

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
ZONING BOARD OF APPEALS
APRIL 5, 2023
MEETING BEGINS AT 5:00 PM**

BOARD MEMBERS PRESENT: Ron Mogren – Chairman, Tom Sullivan, Jeff Blau, Mike Ravalli, and Robert Lebar

BOARD MEMBERS ABSENT: Kevin Merry

OTHERS PRESENT: Debonnay Meyers – Planning & Zoning Clerk, Dan Barusch – Director of Planning & Zoning via ZOOM, Heath Mundell, Mark French, Katie Carson, Will Carson, and Ryan Miller

ZONING BOARD OF APPEALS PUBLIC HEARING

TAX MAP:	251.18-3-57
OWNER/APPLICANT:	MARK FRENCH
ADDRESS:	204 CANADA STREET (THE LAGOON)
ZONE:	COMMERCIAL RESORT
VARIANCE APPLICATION:	AV#3-2023 (Modification)

Applicant is proposing a total of one (1) area variance. The variance is for relief of the shoreline setback for the installation of a new staircase at the Lagoon. This is a modification to a previously approved variance request.

The variance requested is as follows:

- Relief from the 50 feet required shoreline setback requirement (220-20) in Commercial Resort zone: Applicant is requesting relief for new stairs to be installed to ground level from second story deck. A modified relief of 6.5 feet is now requested, where a 43.5 feet setback is proposed and 50 feet is required. Previously a 47-foot setback was approved.

Ron Mogren opened the meeting at 5:00 PM.

Ron Mogren started the Public Hearing at 5:00 PM.

Mark French was present to represent The Lagoon. All Board members reviewed the application and plans. Ron Mogren notified the applicant that he may conduct his opening statement.

Mark French began his opening statement informing the Board that the drawings that were submitted to the Zoning Board in February had been reviewed by Tom McKinney. Tom McKinney informed Mark French that the run was not correct therefore, there had to be a modification to the plans. Mark French explained that the capacity of the deck had to be bigger so he has returned to the Zoning Board to get approval for an additional three-foot setback to be approved. Mark French ended his statement informing the Board that this will remain on his property.

Tom Sullivan inquired on how far this will be from the lake. Mark French advised the Board that previously, he was requesting 47-foot setback. Now, he's currently requesting a 43.5-foot setback to accommodate the changes.

Ron Mogren and the Board discussed what was discussed in February's meeting regarding pedestrian traffic and the options of the L-shaped bottom for the stairs. Ron Mogren asked the Board their thoughts regarding the change. The Board all agreed that there was no change in opinion and will approve the modification to allow the 43.5-foot setback.

Ron Mogren started to make a motion for approval. Debonnay Meyers and Dan Barusch reminded Ron Mogren to open and close the Public Hearing for each applicant.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

Ron Mogren closed the Public Hearing at 5:03 P.M.

Ron Mogren made a motion to approve the application to benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced to the character of the neighborhood or will be a detriment to nearby properties because of the fact that it's just a three-and-a-half-foot extension of the same material. That isn't an undesirable change.
2. The benefit sought by the applicant cannot be achieved by some other method feasible. We did talk about another alternative of design to avoid the variance but, didn't prove to be viable.
3. The requested area variance is not substantial. There is a substantial set back from the lake. The setback is 43-feet.
4. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because of the three-foot extension would not have an adverse effect.
5. The alleged difficulty was self-created but deemed immaterial.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

Dan Barusch notified Mark French that he will need three sets of the final plans to be brought to his office. Mark French asked if he could drop the plans off tomorrow. Debonnay Meyers advised Mark French that Dan Barusch will be out of office all week. However, if he'd like to drop the plans off to her, he's more than welcome to.

TAX MAP:	251.18-3-61
OWNER/APPLICANT:	KAITLIN CARSON (WATERFRONT CRUISES)
ADDRESS:	2 KUROSAKA LANE
ZONE:	COMMERCIAL RESORT
VARIANCE APPLICATION:	AV#6-2023

Applicant is proposing several sign variances. The variance is for relief of the maximum size of the existing free-standing two-piece sign that will have the top section replaced, as well as for relief of the provisions that require non-conforming signs to come into compliance if changed.

