

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
ZONING BOARD OF APPEALS
FEBRUARY 1, 2023
MEETING BEGINS AT 5:00 PM**

BOARD MEMBERS PRESENT: Ron Mogren – Chairman, Tom Sullivan, Mike Ravalli, Kevin Merry and Robert Lebar (Alternate)

BOARD MEMBERS ABSENT: Jeff Blau

OTHERS PRESENT: Debonnay Meyers (Clerk), Dan Barusch, Mike Mastrantoni, Bob Morehouse, Mark French, Jr., Rob Lansley, David Jones, Brett Lange, and Sunny Chawla

ZONING BOARD OF APPEALS PUBLIC HEARING

TAX MAP:	251.18-3-49
OWNER/APPLICANT:	MIKE MASTRANTONI
ADDRESS:	221 CANADA STREET (CAPRI PIZZA)
ZONE:	CMU
VARIANCE APPLICATION:	AV#1-2023

Applicant is proposing a total of three (3) sign variances. The variances are for relief of the maximum size of a wall sign, relief for two wall signs, and relief of the amortization provision.

The variance requested is as follows:

- 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. Applicant has corrected the non-conforming background by replacing the white background with red and green. Applicant is requesting relief of this provision to have a sign that is 45 square feet, asking for 20 square feet of relief.
- Relief of 220-24 (F): Amortization of nonconforming signs. Nonconforming signs, except as herein provided, existing either by variance previously granted or by conformance with the regulations existing when the original permit was granted, shall be removed or brought into compliance with the provisions herein no later than five years after the adoption of this chapter. *If said sign is changed in any way, then said sign shall be required to conform with this chapter.* Applicant has changed a non-conforming sign and seeks relief to be able to continue the non-conforming size.
- Relief of 220-24 (D)(1): Only one wall sign per business is permitted. Applicant seeks two wall signs.

Ron Mogren opened the meeting at 4:58 PM.

Ron Mogren started the Public Hearing at 4:58 PM.

Mike Mastrantoni and Bob Morehouse were present to represent Capri Pizza in relation to three

sign variances. All Board members reviewed the application and plans. Ron Mogren notified the applicant that he may conduct his opening statement.

Mike Mastrantoni introduced himself and advised that he had filled out all the paperwork needed to describe what he would like to do. Mike Mastrantoni explained that Capri's old wall sign had been on the building for close to 30 years and that sign needed to be updated due to wear and tear. He indicated that he had no idea he had to go in front of the Zoning Board to replace the sign until the Village's Code Enforcement Officer, Jim Anagnos, confronted him. Mike Mastrantoni advised he was working on the exterior of the building to follow the property maintenance laws in the Village Code. Jim Anagnos informed him about those laws as all businesses and residential houses must follow those laws. Mike Mastrantoni notified the Board that the original sign was all white with red and green. Now, the sign will include more red and green colors.

Tom Sullivan questioned the size of the new sign. Mike Mastrantoni advised the sign will be equivalent to the size of the older sign. Kevin Merry questioned the white light box on the building. The Board understood that the box was grandfathered in and will remain on the building. Kevin Merry asked if the a-frame sign on the lefthand side of the window had been updated. Mike Mastrantoni advised that the updates were in relation to the 50th anniversary of the business. The Board was confused as to why the applicant needed a variance. Dan Barusch and the Board discussed the reasoning and settled the confusion with Code 220-24F.

Tom Sullivan inquired about the location of the two wall signs. Dan Barusch advised they will be located on the left side of the window. The Board re-reviewed the application and pictures provided. Ron Mogren stated that it looked like the new sign would be bigger. The Board responded to Ron Mogren that Tom Sullivan questioned about that earlier, and the new sign will not be bigger.

Ron Mogren expressed his issues with the two wall signs. Ron Mogren explained that the building would not have much room in the window for both signs. Ron Mogren explained to the Board that this business has been in the same spot for over 50 years. Visitors and/or residents of the Village know where his business is located by now. Ron Mogren inquired as to why the applicant didn't know that the sign needed a variance. Mike Mastrantoni advised he recently took over the business as his father is in bad health.

