

Minutes of the meeting of the Planning Board of the Village of Rouses Point, New York, held on Monday, 26 September 2011 at Halstead Hall, commencing at 7:00 p.m.

**PRESENT:** Mike Tetreault, Tom Murnane

**RECORDING SECRETARY:** Geri Favreau

**CALL MEETING TO ORDER:** Mr. Cooper called the meeting to order at 7:00 p.m. and began with the Pledge of Allegiance.

**ROLL CALL:** In attendance: Mr. Batha, Mr. Gladd, Mr. Cooper, Ms. Hall; Absent: Ms. Barie

**APPROVAL OF MINUTES:** Mr. Gladd made a motion to accept the minutes of the 22 August 2011 meeting; Seconded by Mr. Batha; Carried

The order of the meeting was amended to review the following application.

**Subdivision – Clifford Ashline/Joseph Turner, 14 Rock St.**

Mr. Cooper stated that this is a simple subdivision. Joe and Brenda Turner would like to purchase a piece of property from Clifford Ashline. Mr. Tetreault stated that it will be merged with his existing property. If it were a stand alone lot there would not be a subdivision required in this zone.

Mr. Batha made a motion to hold a Public Hearing on this application at the next regular scheduled meeting on 24 October 2011; seconded by Mr. Gladd. Carried

**REPORTS OF COMMITTEES:** None

**OLD BUSINESS:**

**Site Plan Review - Gaines Marina Expansion**

Mr. Batha made a motion to open the public hearing; Seconded by Ms. Hall. Carried

Ms. Penfield inquired if all the questions from last meeting have been answered. Mr. Cooper stated that they have been, all permits have been received,

1. Did they schedule a meeting with the Clinton County Dept. of Health? **Meeting was held on 22 August.**
2. Updated parking plan. Property at 23 Manor Drive will be available for parking. Gravel parking area. Used in the winter for boat storage. **Has been received.**
3. Proof of the 921 feet of ownership. He has a document from NY SOGS showing what they own and what they rent/lease from the State of New York. Mr. Treadwell will provide a copy showing this to the Board. **Have pictures of what they own and what they lease.**
4. US Army Corp of Engineers approval. Spoke with them on 25 August and they have to fix one drawing. **Has been done and permit will be issued.**
5. SHPO Archeo Sensitive Areas approval. **Received**
6. Water Quality certificate or waiver from NYSDEC. Part of Army Corp of Engineers letter. Need from appropriate state agency. John Kinosa, Clinton County Health Department – He believes that this refers to the DEC and they have their approval from the DEC. **Received**

7. NYSDEC permit for moorings – They have. **Received**

8. Underwater land use permit from NYSOGS. They do not have this yet. Ms. Treadwell stated that they are still working with OGS to receive a permit from them. They need approval from the Planning Board, US Army Corp approval and have the land surveyed. The survey has started.

Ms. Hall questioned parking for boat owners behind Chazy Hardware. Mr. Treadwell stated that the boat owners will have a parking permit. If they have company, the company will park at the Treadwell property behind Chazy Hardware and someone will pick them up and bring them to the Marina. Mr. Batha stated that with 230 slips, they need over 300 spots. They have 219 spots at the Marina. Ms. Hall inquired if there will be parking on the side streets. Mr. Treadwell stated No.

Mr. Batha stated that the County Planning Board suggested that the Village may want documented proof that the marina owns the lake bottom and lake front for mooring field south of the dock. Ms. Treadwell stated that this is part of the OGS permit. OGS receives compensation for every 10<sup>th</sup> dock. This is compensation for rental of the bottom of the lake which is state property.

Ms. Penfield inquired about the angle of the water line. Mr. Treadwell is working with the Clinton County Health Dept. on this issue. They are going to change the angle of the new dock more to the south.

Ms. Hall made a motion to close the Public Hearing; Seconded by Mr. Batha; Carried

Mr. Cooper made a motion that the Village of Rouses Point Planning Board be deemed the Lead Agency for purposes of SEQRA and that this action be deemed an Unlisted Action for purpose of SEQRA; Seconded by Mr. Batha; Carried

Mr. Murnane read through the SEQRA. Ms. Hall stated that she was concerned about the dumping of waste from the boats and the noise of pillards (sp?) be wrapped tight. Mr. Batha stated that the State of New York strictly prohibits the dumping of human waste in the lake and Mr. Treadwell stated that Gaines Marina offers free pump-outs to their boaters. Mr. Murnane inquired if Ms. Hall was referring to garbage; she was referring to human waste. Mr. Treadwell stated that they have barrels available for garbage. Ms. Hall was satisfied with the responses she received.

Ms. Hall made a motion to make a Negative Declaration; Seconded by Mr. Gladd. Carried

Mr. Treadwell stated that there is a drawing from Earth Science Engineering showing where the water line is located. There is 9' of water over the top of the pipe.