The variance requested is as follows:

- Relief of 220-24(B)(3)(A): Freestanding signs. No freestanding sign shall have a display area exceeding 50 square feet with a maximum dimension of 10 linear feet on any one side, height or width.
- Relief of 220-24 (F) and (G)(2):
 - (F) Amortization of nonconforming signs. ...If said sign is changed in any way, then said sign shall be required to conform to this chapter.
 - (G)(2) Nonconforming freestanding signs. If the lettering, message or graphics on a freestanding sign is changed, it shall be required to conform to this chapter.

Ron Mogren started the Public Hearing at 5:05 PM.

Kaitlin Carson and Will Carson were present to represent Waterfront Cruises. All Board members reviewed the application and plans. Ron Mogren notified the applicant that they may conduct his opening statement.

Kaitlin Carson began her opening statement informing the Board that she had just purchased this property from her family and she's looking to update the current signs. Kaitlin Carson notified the Board that she was aware that the size of her sign is and will not be in compliance of the Village Code. She also did advise she has multiple applications to be reviewed tonight.

Tom Sullivan inquired if the top-section of the sign would be replaced. Kaitlin Carson confirmed. Ron Mogren wanted clarification on what would be changed on the sign. He inquired if the bottom-section, where the reader board is, would also be touched. He also inquired if the whole sign, including the reader board, was grandfathered in. Kaitlin Carson turned to Debonnay Meyers as she was confused on the question asked. Debonnay Meyers explained and showed the Zoning Board what exactly is being reviewed for this application. Robert Lebar added that it will be the same size as what's currently there.

Ron Mogren asked the Board their thoughts. The Board were all in agreeance that the sign variance will be approved to relieve 220-24(B)(3)(A), 220-24(F) & (G)(2). Ron Mogren asked the public for their comments. There was no response.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

Ron Mogren closed the Public Hearing at 5:08 P.M.

Ron Mogren made a motion to approve the application to benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced to the character of the neighborhood or will be a detriment to nearby properties because I would say that the new sign panel is just as good-looking as the old one and of the same size.
2. The benefit sought by the applicant cannot be achieved by some other method feasible. It's being changed because of the change of the name of the business.
3. The requested area variance is not substantial. The new sign is of the same size and shape as the old one.
4. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because it's just a sign.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

TAX MAP:	251.18-3-61
OWNER/APPLICANT:	KAITLIN CARSON (LIGHTHOUSE GRILL)
ADDRESS:	2 KUROSAKA LANE
ZONE:	COMMERICAL RESORT
VARIANCE APPLICATION:	AV#7-2023

Applicant is proposing a total of one (1) sign variance. The variances are for relief for two wall signs and one free-standing sign to be placed on her property, where a maximum of two signs per business is allowed.

The variance requested is as follows:

- Relief of 220-24(C)(1)(A): Placement and number. Commercial Resort and Commercial Mixed-Use Zones. Businesses may be granted a permit for two signs, one freestanding

double-faced sign and one sign attached to a building, or two signs attached to a building (wall or projecting).

Ron Mogren started the Public Hearing at 5:10 PM.

Kaitlin Carson and Will Carson were present to represent Lighthouse Grill. All Board members reviewed the application and plans. Ron Mogren notified Kaitlin Carson to conduct her opening statement for this application.

Kaitlin Carson informed the Board that the Lighthouse Grill will be replacing the Shoreline Restaurant. As it's evolving into a new business, the new "the Lighthouse Grill" signs were mandatory to complete the transition. She did explain that she is requesting the two wall signs on each side of the building and one free-standing sign due to the size of the property. Ron Mogren clarified with Kaitlin Carson the location of the signs and why they're going to be placed there. She indicated that on the top and bottom of the hill, it can be confusing as to where everything is. Therefore, adding the signs will help guide the guests find where they'd like to go. Ron Mogren expressed his thoughts informing the Board that he has no objections to the two wall signs.

Ron Mogren asked Debonnay Meyers for clarification on what they're approving. Dan Barusch advised that the free-standing shared sign is separate from the application they're reviewing now. He explained that this particular variance is for three business signs when there's only two allowed per Village Code. Dan Barusch further explained that these applications can be confusing as it's a muddy situation. The Waterfront shared sign that will be reviewed next was previously the shared sign that Shoreline used.

