

**LAKE GEORGE VILLAGE  
ZONING BOARD OF APPEALS  
JUNE 5, 2024  
MEETING MINUTES**

**BOARD MEMBERS PRESENT:** Ron Mogren (Chairman), Tom Sullivan, Mike Ravalli, Jeffrey Blau, and Robert Lebar.

**BOARD MEMBERS ABSENT:** Kieran Murray (Alternate).

**OTHERS PRESENT:** Debonnay Meyers (Planning & Zoning Clerk), Dan Barusch (Director of Planning and Zoning), Yerbol Kenzhebekov, Derek Shepanzyk, and Michael Menter.

Ron Mogren opened the meeting at 5:00 pm.

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

<b>TAX MAP:</b>	<b>264.06-2-3</b>
<b>OWNER/APPLICANT:</b>	<b>YERBOL KENZHEBEKOV</b>
<b>ADDRESS:</b>	<b>25 CANADA STREET</b>
<b>ZONE:</b>	<b>COMMERCIAL MIXED USE</b>
<b>VARIANCE APPLICATION:</b>	<b>AV#3-2024</b>

Applicant is proposing a total of one (1) area variance. The variance is for relief of a 30' by 30' tent to remain up all season-long starting June 25<sup>th</sup> to September 8<sup>th</sup> for outdoor seating at the Saluti restaurant.

- Relief of §220-27(B)(1)(E): Tent permits are valid for a maximum of seven days from the first date of use.

Ron Mogren asked who would be representing Yerbol Kenzhebekov. Yerbol Kenzhebekov identified himself as the applicant. Ron Mogren asked Yerbol Kenzhebekov to conduct his opening statement regarding his request. The Board reviewed the application while Yerbol Kenzhebekov conducted his opening statement.

Yerbol Kenzhebekov said he was hoping to obtain a variance to allow relief of §220-27 (B)(1)(E) for a tent to remain up all season-long at his year-round business, Saluti. He expressed his gratitude to the Zoning Board for their decision to approve his request last year. He indicated that if they would allow him to move forward with this, the tent would be up on June 25, 2024, and taken down on September 9, 2024. He reminded the Board that his business was one of a few that remain open year-round. He stated that most businesses close in the off-season due to lack of sales, which hurts the Village financially. Yerbol Kenzhebekov continued with saying that he was very understanding as to why the Board was reluctant to approve the application but said he was working on upgrading the look this year to make it better than before. Yerbol Kenzhebekov handed each Board member pictures of what he envisioned the site to look like. He concluded his opening statement by saying that approving the request would help him tremendously and that it would demonstrate that the Village supports their businesses.

The Board took the time to review the new pictures. Ron Mogren commented on the wood flooring by saying that the flooring makes it look like a permanent structure. Yerbol

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Kenzhebekov assured the Board that he would make the tent look like the best-looking tent in upstate New York. Ron Mogren asked for context of what occurred at last years' Board meeting as he recalled that the Board gave him conditional approval for the summer. He added that he remembered the Board telling him to not come back asking for another. Yerbol confirmed that the conversation did take place. Ron Mogren asked if there was any thought to building a permanent structure. Yerbol Kenzhebekov said yes.

Ron Mogren said granting the tent variance tonight wasn't sitting well with him. So, Ron Mogren asked the Board to express their feelings about it: starting with Tom Sullivan. Tom Sullivan said he wasn't fond of approving the tent application either. He told the Board and Yerbol Kenzhebekov what happened last year. He said he was asked by several people why he and the Zoning Board allowed that tent up. He said the comments came back very negatively and many people were vocal about how hideous the tent was. Tom Sullivan concluded his story by expressing his distaste if they allow the return of that tent with its barrels.

Mike Ravalli asked Yerbol Kenzhebekov if he still followed the COVID-19 seating regulations. Yerbol Kenzhebekov said yes. Mike Ravalli indicated that COVID was over, and that Saluti was not limited in seating. Yerbol Kenzhebekov expressed that he really needed the tent. Mike Ravalli questioned why he needed it. Yerbol Kenzhebekov responded saying that it would help him during the busy months of July and August. Mike Ravalli said he recalled the past of Yerbol Kenzhebekov saying that he needed it for the staff. Mike Ravalli asked if he had hired employees already for outdoor dining. Yerbol Kenzhebekov said no and that he was just here for the tent. Mike Ravalli concluded the conversation by letting the Board know his feelings. He indicated that the layout was atrocious last year, and he sided with Ron Mogren and Tom Sullivan on not approving the tent.