Ron Mogren had a question for Dan Barusch in relation to illegal signs. Ron Mogren inquired if it would be possible to remove the signs that aren't in compliance before the applicant comes before the Zoning Board. Ron Mogren advised that many local governments follow that rule and the Village should follow that as well. Dan Barusch advised the Village could implement it. Dan Barusch did notify the Board that Bob Morehouse had been in his office multiple times to resolve the matter.

Ron Mogren asked Mike Mastrantoni if the second wall sign could be removed. Mike Mastrantoni agreed to remove the second wall sign. Ron Mogren advised that his decision will go from needing a variance for two wall signs to one wall sign. Mike Mastrantoni notified the Board that he wanted to keep the larger wall sign. The Board mutually agreed to allow one wall

sign. Kevin Merry had a question for Dan Barusch regarding to the neon-colored light signs. Kevin Merry was curious if those signs had to be reviewed tonight. Dan Barusch advised that those neon signs would not be touched as they were grandfathered in. The Board and Dan Barusch were in a mutual understanding that the neon-color signs did not change so therefore, they will remain.

Ron Mogren requested Dan Barusch to explain the Code 220-24 (F) once more. Dan Barusch went into detail to resolve the confusion to this rule. Dan Barusch reminded the Board that if the Board approves this application, it means that the Board will be approving the larger size of the sign. Ron Mogren advised Mike Mastrantoni that if he approved this application, it includes the condition of only having one wall sign. Mike Mastrantoni understood.

There was no motion created to end the Public Hearing.

Ron Mogren made a motion to approve the application with conditions to benefit 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 think it's not a big change to the wall sign that you're going to have there and it's a little bit, it won't create an undesirable change.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because again, I think minimal impact.
3. The requested area variance is not substantial because it's a minor increase in the size of the sign.
4. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because it's basically been the same size sign for 50 years so I don't see that creating an adverse effect.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Robert LeBar
Aye	Aye	Aye	Aye	Aye

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

Before their departure, Dan Barusch reminded Mike Mastrantoni and Bob Morehouse about the upcoming Planning Board Meeting on February 15, 2023.

TAX MAP:	264.06-2-46
OWNER/APPLICANT:	SCOTT COERS
ADDRESS:	57 CANADA STREET (QUALITY INN)
ZONE:	CMU
VARIANCE APPLICATION:	AV#2-2023

Applicant is proposing a total of one (1) sign variance. The variance is for relief of the nonconforming freestanding sign provision, regarding the size of the free-standing sign.

The variance requested is as follows:

- Relief of 220-24(G): provision requiring non-conforming free-standing signs to come into compliance if changed. Applicant's sign will remain the same size but the logo will change due to employer, Choice Hotels. Sign face proposed to change but proposing sign and reader board to continue as is, over 50 square feet.

Dave Jones was present to represent Quality Inn in relation to the sign variance. Ron Mogren asked the Board if there should be an order change. Dan Barusch advised this application will be the last sign variance on the agenda so they should review this one. All Board members reviewed the application and plans. Ron Mogren notified the applicant that he may conduct his opening statement.

Ron Mogren started the Public Hearing at 5:11 PM.

Dave Jones introduced himself as a co-owner for the Quality Inn. Dave Jones explained that the company had rebranded and their business must follow their contract with their big company. Dave Jones explained that the panels and the logo will be changed. He continued to explain that there will be no further changes to the size of the sign, and reiterated that the only changes are for the logo and panels.

Ron Mogren asked the Board if there was a previous variance for the sign. Dan Barusch advised it's pre-existing and non-conforming. Therefore, this sign will have to be reviewed. Dan Barusch continued to explain that the reader board is the cause of why the Quality Inn must go in front of the Zoning Board. Per Village Code under Chapter 220, the reader board must be measured into the sign. As the reader board and the sign measure more than allowed, this sign must be reviewed and approved by the Zoning Board before the applicant can replace the sign. Dave Jones added that the reader board is three by five feet. Dave Jones also included that the old sign had been grandfathered in as it was installed in 1999. Dan Barusch advised the sign code wasn't created until the late 2000's.

Ron Mogren reviewed the application and advised that he had no issues with the new sign. Ron Mogren added that the new sign didn't look much different than the old one. Dan Barusch stated that the Planning Board will not be reviewing the sign for the Quality Inn due to the minimal changes. Ron Mogren asked the Board their thoughts. The Board were in mutual agreeance with approving this application.