The confusion caused a further discussion amongst the Board and Dan Barusch. Robert Lebar asked Kaitlin Carson if they only allowed two signs, which one would you remove? Kaitlin Carson advised she would prefer to not remove the free-standing sign as that represents her business, Waterfront Hospitality Group. However, if one must go, she would remove the free-standing sign and keep the two wall signs. Ron Mogren advised the Board that this variance is in relation to the size of the sign, not how many signs on the property. Ron Mogren added that she can have the free-standing sign according to the Village Code.

Tom Sullivan indicated that per the Code, she could have one free-standing sign and one wall sign or two wall signs. He continued to explained that Kaitlin Carson was present to obtain the sign variance to allow three signs to advertise her business. The free-standing sign will have a small portion of the Lighthouse Grill on it and she'd also have the two wall signs on the building if they give the approval. Dan Barusch continued the conversation to further break down the confusion as to what application will cover what.

Ron Mogren expressed his opinion stating that since because the signs are already present, he doesn't have a problem having them changed to reflect the new business name. Dan Barusch added that there won't be that much signage as the previous property owner. Ron Mogren opened the floor for the Board members to discuss their thoughts. Tom Sullivan discussed the prior Zoning Board meeting that involved Capri Pizza. He explained that they had a very similar situation that involved the number of signs and the final decision was made finalizing that the

second sign will be removed. Ron Mogren acknowledged Tom Sullivan’s point but did counter a response in relation to the difference between Capri Pizza and Waterfront. Ron Mogren explained that Capri Pizza wanted the second sign to be under the first one, which was too much for the small building. Dan Barusch chirped in stating that the wall signs for the Lighthouse Grill are on different sides of the building which makes this a completely different scenario than Capri Pizza. One side will be facing Kurosaka Lane and the other side will be facing Lake George. Heath Mundell, graphic designer at Lake George Signs, commented on removing the free-standing sign would affect their advertising.

Tom Sullivan, Mike Ravalli, Robert LeBar and Jeff Blau expressed their thoughts regarding the signs. The Board were all in agreeance that the sign variance will be approved to relieve 220-24(C)(1)(A).

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

Ron Mogren closed the Public Hearing at 5:19 P.M.

Ron Mogren made a motion to approve the application to benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced to the character of the neighborhood or will be a detriment to nearby properties. Pretty much replacing the old business signs with the new business signs of the same size and allowing free-standing.
2. The benefit sought by the applicant cannot be achieved by some other method feasible because the name of the business has changed and you simply have to make the sign to reflect that.
3. The requested area variance is not substantial because it’s the replacement of the existing free-standing sign of the same size and the size of the building warrants having two wall mounted signs on different sides.
4. The proposed variance will not have an adverse impact/effect on the physical or environmental conditions in the neighborhood. It’s just a sign.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

Ron Mogren inquired on the opening day of the Lighthouse Grill. Kaitlin Carson advised that they're hoping for Mothers' Day weekend.

TAX MAP:	251.18-3-61
OWNER/APPLICANT:	KAITLIN CARSON (WATERFRONT SHARED)
ADDRESS:	2 KUROSAKA LANE
ZONE:	COMMERCIAL RESORT
VARIANCE APPLICATION:	AV#8-2023

Applicant is proposing several sign variances. The variances are for relief for two free-standing signs to be placed on her property for Waterfront Cruises, and the total size of the non-conforming freestanding sign which is proposed to be modified but remain the same size.

The variance requested is as follows:

- Relief of 220-24(C)(1)(A): Placement and number. Commercial Resort and Commercial Mixed-Use Zones. Businesses may be granted a permit for two signs, one freestanding double-faced sign and one sign attached to a building, or two signs attached to a building (wall or projecting).
- Relief of 220-24(B)(3)(A): Freestanding signs. No freestanding sign shall have a display area exceeding 50 square feet with a maximum dimension of 10 linear feet on any one side, height or width.
- Relief of 220-24 (F) and (G)(2):
 - (F) Amortization of nonconforming signs. ...If said sign is changed in any way, then said sign shall be required to conform to this chapter.
 - (G)(2) Nonconforming freestanding signs. If the lettering, message or graphics on a freestanding sign is changed, it shall be required to conform to this chapter.