Robert Lebar chimed in and wanted to express his opinion on the ordeal. He agreed with all who had spoken already and said what happened last year was a one-year deal only. He concluded his commentary by expressing that he would not be approving the application. Ron Mogren asked Jeff Blau for his stance on the matter. Jeff Blau acknowledged all the points that were brought up and he indicated the Board members were valid to feel that way, but he expressed that he was for the tent. Jeff Blau said he was a business guy and that he has a soft spot for business owners trying to make a living. So, he said he would be for it if the surrounding area and the tent itself were immaculate.

Tom Sullivan reminded the Board of what occurred last year. He said that Yerbol Kenzhebekov promised them the same thing last year and the tent was far from immaculate. Jeff Blau said Yerbol Kenzhebekov wouldn't be here if he didn't need the room for more customers. He also added that if Yerbol Kenzhebekov used bushes to cover a good chunk of the tent and then added lighting throughout, it could change the look of the tent for the better. The remaining Board members still shook their heads at the idea. Jeff Blau said the tent was in the back of the restaurant and was in an area that couldn't really be seen. Mike Ravalli replied to Jeff Blau saying that a tent was still being placed there and that it wasn't tasteful.

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Ron Mogren lifted the application for all to see and flipped through the pages of all the pictures provided till he got to the page he wanted. Ron Mogren asked Yerbol Kenzhebekov if the white tent shown in the image would be what he would use to which Yerbol Kenzhebekov replied with yes. Jeff Blau asked if there was a possibility for Yerbol Kenzhebekov to use a dance platform instead of the tent. Yerbol Kenzhebekov said he could do that, and he would also purchase a fence similar to ones at restaurants in the Saratoga region. Jeff Blau indicated that if Yerbol Kenzhebekov did that, he would have to think of ways to shelter the customers if it rains. Ron Mogren asked Dan Barusch if it would be possible for Yerbol Kenzhebekov to follow through with Jeff Blau's idea. Dan Barusch said the suggestion wouldn't need a variance, but it would need to appear in front of the Planning Board for additional outdoor seating.

Ron Mogren turned to face Yerbol Kenzhebekov and told him that with the feedback he heard tonight from each Board member, it sounded like the application would be heading towards denial. He indicated that he was an advocate for aiding businesses himself, but the tent would not be one that he could move forward with. Ron Mogren then turned to the Board and asked if they were ready to vote to which all the Board members said yes. Ron Mogren asked Yerbol Kenzhebekov if he had anything more to say before the voting occurred. Yerbol Kenzhebekov said no. Ron Mogren turned to Dan Barusch and asked him if he had any suggestions before they worked on denying the application. Ron Mogren said he wasn't sure if there was any benefit to Yerbol Kenzhebekov withdrawing the application. Dan Barusch said Yerbol Kenzhebekov could withdraw the application because if they deny him tonight, he wouldn't be able to appear in front of them again for a period of time with the same request.

Yerbol Kenzhebekov withdrew the application before the Zoning Board could make a motion for denial. Application withdrawn at 5:10 pm. Ron Mogren said he was going to reiterate what occurred for the record. Ron Mogren said Yerbol Kenzhebekov withdrew his application in hopes of getting onto the Planning Board agenda for outdoor seating.

Dan Barusch said he would need a layout before the next meeting. He reviewed the application to see if a layout was enclosed. He found a rough layout on page 17 and told Yerbol Kenzhebekov that he needed to slightly change it to reflect what was talked about. Yerbol Kenzhebekov said he understood and thanked the Board for their time.

Before the Board could move forward with the next application, Dan Barusch asked the Board if they could switch the order of the agenda. He said Deborah Tirri was hopping on the plane soon and if they had any questions on the application, they should call her right now. The Board granted Dan Barusch's request.