Dan Barusch reminded the Board to close the Public Hearing before making a motion. Ron Mogren advised there were no comments from the public, therefore, he will be closing the Public Hearing.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Robert LeBar
Aye	Aye	Aye	Aye	Aye

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

Ron Mogren closed the Public Hearing at 5:14 PM.

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 property owners because by looking at the pictures, it's the same look and there's no undesirable change.
2. The benefit sought by the applicant cannot be achieved by some other method feasible because there is a new logo and it must be placed on the sign.
3. The requested area variance is not substantial because it's of the same size and quality of the last sign.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because it has no impact on the environmental conditions.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Robert LeBar
Aye	Aye	Aye	Aye	Aye

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

Dan Barusch and Dave Jones had a private conversation regarding the future steps of the sign application.

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

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.

The variance requested is as follows:

- Relief from the 50 feet required shoreline setback requirement in Commercial zone:
Applicant is requesting relief for new stairs to be installed to ground level from second story deck. A relief of 3 feet is requested, where a 47 feet setback is proposed and 50 feet is required.

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

Ron Mogren started the Public Hearing at 5:16 P.M.

Mark French, Jr. introduced himself as the co-owner of The Lagoon. Mark French conducted his open statement with informing the Board that The Lagoon had taken over a spot for expansion. Mark French advised that the stairs will be used to have servers and/or guests utilize them to elevate to the upper floors or go down the stairs to the lower levels. He added that the stairs will be closer to the Lake, but they will be safer.

Ron Mogren asked Mark French if he had considered L-shaped bottom for the stairs. Applicant advised he had but due to where everything was placed, he decided to go with what's included in the plans. Ron Mogren asked the Board for their thoughts. Tom Sullivan advised that he had no problems.

Mike Ravalli asked if the stairs would only be utilized for the wait staff. Mark French advised the stairs would be for both guests and wait staff. Mark French advised that Warren County requested stairs on the left side to get down to the patio as there were stairs on the right side. Mike Ravalli inquired if this would be divided as one way to go up and one way to go down with a railing. Mark French acquiesced then withdrew his statement. Mark French advised that there would only be one set of stairs. Tom Sullivan asked about the width of the stairs. Dan Barusch advised that that answer is within the plans. Rob Lansley added the comment of the three feet encroachment on fifty feet set back. The Board had no further questions.

Ron Mogren advised there was no comment from the public. Dan Barusch advised there are neighbors of The Lagoon present and asked them if they'd like to speak. There were no objections.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Robert LeBar
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 three-foot encroachment into our 50-foot setback zone / application to benefit 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 because I don't think a three-foot extension of a stairway would be an undesirable change.
2. The benefit sought by the applicant cannot be achieved by some other method feasible because they explored the L-shaped configuration at the bottom, but it appeared that it will be a little bit in conflict with other entrances and pedestrian movement in that area.
3. The requested area variance is not substantial because it's only a three-foot variance.
4. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or district because I don't believe the proposed variance will not have an adverse effect or impact on the physical environment down there.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Robert LeBar
Aye	Aye	Aye	Aye	Aye

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

Dan Barusch and Mark French had a private discussion regarding the future steps. Dan Barusch, Debonnay Meyers, and Mark French, Jr. also discussed the balance due for the legal ad and the neighbor notifications.

TAX MAP:	251.14-2-1
OWNER/APPLICANT:	GREG DYER
ADDRESS:	42 AMHERST ST (THE BREAKFAST SPOT)
ZONE:	CMU
VARIANCE APPLICATION:	AV#4-2023

Applicant is proposing a total of one (1) area variance. The variance is for relief of the rear setback of 15', for placement of one (1) 6'x10' shed in the private parking area located near the business, The Breakfast Spot.

The variance requested is as follows:

- Relief of 15 feet required rear yard setback in the CMU zone: Applicant is seeking relief of 9 feet for placement of new shed, where 15 feet is required and 6 feet is proposed.
Applicant wants to have shed on property for needed storage for their business.

Rob Lansley was present to represent The Breakfast Spot. All Board members reviewed the application and plans.

Ron Mogren started the Public Hearing at 5:21 P.M.

