

TOWN OF HAGUE

PLANNING BOARD

MINUTES

JUNE 4, 2009

PUBLIC HEARINGS:

Chairman, EJ Siwek called public hearing to order at 7:05pm

ZEO, Cathy Clark read the following.

LTP HOLDINGS, LLC – UPTOWN STORE (43.5-1-5) 9819 Graphite Mt. Rd. (Hamlet)

Chairman, EJ Siwek, explained to a crowd of 30 Hague residents that showed up in support of the UPTOWN Store's application, the details of the application and the process of the Planning Board. Attorney, Dominick Viscardi also explained that there are rules set forth by the APA that towns need to follow and that the applications are not just the decision of the Planning Board.

Approximately ten people spoke in favor of the application and numerous letters of support were read from residents whom were and were not able to attend.

No one spoke against the application

Richard Frasier made a motion to close the Public Hearing, Pam Peterson 2nd the motion.

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

Public Hearing closed at 7:30pm

CALL MEETING TO ORDER:

At 7:30pm Chairman, EJ Siwek called the meeting to order.

INTRODUCTION OF BOARD MEMBERS:

EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson, Bruce Clark, ZEO, Cathy Clark and recording secretary, Kim Coffin

Absent: John Brown

APPROVAL OF MINUTES: MEETING OF: MAY 7, 2009

Martin Fitzgerald made a motion to approve the minutes of May 7th, with the suggested corrections. Richard Frasier 2nd the motion.

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

SUBDIVISIONS:

ZEO, Cathy Clark read the following:

LAPOINTE (24-1-43) 9042 Graphite Mountain Rd (TR-3)

The applicant is applying for a three lot subdivision of a 40.47 acre parcel. If approved, the lots will consist of a 2.25 acre (with house, barn and a garage apartment), a 1.32 acre parcel and a 36.90 acre parcel. On July 10, 2008 the Planning Board gave sketch plan approval for a similar two lot subdivision.

Zoning issue: 150-6 review of minor subdivision

Applicant, Judy LaPointe was in attendance for the meeting.

ZEO, Cathy Clark reviewed the properties proposed subdivision with the board members. Stating that, the application does meet the subdivision requirements.

Bruce Clark made a motion to deem the application complete, providing that the information in correct. Pam Peterson 2nd the motion.

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

Chairman, EJ Siwek stated that an environmental assessment needed to be completed. Bruce Clark will conduct the assessment.

Richard Frasier made a motion to schedule the LaPointe Public Hearing for July 9, 2009. Martin Fitzgerald 2nd the motion.

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

REFERRALS TO THE ZONING BOARD OF APPEALS: None

OLD BUSINESS:

ZEO, Cathy Clark read the following:

LTP HOLDINGS, LLC – UPTOWN STORE (43.5-1-5) 9819 Graphite Mt. Rd. (Hamlet)

The applicant is requesting a modification to the approved Use of her property. The Jan. 8, 2004 Planning Board approval was for a retail bakery. The owner is now requesting the additional use to include a restaurant with wine & beer service. Dining will include interior and exterior areas .

Zoning issue: 160-20 C (1) (h) Type I site plan review.

A site review was completed on May 13, 2009.

Bruce Clark made a motion to deem the application complete. Richard Frasier 2nd the motion.

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

Discussion among the board:

- 1) No buffer was needed along the river due to the grade of the terrain.**
- 2) Outside lighting needs to be upgraded.**
- 3) The board has left the decision of a temporary or permanent fence up to the owner.**
- 4) The Planning Board has also asked that the owner find out from Warren County if she is required to have handicap parking.**

Mike Cherubini made the motion to approve the application of change of use to a restaurant with beer and wine service. Richard Frasier 2nd the motion

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

EJ Siwek made a motion to allow fencing as submitted in the plans received from applicants received May 29, 2009. Martin Fitzgerald 2nd the motion.

LTP HOLDINGS, LLC – UPTOWN STORE continued:

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

EJ Siwek made a motion that the following conditions be set forth on the application:

- 1) Service hours will be from 5-11pm, occasionally until 1:00am when there is a special booking.**
- 2) If there is a problem with noise, the applicant may have to come back to the Planning Board for a review.**
- 3) The landscape lighting must not be intrusive to the neighborhood.**

Bruce Clark 2nd the motion.

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

NEW BUSINESS: None

OTHER BUSINESS:

Ginn/DeLarm (43.5-1-3) 9813 Graphite Mt. Rd. (Hamlet)

Bruce Clark recused himself.

The Planning Board and Sheri DeLarm discussed an over view from previous meetings. It was stated that Sheri must check with the Department of Health on the occupancy level which is currently 72.

A letter dated June 4, 2009 from Warren Co. Fire and Prevention states the Sheri DeLarm indicated that the area out front is only to be used as a “holding” area for people waiting to be seated inside and she will not be serving food there, she said the kitchen will not handle that number.

Ginn/DeLarm continues:

Richard Frasier made the motion to approve service times as follows: the kitchen will be opened until 11:00pm., last call is between the hours of 1:00am and 2:00am. Also, smoking will be allowed at the front of the building. Finally, Sheri must provide the Planning Board with the Department of Health's final approval.

Martin Fitzgerald 2nd the motion.

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald and Pam Peterson.

Nays: None

Recuse: Bruce Clark

Motion passes: 5-0-1

ADJOURNMENT:

Bruce Clark returns to the meeting.

Bruce Clark made the motion to adjourn at 8:32pm. Mike Cherubini 2nd the motion.

Roll call vote:

Ayes: EJ Siwek, Michael Cherubini, Richard Frasier, Martin Fitzgerald, Pam Peterson and Bruce Clark

Nays: None

Motion passes: 6-0

Respectfully submitted by:

Kim Coffin

Recording Secretary

Zoning

From: Fire Prevention & Building Codes [fpbc@co.warren.ny.us]
Sent: Thursday, June 04, 2009 10:34 AM
To: ej@flashpointtech.com
Cc: Zoning; Gregory F. Reynolds
Subject: Hague Fire House Restaurant

E.J.,
As a follow-up to our conversation, this email will serve as a note to inform you of this office's position for the Hague Fire House Restaurant. Sheri Delarm came in this morning to discuss what now needed to be completed to get her occupancy numbers from us. She did provide to us a drawing of the patio area, stamped by Richard Jones, Registered Architect. She agreed to remove the bushes from the path of egress off the deck area to make a clear discernable path of egress off the patio area. Duane Gillingham is going to go there Friday, June 5, and check that this is done and that the emergency light that was not functioning is fixed. If all of those things are done, we will issue her a Certificate of Occupancy on an Existing Building with the occupant load of 60 for the interior and 21 for the patio area. Ms. Delarm indicated to me that the area out front is only to be used as a "holding" area for people waiting to be seated inside and she will not be serving food there, she said the kitchen will not handle that number. The only condition we will put on the Certificate that we issue is that she must check with NYS DOH regarding their occupant capacity number, as they have sent us a copy of correspondence from them to Ms. Delarm indicating a total maximum capacity of 72. I tried to reach DOH while she was here in my office, but had to leave a voicemail for Greg Reynolds.

If you have any further questions, please contact me.

Karen Putney
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