<b>TAX MAP:</b>	<b>251.14-2-25</b>
<b>OWNER/APPLICANT:</b>	<b>DEBORAH TIRRI</b>
<b>ADDRESS:</b>	<b>16 HOLLY DRIVE</b>
<b>ZONE:</b>	<b>RESIDENTIAL</b>
<b>VARIANCE APPLICATION:</b>	<b>AV#5-2024</b>

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Applicant is proposing a total of one (1) area variance. Applicant would like to install a 14' by 28' in-ground pool with a heater in the front yard of their property.

- Relief of §220-29(A): A swimming pool shall not be located, constructed, or maintained on any lot or land area, except in conformity with the following requirements. A private swimming pool shall be located in the rear yard only.

The Board pulled out the application while Ron Mogren requested Dan Barusch to hold off on calling her right now. He said the Board wanted clarification on the request before involving the applicant. Ron Mogren asked about the blue line on the rendering. Dan Barusch said the blue line was the existing dog fence and the pool would be placed inside that fenced area. Ron Mogren and Tom Sullivan asked if she needed to follow height regulations as per the look of the fence, they didn't believe it would meet it. Jeff Blau said he recalled it being either five or four feet. Dan Barusch explained that per state code, it had to be four feet. The Board still had questions on the existing fence. Dan Barusch said as long as the fence was connected on all sides and had a lock and gate on it, the County would not ask for a second fence.

Tom Sullivan inquired about the location of the pool. Dan Barusch held up the rendering and explained that based on the property was on two roads and the fact it was a corner lot, that alone would alter what would be classified as a rear yard. So, because the pool placement lands within the yellow line territory, the pool area would technically be in the front yard. Ron Mogren was still confused because he thought it was in the rear yard. Dan Barusch said corner lots get two front yards with one rear and one side yard, so the rear yard Ron Mogren was thinking of would technically be one of the two front lots. Dan Barusch explained that he tried to convince them to move the pool so they wouldn't need a variance, but they were adamant about leaving it there. Dan Barusch reminded the Board that if they had any questions for Deborah Tirri, he needed to call her soon.

Before Dan Barusch called Deborah Tirri, the Board circled back to the fence conversation as they still had questions about it. Ron Mogren asked Dan Barusch if he was sure the fence was at the right height. Dan Barusch said it was. He also mentioned that he permitted the installation of the fence a couple years ago, and he remembers it meeting the four-foot rule. Ron Mogren asked the Board if they wanted to approve the application with the condition of the height requirement. He expressed that he would feel more at ease if they conditioned it. Dan Barusch said there was no need because that would be regulated and handled by the County. Ron Mogren asked when they called her, if they could ask about the height of the fence to which Dan Barusch said he could make that happen. Ron Mogren asked the Board for their final thoughts on the application. The Board were in a mutual agreement to approve the application as presented. Ron Mogren asked Dan Barusch to call Deborah Tirri so they could be present for the motion.

Dan Barusch called Deborah Tirri at 5:17pm.

Dan Barusch told Deborah Tirri that the Board had only one question and couldn't move forward with the application until they had an answer. Deborah Tirri asked what the question was. Dan Barusch said the question pertained to the height of the fence and Deborah Tirri answered four

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feet. Dan Barusch then asked her if the existing gate had locks on it. Deborah Tirri said yes. Dan Barusch then asked the Board if they had any other questions before moving forward and the Board said no. Dan Barusch informed Deborah Tirri that the Zoning Board was getting ready to start the vote and create the motion.

Ron Mogren closed the public hearing at 5:18 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 in the character of the neighborhood or will not be a detriment to nearby properties because of the fencing and the landscaping and there won't be an undesirable change in the neighborhood there.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because we talked a little bit about locating that in the rear yard or not, but everybody's talked about the alternate for that and we're good for the location of the pool.
3. The requested area variance is not substantial because it's a new pool and there would be no impact to stormwater management or the environment.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because I think that the pools setback off the road away it will not have an adverse effect.
5. The alleged difficulty was not self-created due to the corner lot and no actual rear lot.