Ms. Hall made a motion to approve the Site Plan Review for Gaines Marina with the following condition that the Land Permit from OGS approval and survey be provided to the Planning Board and the parking will be as designated and proposed in the parking plan and together with the use of the property located on Manor Drive and the repositioning of new dock more to the south to stay farther away from the Village Water Line; Seconded by Mr. Gladd; Roll Call Vote: Ms. Hall – Aye; Mr. Gladd – Aye; Mr. Cooper – Aye; Mr. Batha – Abstained; Ms. Reid – Abstained. Carried



## Special Use Permit – Anchorage Restaurant

Mr. Cooper stated that this application had been sent to the County Planning Board and they approved it.

Ms. Hall made a motion to open the public hearing; Seconded by Mr. Batha; Carried

Fred Keil, the Architect, was in attendance to answer any questions. Ms. Hall stated previously the Planning Board had requested that there be no stairs going up the front of the deck. Her concern is that people dining on the deck will be interrupted by people coming up the stairs and they will have no privacy. Mr. Keil stated that they accommodated that by providing a ramp on the north end. Discussion followed. Mr. Tetreault stated that the plan was approved previously with the front stairs being recessed into the deck. Ms. Hall stated that previously it was requested that the stairs be removed and people go up the ramp and then into the building and out to the deck and that Mr. Patel had agreed. Discussion followed. The stairs in the front will be out.

Mr. Murnane questioned the sidewalk going to the main sidewalk. Mr. Patel stated that it will not be there.

Mr. Murnane questioned if there will be umbrellas on the deck and Ms. Hall questioned if they will have advertising. Mr. Patel stated that if they can get them for free for advertising then he will take them. It was questioned if the Planning Board can request no advertising on the umbrellas. Mr. Murnane stated that they can. Mr. Patel questioned how will people know what the business is? Ms. Hall stated that his sign tells what his business is. She also questioned if there will be signs in the windows. Mr. Patel said that he will not have signs in his windows. Mr. Murnane stated that Section 120-30 talks about Visual Compatibility in a C6 Zone and keeping general visual harmony with the surrounding properties, building design, color, signage and landscaping shall be in keeping with the neighborhood. Mr. Patel suggested that when he gets an umbrella he will come back to the Planning Board for approval.

Ms. Penfield asked for an explanation of the project. Mr. Keil gave the explanation. The building will be on the existing foundation. There will be a deck not a porch. The deck is not in the footprint of the original building. It will be a very basic simplified shape, doors from the interior leading onto the deck, windows on the front. Six coach lights outside. The portico and existing stairs, handicap ramp. The back Park underneath Portico, put wheelchair and proceed up the ramp – all concealed. Nothing projecting. The back will as before. Plain roof, some landscaping as shown on plan, ground will not be disturbed, will be some minor grade change but not significant. Dumpster planned for rear and will be screened off.

Ms. Penfield inquired what the distance is from the deck to the sidewalk. Mr. Keil stated that the deck to the Lake St. sidewalk is 38'. Mr. Tetreault stated that they do not need a variance for the deck. Ms. Penfield inquired about the sidewalk coming from the deck to Lake St. That will be not happen. Umbrellas will be plain. Eight umbrellas are planned but can fit 12. The deck will cross the east side of the building. Ms. Hall inquired if the "round section" where people used to sit and have a drink will be reconstructed. Mr. Patel stated No that is why there is the whole big deck. Same size of the section and will extend over down to the Portico.

A neighbor inquired when construction will begin. Mr. Keil stated that once finances are approved, construction can start in 35 days and will last for about 120 days if everything falls in place.

Ms. Favreau asked for an explanation of the change that is being made in the front sidewalk. Mr. Keil stated that it will be in front of the deck. People will have to walk up the driveway to get to the sidewalk to come onto the deck. Mr. Batha stated that most places patrons go in the building and then the waitress seat them. The stairs could be used by patrons leaving the deck. He questioned who would use this sidewalk since there's no parking on Lake St. Ms. Reid stated that people coming from Gaines Marina would use



the front entrance. Ms. Favreau stated that people from the Village that are walking to the Anchorage will use it rather than going down the driveway. It is also a safety issue with cars going in and out the driveway. Mr. Batha stated that they can always add it later.

Mr. Murnane inquired if they had attended the County Planning Board Meeting. The County commented about two parking spaces shown on the site plan to the north. They suggested that they be removed or not striped as they might create a traffic circulation problem on site. Vehicles parking in the spaces and along the motel would be too close to each other. Mr. Keil stated that they could eliminate the two in question.

Ms. Favreau inquired if the stairs would be staying. Mr. Keil stated that they were staying.

