.

Acceptance of the Minutes

A motion is introduced by Fred Pape; seconded by Heath Mundell to accept the minutes of the February 13, 2018 meeting as complete.

All in favor, motion carries.

PUBLIC HEARINGS

- 1. Application for Site Plan Review SPR1-2018 submitted by Philip Viger with Michael Muller, Esq., Tom Hutchins and Gary Hughes as agents, with a proposal to replace an existing structure damaged by fire with a new 3,085 sq. ft., single family dwelling with garage and 1,714 sq. ft. of decks and porches; for property located at 12 Little Bay Lane. Tax Map No. is 226.05-1-17. Lot size is 0.63 acres. Zoning Classification is RCH-LS. Code References are 175-23, 175-37 & 175-90(A). SEQRA is Type II.**

Chairman Quirk reminds everyone in the public to keep comments to 3 minutes; remaining time is not transferable; keep the comments directed to the Board so they may try to get answers for everyone's concerns.

Chairman Quirk confirms that this application is slated to appear in front of the Zoning Board next month, and will, subsequently appear in front of the Planning Board again. Two Zoning Board meetings were cancelled due to inclement weather. Tom Hutchins has no questions but would like to verify two comments that the Board had at the last meeting:

- The deck was not included in the 3,085 sq. ft. for the house because beneath the deck, at ground level, there is a slab patio and its square footage was included in the patios and walkways numbers.
- Secondly, he went through the site development data very carefully and he is certain that it is very accurate. They also received and are working on a review letter from Chazen, the Town's engineer.

Fred Pape states that one of the comments from the Chazen review that caught his attention was whether any test pits have been done on the site. Tom Hutchins replies that he has not done any but has soils information from prior projects done on this site. Technically, the areas where test pits are needed have all been filled already.

Chairman Quirk opens the public hearing to the public with no response.

A motion is introduced by Heath Mundell; seconded by Fred Pape to keep the public hearing open.

All in favor, motion carries.

Fred Pape reads the application into the record.

A motion is introduced by Heath Mundell; seconded by Bob Flacke to accept the application as read.

All in favor, motion carries.

Chairman Quirk asks the Board Members to address any concerns or questions on this application at this meeting so when they come back in April it will be ready to go. Chairman Quirk adds that the 39.7 ft. height raises concerns for him; it's very close to the maximum height of 40 ft. He then asks if the stone proposed for the front of the house will be wrapped around the house; Tom Hutchins replies that it will not be a stone house and only portions of the house will have the stone with siding on the remaining walls. Tom is reminded that the glass should be non-reflective.

A motion is introduced by Fred Pape; seconded by Heath Mundell to table the application.

All in favor, motion carries.

- 2. Modification to Site Plan Review SPR16-2017 submitted by Christopher Reagan with a proposal to rebuild the redemption center as a recycling and sorting area instead of repurposing two motel rooms and laundry area; for property located at 3377 Lake Shore Drive. Tax Map No. is 238.08-1-21. Lot size is 0.34 acres. Zoning Classification is RCH-LS. Code Reference is 175- 15. SEQRA is Type II.**

Chairman Quirk states that the Planning Board approved a recycling business for this applicant in June of 2017. The original application called for the demolition and rebuilding of 3 motel rooms however Chris Reagan adds that it was discovered that repurposing the rooms wasn't financially feasible and not cost effective. The decision was made to move the redemption center 20 ft. further to the east and approximately 80 sq. ft. less than the existing structure with the addition of a bump out underneath the roof overhang where currently there is a patio. The septic system usage will be reduced by 3 showers and 3 toilets. As for the motel technically, this is just a modification of the original plan.

Chris Reagan explains that originally the rooms to be replaced were rooms 3, 4, 5 and the laundry room; the modification calls for rooms 2, 3, 4, the laundry room plus 20 ft. Chairman Quirk asks about the width of the rooms and if he will be taking over the sidewalk. Chris Ragan replies that they are covered decks and only 20 ft. will be taken up with the remainder having a handicapped ramp. Additionally, in order to comply with the commercial building codes and the snow load, a foundation needs to be built.