Ron Mogren started the Public Hearing at 5:21 PM.

Kaitlin Carson and Will Carson were present to represent the Waterfront shared sign. All Board members reviewed the application and plans. Ron Mogren notified Kaitlin Carson to conduct her opening statement for this application.

Kaitlin Carson conducted her opening statement advising the Board that her goal was to make the new, upgraded sign esthetically pleasing. She further explained that due to the location, the areas of her property can be difficult to find. Therefore, having the shared Waterfront sign can find the Waterfront Office and can assist guests with where everything is located on her property. Ron Mogren clarified with Kaitlin Carson that this was the sign they just approved in the prior application. Kaitlin Carson advised that this was the same sign however, the prior one is for the number of signs under the Lighthouse Grill. The sign will have the Waterfront Boat Rentals, The Lighthouse Grill and Waterfront Hospitality all shared on the sign.

Ron Mogren asked Dan Barusch why this sign is on two applications. He advised this is causing confusion amongst the Board members. Dan Barusch explained that historically, the shared sign

had been tied to the restaurant. The restaurant originally had three wall signs and one free-standing. What Kaitlin Carson is doing is using that one free-standing sign to advertise all of her businesses on the property, using a small amount of space per each business. The top half of the sign will be the Hospitality Group and the two small portions on the bottom for the Lighthouse Grill and the Boat Rentals. The variance that was previously approved just an application ago is to allow more than what's allowed in the code for signs. The code indicates that the business can either have two wall signs or one wall sign with one free-standing. Dan Barusch advised that the variances needed are for the number of signs and the size. Kaitlin Carson notified Dan Barusch that the Waterfront Boat Rentals are their own separate business and this business only has the one sign. Dan Barusch reviewed the application and advised the Zoning Board that the only variance to focus on for this application is the size of the sign.

Tom Sullivan inquired about the size of the sign. Ron Mogren and Dan Barusch advised it will be the same size as the old sign, which measures 72-square feet. Dan Barusch also added that per the code, if the sign is over 50 square feet and will be changed, the applicant must appear in front of the Zoning Board for the variance in relation to the non-conformity. The Board reviewed the application once more and expressed their thoughts. Ron Mogren advised he is okay with it. Tom Sullivan stated that since the sign is there already, he's okay with it as well. Robert LeBar and Jeff Blau agreed with Tom Sullivan and Ron Mogren. Ron Mogren asked the public for their comments. There were no comments.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

Ron Mogren closed the Public Hearing at 5:26 P.M.

Ron Mogren made a motion to approve the application to benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced to the character of the neighborhood or will be a detriment to nearby properties. The sign is the same size.
2. The benefit sought by the applicant cannot be achieved by some other method feasible. The business changed so the sign graphics changed.
3. The requested area variance is not substantial. We're just going for the same size as the existing condition.
4. The proposed variance will not have an adverse impact on the physical / environmental conditions in the neighborhood because again it's just a sign, no impact.

5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

TAX MAP:	251.18-3-70
OWNER/APPLICANT:	HEATH MUNDELL (PHASES)
ADDRESS:	14 BEACH ROAD
ZONE:	COMMERICAL MIXED USE
VARIANCE APPLICATION:	AV#9-2023

Applicant is proposing a total of one (1) sign variance. The variance is for relief of the color maximum. Applicant is requesting to allow 10 colors onto his sign, as the rainbow colors are part of the logo.

The variance requested is as follows:

- Relief of 220-24(A)(8)(C): A maximum of four colors is allowed for the entire sign, foreground, background, border and text.

Ron Mogren started the Public Hearing at 5:28 PM.

Heath Mundell was present to represent Phases. All Board members reviewed the application and plans. Ron Mogren notified Heath Mundell to conduct his opening statement for this application.

Heath Mundell, a graphic designer for Lake George Signs, conducted his opening statement with informing with the Board that his goal was to replace the current signs with fresher ones. He further explained that he is currently working on the signs on Beach Road and on Canada Street and is hoping for approval. He advised he was aware of the Village Code 220-24(A)(8)(C), which limits the number of colors allowed on the sign. However, he is requesting the Zoning Board to allow 10 colors onto his sign as the rainbow moons are part of the logo. He went into further detail informing the Board that the logo is recognizable to the public as Phases. Phases has multiple other stores in the United States and the owner would like to keep the logo as is with the 10 colors.