Dan Barusch asked if Greg Dyer or Rob Lansley were present. Rob Lansley introduced himself. The Board questioned what kind of business The Breakfast Spot was. Rob Lansley advised The Breakfast Spot resides over on Amherst Street, near Price Chopper and across from the bakery. Kevin Merry added that the building used to be Ms. B's.

Rob Lansley explained the shed will be used for storage. Currently, there is stuff behind the dumpster and he would like to move those into the shed as it's not a practical place for it. Rob Lansley added that he can't use his personal residence for storage due to the distance between Cohoes and Lake George. Rob Lansley reminded the Board that the shed will only be used for storage purposes only.

The Board inquired the size of the shed. Rob Lansley advised the shed will measure six by ten feet. Rob Lansley included that the shed will be made of wood, not plastic and will be pre-painted. The shed will also be delivered by Home Depot.

Ron Mogren advised this was a very substantial variance however, he had no issues with this as there was no public comment. Ron Mogren reviewed the plans and inquired if the Church was nearby. Rob Lansley advised the liquor stores nearby. Tom Sullivan inquired to where the placement of the shed will be at. Rob Lansley advised the shed will be located on the side of the building for them however, that area is the back of the building for DILLIGAF. Rob Lansley went into detail as to where the shed would be located using the map provided in the application. The Board inquired about the photoshop picture of the shed. Rob Lansley advised the doors will face the same way as the overhead door, and it will be parallel to the alley.

Ron Mogren asked the Board their thoughts. Robert LeBar inquired how is this not self-imposed. Rob Lansley acknowledged that it was a problem they created but, they would like to fix it by adding a shed for storage. Tom Sullivan advised the Board that this would not disqualify the application per the Zoning Conference he attended today. Dan Barusch added that all four criteria must be met for approval, not all five. Ron Mogren advised the additional storage is required for the business expansion.

Ron Mogren asked if the public would like to speak. Debonnay Meyers advised the Board that John Carr did call in a couple days prior to the meeting and stated that he is putting in a good word for The Breakfast Spot. Dan Barusch advised John Carr owns a neighboring property.

Debonnay Meyers reminded the Board to close the Public Hearing before making a motion.

Ron Mogren made a motion to close the Public Hearing.

MOTION 2ND: Kevin Merry

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Robert LeBar
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

Ron Mogren closed the Public Hearing at 5:29 P.M.

Ron Mogren made a motion to approve the application to benefit 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 because I think it's located in the back off the so-called alley, Iroquois Street, out of sight to a lot of people. It's not a particularly large shed so I don't believe that's a detriment to the nearby properties.
2. The benefit sought by the applicant cannot be achieved by some other method feasible because there's a new storage space and the location of that is limited.
3. The requested area variance is not substantial because it's a small shed and its set back off the Iroquois Street, 14-foot request. I don't think that's a substantial issue.
4. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or district because looking at the shed pictures, I don't think we'll have people to be thinking it's an adverse effect or impact in the neighborhood.
5. The alleged difficulty was not self-created.

Kevin Merry, Tom Sullivan and Robert LeBar advised this was self-created. Tom Sullivan advised the alleged difficulty was self-created by the success of the business. The Board agreed that the motion will include it being self-created.

Ron Mogren continued the motion with "The alleged difficulty was self-created but it's a good reason and we're still going to give you the variance as you fit four out of the five."

MOTION 2ND: Kevin Merry

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Robert LeBar
Aye	Aye	Aye	Aye	Aye

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

Dan Barusch and Rob Lansley discussed the balance due for the legal ad and the neighbor notifications. Rob Lansley advised payment had been sent in the mail.

APPROVAL OF MINUTES FROM OCTOBER 5, 2022 (RM, TS, KM, MR, JB, RL)

The Board reviewed October 5, 2022 Meeting Minutes before making a motion. Ron Mogren asked the Board their thoughts. The Board agreed there will be no changes and to approve the minutes.

Ron Mogren made a motion to approve the minutes from October 5, 2022.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Robert LeBar
Aye	Aye	Aye	Aye	Aye

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

Ron Mogren made a motion to adjourn the meeting at 5:32 P.M., seconded by Kevin Merry, and unanimously carried.

Respectfully submitted,
Debonnay Meyers
February 1, 2023