Nathan Hall comments that his only concern on Mr. Reagan's original application was the location on Route 9N which he believes is a tough spot and since the modification isn't going to change anything, he just wants to make sure that customers have ample room to get in and out of there and it is not dangerous. Mr. Regan replies that there is almost 100 ft. of road frontage and he is aware of this issue and will working on improving it as much as he can in the future. As for the sign, he feels that it is more of a visual warning to motorists so they know where to turn. This is a mixed use business because he has a motel and retail use with ample parking spaces since he also owns the lot next door. He received a DEC permit and, in response to Dan Barusch's concern, he will be putting a 5 ft. high construction fence on the Snyder Road side of the property during construction. Bob Flacke asks if there is any way to making the parking lot more visible coming from the north; Mr. Reagan replies that he is planning on changing the sign to a big coin in order to attract attention to the parking lot.

Fred Pape confirms that everything will be torn down and 4 ft. frost walls will be put in; Mr. Reagan replies yes.

Chairman Quirk opens the public hearing to the public with no response.

A motion is introduced by Fred Pape; seconded by Heath Mundell to close the public hearing.

All in favor, motion carries.

Dan Barusch confirms with the Board that they have received a comment letter sent by a neighbor.

Nate Hall reads the modification letter into the record.

A motion is introduced by Nate Hall; seconded by Heath Mundell to approve Modification to Site Plan Review SPR16-2017 with condition:

- **The applicant shall install a construction fence on the Snyder Road side of the property during construction.**

Ayes: 6 Hall, Flacke, Mundell, Pape, Meixner, Chairman Quirk
Nayes: 0
Abstain: 0

All in favor, motion carries.

REGULAR MEETING

- 3. Application for Site Plan Review SPR34-2017 submitted by Michael & Kathleen Burke with Tom Hutchins as agent, with a proposal to install a 4,820 sq. ft. structural steel-framed building for storage of construction equipment and material and a small office; for property located at Finkle Farm Road. Tax Map No. is 238.00-1-12. Lot size is 9.20 acres. Zoning Classification is RR-7. Code References are 175-21 & 175-37. SEQRA is Type II.**

Tom Hutchins begins by stating that they worked out a few comments from Chazen and had several discussions with them resulting with a sign off from them. He will go over some of the changes that were made to the project based on the conversations he had with Chazen. The site plan is the same however the building was shifted by 8 ft. toward the driveway therefore shortening the driveway's gravel area. The rear of the building was also tightened up and instead of the rock lined slope originally shown in back of the building, they added a concrete wall which will serve as a retaining wall. Originally they proposed two stormwater devices however in working with Chazen the devices were combined into one therefore the impervious area on the site decreased by a few hundred square feet.

Dan Barusch asks Tom Hutchins if anything has changed from the original application; Tom replies that the only changes are the impervious numbers from 6,815 sq. ft. to 5,165 sq. ft. with the total being approximately 4.9%. He then informs the Board that this project received a use variance by the Zoning Board back in June. This structure will be entirely invisible from the road because of the steep slope and vegetation. The building itself is a single story structure with a shed roof sloping to the rear with one bathroom, a small office and open space.

Fred Pape reads the application into the record.

A motion is introduced by Heath Mundell; seconded by Bob Flacke to accept the application as read.

All in favor, motion carries.

A motion is introduced by Heath Mundell; seconded by Fred Pape to approve Site Plan Review SPR34-2017 as submitted.

Ayes:	6	Hall, Flacke, Mundell, Pape, Meixner, Chairman Quirk
Nays:	0	
Abstain:	0	

All in favor, motion carries.