Heath Mundell explained that the Beach Road will have two signs. The first sign will be a wall sign that will be mounted parallel to the building in front of the store and the second sign will be hung from the ceiling, perpendicular to the building and above the covered walkway. Heath Mundell closed his opening statement reminding the Zoning Board of the owner wanting to keep the logo as is and to approve the sign variance to allow it for branding purposes.

Ron Mogren notified Heath Mundell that if they picked four colors, they wouldn't have to come to the Zoning Board for a variance. Ron Mogren also added that McDonalds changes their architecture depending on the town they're in. Heath Mundell chimed in and stated that the

golden arches of the McDonald's symbol stay the same. Heath Mundell used the example of a McDonald's located in China. He advised that when you're in front of their McDonald's, you're familiar with the golden arches so it clicks that you're at McDonald's. Heath Mundell stated that the McDonald's example is similar to the Phases logo as once a customer sees the logo of the 10 colored moons, they know they're in front of Phases.

Mike Ravalli asked the Board what affect this will have on the strip. In specifically, "Will this affect the other businesses on the strip?" Heath Mundell advised that the signs on the strip have quite a bit of color on their signs. He advised that the background of the Phases sign will be brown and will have a white border with a black trim. The 10 colors on the sign are mostly from the moon phases that go from red all the way to purple. The background, the border and the trim only count as three out of the 10 colors. Mike Ravalli expressed his concern that if the Zoning Board approves the variance, there is a possibility that the other businesses along the strip could start a debate that Phases has the 10-colored sign and not them. Heath Mundell indicated that he would love to have the other businesses follow suit as the black and white signs are not good looking.

Heath Mundell added that the sign he's vouching for isn't as insane as a tie-dye background. He's vouching for what he's presenting to the Zoning Board. Robert Lebar started the discussion about possibly changing the color of the moons. He suggested the possibility of having the moons different shades of yellow. Robert Lebar also questioned what the difference would be between the colors of the moons. If the customer sees the moons, with or without the red to purple colors, the customer would still catch on that this would be Phases. Heath Mundell advised that the colors of the moon is instant recognition. Heath discussed about the recognition of the Pepsi Logo. The Pepsi logo has the colors white, blue and red. He stated their logo is so iconic that you wouldn't have to see the word Pepsi to know that that item is Pepsi. Heath Mundell then compared the Pepsi recognition with Phases. He advised customers from Fort Lauderdale come to Lake George, they'll recognize the colored moons as their logo and realize they're at a Phases.

Ron Mogren confirmed with the Board that the variance is only for approval of allowing the 10 colors. Tom Sullivan asked Dan Barusch his thoughts on the matter. Dan Barusch advised the reasoning behind 220-24(A)(8)(C) was to prevent the color splash or tie-dye effect in the background where the whole color wheel is used. Dan Barusch used the Hawaiian Shaved Ice sign as an example of a business that changed their colors on the Planning Board level as it was deemed as too many colors. He stated that the background of the Phases sign is majorly one main color minus the border and trim, but basically the red to purple colors are a small percentage of the whole sign. Dan Barusch notified the Board that ultimately this is their decision. Jeff Blau reminded the Board about Crabby Joe's sign from years ago regarding the size of it. He remembers that the neighbors didn't follow suit with wanting a big sign for their business. Dan Barusch advised that Jeff Blau is right and the only recent business owner that wanted to replace the existing big sign was Kaitlin Carson.

Ron Mogren expressed his thoughts of wanting the owner to use the same color for all of the moons to follow the color code. Tom Sullivan advised that the brown background with the white border and black trim would be three colors in total. Therefore, he'd have one color to choose

from for the moons to keep it within code. Heath Mundell expressed his thoughts regarding image recognition and how it's important for the business and/or company. He advised the owner currently has four other businesses. Where those businesses are located, the surrounding areas haven't had a problem with the number of colors on the sign. Heath Mundell expressed the how apprehensive the owner was and the frustration he's endured about coming in front of the Zoning Board in relation to this decision.