A neighbor asked if there would be a separate party room. Mr. Keil said that there will be a front dining room and a separate dining room and a separate bar – 3 separate zones. No separate attachment. Seating will be 125-130 people.

Mr. Batha made a motion to close the Public Hearing; Seconded by Ms. Hall. Carried

Mr. Batha made a motion that the Village of Rouses Point Planning Board be deemed the Lead Agency for purposes of SEQRA and that this action be deemed a Unlisted Action for purpose of SEQRA; Seconded by Mr. Gladd; Carried

Mr. Murnane read through the SEQRA. Ms. Hall expressed that she is concerned about the esthetics. Mr. Murnane asked if the umbrellas had no advertising would she be satisfied. She stated that she would be.

Ms. Hall made a motion to make a Negative Declaration; Seconded by Mr. Batha. Carried

Ms. Hall made a motion to approve the Special Use Permit for the Anchorage Restaurant with the following conditions: there is no advertising, with the parking modification as noted by the County, the modification of the sidewalk going to the entrance road, (discussion followed)

Mr. Patel questioned that it meant there would be no advertising on the umbrellas; Ms. Hall stated this meant even in the windows. Mr. Patel stated that previously there had been advertising in the restaurant windows. Ms. Hall felt that there had not been any beer or liquor advertising in the front windows just on the side by the bar. Mr. Patel asked if no advertising is allowed on the umbrellas or in the front windows how people will know that it is a bar. Ms. Hall stated that his sign out front will tell them. Mr. Murnane inquired what the freestanding sign says. Mr. Patel stated that this type of neon signage had been approved for Johnny's Bar. This was not on Lake St. Mr. Batha stated that there had been canopies over each window with the name of the restaurant. Mr. Batha suggested that we approve this plan and Mr. Patel can return to the Planning Board when he is ready to do signage for modification of his plan.

Ms. Hall amended her motion to approve the Special Use Permit for the Anchorage Restaurant with the following conditions: with the parking modification as noted by the County, the modification of the sidewalk going along the deck to the entrance road, the exterior lighting as approved previously, the umbrella with no advertising and proposed signage will have to be approved by the Planning Board separately at a future meeting; Seconded by Mr. Batha; Roll Call Vote: Ms. Hall – Aye; Ms. Reid – Aye; Mr. Gladd – Aye; Mr. Batha – Aye; Mr. Cooper – Aye. Carried

## **NEW BUSINESS:**

### **Special Use Permit – Schuyler Harrington, Hair Salon at 2 Mountain View Drive**

Ms. Harrington plans to convert her garage, add a door and window. There is parking for six vehicles in her driveway. The room is only 11' x 12'. She will have only one chair. She is located on a Cul-de-Sac. This application has been sent to the County.

Mr. Batha made a motion to hold a Public Hearing on this application at the next regular scheduled meeting on 24 October 2011; Seconded by Mr. Gladd. Carried

**COMMUNICATIONS:** Ms. Favreau gave Chair John Cooper a brochure on the 2011 North Country Stormwater Tradeshow and Conference to be held on 20 October 2011 at the Queensbury Hotel in Glens Falls.

## **PUBLIC COMMENT:**

Keith Ashline of Clinton St. inquired about the status of the burned out buildings on Champlain St. Mr. Tetreault responded that it is going through the process of the Village Board, writing letters to the owner and waiting for him to respond. There is a process that has to be followed and at some point it will be torn down. Mr. Ashline inquired if there is a timeframe. Mr. Tetreault stated that the Village Board sets that at a Public Hearing and whatever timeframe is sufficient. Ms. Penfield inquired when the last letter had been sent. He just received the report from Doug Ferris, Village Engineer, on Thursday (22 September) on the status of the building. The Village Board will get a copy of the report with a copy of the letter from Mr. Tetreault for the Village Board meeting on 3 October and at that time they will set a date for Public Hearing and the owner will have to attend and what his intentions are for the building. Mr. Ashline inquired if there is a timeframe given once the owner has been addressed as to what has to be done with it. Mr. Tetreault stated that once the Village Board has the Public Hearing they will set the timeframe for how much time he has to tear it down or the Village will tear it down and add to his tax bill. Mr. Tetreault stated that he had sent the owner a couple of letters and he had not responded. Mr. Murnane stated that it is not a fast process that must be followed and that the Village has a local law dealing with unsafe and dangerous buildings. Mr. Ashline was concerned it being a health hazard. Mr. Cooper stated that the Village can't proceed until the legal action is done.

**ADJOURNMENT:** Ms. Hall made a motion was made to adjourn at approximately 8:20 p.m.; Seconded by Ms. Reid. Carried

**NEXT REGULAR MEETING:** Monday, 24 October 2011 at 7:00 p.m. at the Civic Center.

Respectfully submitted,



Geri Favreau  
Planning Board Secretary