- 4. Application for Site Plan Review SPR43-2017 submitted by William Bernard, with a proposal to construct a 2,519 sq. ft. 2 stories single family dwelling with an attached garage and walkout basement; for property located at 14 Sagamore Street. Tax Map No. is 238.08-1-14. Lot size is 034 acres. Zoning Classification is RCH-LS. Code Reference is 175-37. SEQRA is Type II.**

Bill Bernard begins by stating that when he appeared at the last meeting, the Board asked for verification of the height of the structure which has been done with a new site plan and new set of drawings showing elevation shots. On the original site plan the north east corner of the structure was listed at 90 ft. in elevation with the excavation and blasting; the new proposed height for that area is now 92 ft. with 2 ft. of fill. To accommodate this change, the proposed height of the structure which now is 36.11 ft. if measured from the proposed grade and 38.11 ft., if measured from the pre-existing grade before blasting. He additionally, in order to lower the height of the structure, he changed the pitch of the roof and removed the chimney. He then directs the Board to drawings showing the changes. Architect Ethan Hall also supplied the Board a new site plan with proposed elevations and grading for the entire site as well as contour lines.

Chairman Quirks asks if the data numbers have changed with all the new fill and modifications; Bill Bernard replies that 250 cubic yards of fill consisting of sand and gravel need to be brought in. 75 yards will be used for each the septic (2 ft. mound system); 50 cubic yards for the driveway area, underneath the garage and 125 cubic yards for the east side of the house. 80 yards of top soil will also be used for the lawn area and approximately 200 yards of shot rock currently on the site will be removed.

Chairman Quirk asks if the remainder of the shot rock will be used to contour the swale in the rear of the structure although he questions whether he has enough room to do so. Dan Barusch directs the Board to the cover sheet of the plans which somewhat shows how the grade is going to drop off on the sides of the structure.

A discussion ensues among the Board Members. Dan Barusch adds that these types of structures are not uncommon in Lake George in fact similar projects have come before the Board. The County classifies these types of homes as 2 ½ stories because ½ half of the basement is going to be exposed above the grade. The cover sheet shows how the grade tapers off the sides of the house and a retaining wall was recommended...

Fred Pape questions the fact that in the back of the house, the east corner is sitting on exactly at 88 ft. of the existing contour; should it be the lowest point? After some clarifications and discussions, Dan Barusch explains that the white hatch on the map is before the blasting however the current map is the second one after the blasting. Bill Bernard adds that there are three sets of maps; pre-blasting, after blasting and then proposed. He also confirms that there will be no more blasting.

The question comes up about the adequacy of the soil for the leach field by Bob Flacke, Bill Bernard replies that it has been tested and approved as a raised mound. Chairman Quirk states that the application needs to read into the record and asks if any changes were made; Mr. Bernard replies that only the pitch of the roof and the height changed to 39 ft. +/-.

Chairman Quirk reads the application into the record.

A motion is introduced by Heath Mundell; seconded by Fred Pape to accept the application as read.

All in favor, motion carries.

A motion is introduced by Heath Mundell; seconded by Fred Pape to approve Site Plan Review SPR43-2017 as submitted.

Ayes:	6	Hall, Flacke, Mundell, Pape, Meixner, Chairman Quirk
Nays:	0	
Abstain:	0	

All in favor, motion carries.

ITEMS OF DISCUSSION

Zoning and Subdivision Code amendments,

Dan Barusch discusses the proposed Subdivision Code and Zoning Code amendments and a 45 minutes discussion ensues with the Board Members. Overall, there were a few comments on the drafts with the exception of:

- Comments on the proposed sign code changes and new prohibitions. Some of the Board Members felt that the LED/Digital signs should not be banned and should instead be regulated and allowed conditionally since these new types of signs change with the times.
- Comments on allowing residential rentals in all districts. If regulated, a penalty subsection should be mandated in the instances that people don't follow the regulations.

A motion is introduced by Nathan Hall; seconded by Heath Mundell to adjourn the meeting at 7:50 p.m.

Respectfully Submitted,

Adele Behrmann
Planning & Zoning Clerk