Mike Ravalli inquired on the owners' knowledge of the code. Heath Mundell advised he has to advise all of his customers in Lake George about the four-color maximum. Heath also expressed that with his numerous years of doing graphic design for Lake George Signs, the Village of Lake George is the only upstate New York area that has the limit with colors. Tom Sullivan advised what the other areas have as their laws is immaterial. Robert Lebar added to Tom Sullivan's statement by explaining that the laws that are in the Village Code is what they have to go with.

Heath Mundell stated that the denial of this application could be shown as the Village of Lake George not allowing businesses to not have their company logo. The Board and Heath Mundell went back and forth in relation to allowing the colors. Tom Sullivan stated that the name "Phases" would be enough to trigger the memory of customers of their store. Jeff Blau indicated that the colors of the moon aren't really that noticeable when it comes to the sign. Ron Mogren added that the colors of the moon are part of the logo for Phases and that's the point Heath is trying to make.

Tom Sullivan and Mike Ravalli expressed that they're not in favor of the sign. Robert Lebar suggested that instead of having seven colors for the moons, to use one single color in different shades of that one color. Yellow was suggested as an example to show the light yellow all the way to the dark yellow. The shades of one color do not constitute as more than one color. Robert Lebar advised following that route would be in compliance and would allow him to have 90% of the sign the owner originally wanted.

Heath Mundell did not favor the Board's suggestion. He advised he would like to keep the seven colors. He explained that the moons are very tiny compared to the sign and solidified his argument stating that it won't provide the crazy color look as the biggest colored moon will be measuring 3".

Dan Barusch reminded the Board to focus on the five criteria for the variance such as, "is there another method that's feasible?", "will the relief of the colors have an adverse effect on the environment?" and/or "is it substantial?". Dan also added that the Zoning Board can't deny an application because it's in the law. The point of the Zoning Board is to determine what is necessary and adequate and as well as preserve and protect the neighborhood and the community. Dan Barusch stated that if the decision is to deny the application, the Board must answer all the criteria carefully.

Ron Mogren advised the colors of the moons won't be an adverse impact on the neighborhood. Ron Mogren asked all members of the Zoning Board to express their comments and if they're all ready to vote. Before any more discussion started, Heath Mundell interjected and advised that the Village of Lake George has more than four colors on their logo. He explained that his

grandfather was the one who designed that. Ron Mogren advised the logo he's referring to is inside and does not pertain to this. Heath Mundell notified the Board that the logo is outside in the Village, right in the public eye.

Jeff Blau notified the Board his thoughts on the matter. He advised that he is in favor of approving the variance and mentioned prior history of what the Zoning Board has allowed. An example; when the Zoning Board approved one sign years ago and there was a condition that if there was any complaint during the six-month trial period on the colors, it had to be removed. Jeff Blau also talked about Crabby Joe's, where the Zoning Board allowed the sign to be 15-feet more than it was and how they conditioned to test-drive one year.

Ron Mogren did suggest to possibly add the complaint condition to this upcoming motion for Phases. Heath Mundell consented to following the condition. He understands that if there's a single complaint about their sign, they will take it down and make the necessary changes. The Board continued the discussion on possibly adding the condition. Dan Barusch suggested to scrap the complaint portion. He advised as a possibility to include Planning Board's approval. Dan Barusch explained that the Planning Board does a thorough job when it comes to adhering to the Code and reviewing the designs and colors of each sign that's presented to them. Plus, with the previously discussed about complaint condition added to the motion, other competitors or businesses could be the ones to complain about the sign. Dan Barusch felt that it wouldn't be fair for Phases if that occurred.

Robert Lebar wanted confirmation if what Dan suggested was to pass the decision to the Planning Board. Dan Barusch advised the conditional approval doesn't necessarily mean that the Zoning Board is passing the torch to the Planning Board. He explained that it's more of saying that we will be okay with this if you all are okay with it in design. The Board discussed their options about the possibility of adding the conditional approval and then discussed whether they're going to approve the variance or not. Tom Sullivan did remind the Board that they must follow the criteria and did state passing the four-color maximum does make it automatically substantial in his opinion. Mike Ravalli did state that adding the Planning Board to the approval would drag out the process.

Robert Lebar expressed his opinion on the situation. He advised that he sees two issues. One with the fifth criteria regarding self-creation and the second of the Zoning Board offering an alternative. Robert Lebar feels that this was self-created and there is an alternative provided. The alternative includes changing the moons from the seven colors to one color. Robert Lebar did explain that it may not 100% be the same logo, but it's pretty close. Dan Barusch advised the alternative criteria is normally overlooked but the answer Robert Lebar brought up was a solid answer for denial. Dan Barusch did remind the Board that the fifth criteria can be answered yes and the other four can be no and it will still be approved. However, if any of the four criteria are answered no while the fifth is yes, there can be denial.

The Board all agreed that the sign presented is very attractive looking. Ron Mogren asked the public for comment. Ryan Miller, present for variance AV#11-2023, expressed his thoughts not really seeing the colors as a problem. He advised that he has numerous businesses in Vermont that have a lot of colors but are in such small spots that it's not really noticeable. He notified the

Board that his wife, Alyson Miller, is a new trustee of the Village and she will be striving for making the community look nice again.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Nay	Aye	Aye

Ayes = 4 Nays = 1 Absent = 1 Motion carried.

Ron Mogren closed the Public Hearing at 6:00 P.M.

Ron Mogren made a motion to approve the application to benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced to the character of the neighborhood or will not be a detriment to nearby properties. I believe the sign; it's a good-looking sign and the color variations are small enough in nature where it's not gonna create an undesirable change.
2. The benefit sought by the applicant cannot be achieved by some other method feasible and I guess on that one there, it's the logo of the business that's driving these colors. It would require changing the logo.
3. The requested area variance is not substantial. Again, I think the different colors are very small, circles of nature and that's not substantial.
4. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood. Again, there's no impact there because it's just a sign.
5. The alleged difficulty is self-created but is deemed immaterial.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

TAX MAP:	251.18-3-56
OWNER/APPLICANT:	HEATH MUNDELL (PHASES)
ADDRESS:	216 CANADA STREET
ZONE:	COMMERICAL MIXED USE
VARIANCE APPLICATION:	AV#10-2023

Applicant is proposing a total of two (2) sign variances. The variances are for relief of the color

maximum where four are allowed and ten are proposed (as part of the logo), and for relief of the maximum size of the wall sign, where 25 square feet is allowed, but 32 square feet is proposed.

The variance requested is as follows:

- Relief of 220-24(A)(8)(C): A maximum of four colors is allowed for the entire sign, foreground, background, border and text.
- Relief of 220-24(B)(5): Wall signs. Total wall signage shall not exceed 1.5 square feet per linear foot of building frontage, 10% of the total area of the building facade, or 25 square feet, whichever is less.

Before the motion of next application for Phases began, the Board inquired if they could use the motion that they just made, to be used for both Beach Road and 216 Canada Street. Dan Barusch advised that since because they're two separate locations and two separate applications, they must be separate. He did add in that 216 Canada Street does include another variance. Beach Road was just for the color while 216 Canada handles both size and color.

Before the Public Hearing commenced, all Board members reviewed the application and plans.

Ron Mogren started the Public Hearing at 6:01 PM.

The Board started the discussion of possible approval. The Board did question Dan Barusch about the older "Fashions & Photos" sign. Dan Barusch reminded the Board regarding the code for wall signs. Wall signs maximum is 25 square feet. Passing that maximum will require the applicant to come before the Zoning Board for approval. Dan Barusch advised that in the photos presented with the application show that there are no other wall signs surrounding the proposed one. He also did remind the Board that the window decal showing their logo is not counted in the sign count.

Ron Mogren inquired the measurements of the old sign. Heath Mundell advised the sign measured 24 feet long and two-foot tall. Ron Mogren calculated the square footage and indicated the old sign measured to 48 square feet. Ron Mogren asked the amount of square footage in the proposed sign. Dan Barusch, Tom Sullivan, Heath Mundell and Debonnay Meyers indicated it measured 32 square feet. Ron Mogren asked for public comment. There were no comments.

Robert Lebar inquired why they're requesting 32 square feet when they could've been compliant with 25 square feet. Heath Mundell advised that if they made the sign to measure 25 square feet, it would look tiny compared to the building. The Board questioned the position of the sign. Heath Mundell explained that if it was placed anywhere else, it would look off center from the whole building. Tom Sullivan reviewed the photo and understood Heath's point. Heath Mundell also included that the owner is looking to remove the lights that are shown in the photos where the new sign will be hung as they're older and worn. Ron Mogren asked the public for their comments.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Nay	Aye	Aye

Ayes = 4 Nays = 1 Absent = 1 Motion carried.

Ron Mogren closed the Public Hearing at 6:06 P.M.

Ron Mogren made a motion to approve the application to benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced on the character of the neighborhood or will not be a detriment to nearby properties. The new sign is smaller by 16 square feet than the existing sign and the colored circles are small enough to not produce an undesirable change.
2. The benefit sought by the applicant cannot be achieved by some other method feasible because it's the new logo sign of the company.
3. The requested area variance is not substantial. The colors are small in nature of the sign, small percentage of the sign and the size of the sign is smaller than the existing sign.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because it's just a sign.
5. The alleged difficulty was self-created but it's immaterial.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

Dan Barusch reminded Heath Mundell that the Planning Board meeting is two weeks away.

TAX MAP:	251.18-2-37
OWNER/APPLICANT:	ALYSON MILLER
ADDRESS:	72 SCHUYLER STREET
ZONE:	RESIDENTIAL MIXED USE
VARIANCE APPLICATION:	AV#11-2023

Applicant is proposing a total of one (1) area variance. The variance is for relief for expansion to a non-conforming structure to allow the construction of an addition to their residential house, and connecting it to their non-conforming garage.

The variance requested is as follows:

- Relief of 220-78(B): Expansion. Nothing in this chapter shall prevent the strengthening or alteration to a safe condition of all or part of a building or structure that is nonconforming, provided that the repair or alteration will not increase the height, size or volume of the building or structure or otherwise increase the nonconformity.
- Relief of 220-78(C)(1)&(4): Additions, alterations, maintenance and repairs. (1) A nonconforming building, structure or lot shall not be added to or enlarged or altered in any manner, in a way which increases its nonconformity. **(4)** A single-family dwelling may be enlarged or rebuilt to within the dimensional provisions of the district where it is located.

Ron Mogren started the Public Hearing at 6:08 PM.

Ryan Miller was present to represent the application submitted for 72 Schuyler Street. All Board members reviewed the application and plans. Ron Mogren notified Ryan Miller to conduct his opening statement for this application.

Ryan Miller conducted his opening statement informing the Board that the garage that's shown in the plans is pre-existing and the goal of the project is to connect it to the house. He explained that the issue they have currently is the snow falling into the walkway path that's currently present between the two buildings shown in the pictures. This project will alleviate that issue by removing the path and adding the addition.

The Board had questions as to how the garage is categorized as non-conforming. Dan Barusch explained that the second structure is within the setbacks, therefore he must obtain a variance as the plan is to expand the already existing non-conformed structure more. Dan Barusch advised this project is a unique situation as one building is conforming and the other isn't. Ron Mogren asked the Board for their thoughts. The Board were all in agreeance for approval.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

Ron Mogren closed the Public Hearing at 6:11 P.M.

Ron Mogren made a motion to approve the application to benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced to the character of the neighborhood or will not be a detriment to nearby properties. The existing garage shed acts as a buffer to the neighborhood regarding construction and will not even be too noticeable.

2. The benefit sought by the applicant cannot be achieved by some other method feasible because the existing garage is existing and it is what it is.
3. The requested area variance is not substantial because the existing structure is why we have the variance all together and that's not very substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. So, the new building structure will not have any adverse impact on environment conditions or stormwater run-off.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Absent = 1 Motion carried.

APPROVAL OF MINUTES FROM MARCH 1, 2023 (MR, TS, RL)

The Board reviewed March 1, 2023 Meeting Minutes before making a motion.

Ron Mogren made a motion to approve the minutes from March 1, 2023.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Robert LeBar	Jeffrey Blau
Recused	Aye	Aye	Aye	Recused

Ayes = 3 Nays = 0 Absent = 1 Recused = 2 Motion carried.

Ron Mogren made a motion to adjourn the meeting at 6:14 P.M., seconded by Tom Sullivan, and unanimously carried.

Respectfully submitted,
 Debonnay Meyers
 April 5, 2023