**MOTION 2<sup>ND</sup>:** Tom Sullivan

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

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

<b>TAX MAP:</b>	<b>251.14-3-30</b>
<b>OWNER/APPLICANT:</b>	<b>LAKE CREST INN – DEREK SHEPANZYK</b>
<b>ADDRESS:</b>	<b>376 CANADA STREET</b>
<b>ZONE:</b>	<b>COMMERCIAL RESORT</b>
<b>VARIANCE APPLICATION:</b>	<b>AV#4-2024</b>

Applicant is proposing a total of four (4) area variances. The applicant would like to install a gable roof over the existing flat roof on one (1) motel unit that's located within 25 feet of the lake. The variance is for relief of §220-77(B), §220-78 (B) & (C), and relief of the shoreline setback.

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- Relief of §220-77(B): Expansion. A nonconforming use shall not be enlarged or extended beyond the area occupied by such use at the time of the adoption of this chapter.
- 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): 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.
- Relief from the 50 feet required shoreline setback requirement in Commercial Resort zone: A relief of 25 feet is requested, where a 25 feet setback is proposed, and 50 feet is required.

Ron Mogren started the public hearing at 5:20 pm.

Ron Mogren asked who would be representing Lake Crest Inn. Derek Shepanzyk identified himself as the applicant. Ron Mogren asked Derek Shepanzyk to conduct his opening statement regarding his request. The Board reviewed the application while Derek Shepanzyk conducted his opening statement. Derek Shepanzyk told the Board that it basically was a beautification project and that his goal was to change the flat roof to a gable roof to improve the look of his motel. Ron Mogren asked if saying yes to the project would add encroachment and Derek Shepanzyk said no. Tom Sullivan inquired about the square footage and Dan Barusch said 1,300.

Ron Mogren expressed that he was an advocate for improvements to the businesses by the lake. He opened the floor for Board discussion and asked Tom Sullivan to go first. Tom Sullivan agreed with Ron Mogren and said he was for the upgrade. Mike Ravalli asked if completing the project was due to safety concerns. Derek Shepanzyk said no, and said his plan was to update the look of the building. Robert Lebar and Jeff Blau said they were fine with it.

Michael Menter was present at the meeting and introduced himself as the owner of a neighboring property. He said he had three concerns with the project. The first concern was the shadow height over his property and how that could affect his business. The second concern was the water runoff. Lastly, the third concern was the view. Michael Menter said he was expressing these concerns as they could have a slight to moderate impact on his business. Derek Shepanzyk indicated that the water runoff issue would be cut in half and that the view would be fine. Derek Shepanzyk said his building was high enough to which it wouldn't be affected. Michael Menter said he was expressing these concerns so he could have answers and reassurance for them. Derek Shepanzyk said Michael Menter's building was so high he could hardly see Canada Street.

Ron Mogren asked Michael Menter if he was okay with everything. Michael Menter couldn't provide an answer because he was still missing answers from his previous discussed about questions. Michael Menter asked the Board if he could review the application so he could get clarification on everything. Dan Barusch motioned Michael Menter to come sit with him so he could go over the application and help him understand. While Dan Barusch, Michael Menter, and Derek Shepanzyk were chatting about the application, the Board discussed their feelings

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regarding the application amongst each other. The conversation dissolved as soon as Dan Barusch suggested adding a condition. Dan Barusch said due to the proximity of Lake Crest's neighbors, Dan Barusch felt that a gutter should be installed on the backside of the building to alleviate drainage concerns that those properties may have. Ron Mogren asked Derek Shepanzyk where the gutter would take the water to. Derek Shepanzyk said the grass ditch area between the properties.

Ron Mogren asked Michael Menter how he felt after going over everything. Michael Menter said he was fine with the project and would ok it. Dan Barusch asked the Board how they felt about the condition. The Board liked the suggested condition and wanted to add it to the motion. Ron Mogren asked if there were any more comments from the public to which there were none.

Ron Mogren closed the public hearing at 5:27 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 in the character of the neighborhood. It will in fact improve the character of the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some other method feasible. Again, it's for esthetic improvements.
3. The requested area variance is not substantial because there is no increase in the building footprint so it's not substantial.
4. The proposed variance will not have an adverse impact on the physical or environmental conditions because we got a gutter picking up the roof runoff and discharging it in the same location as previously.
5. The alleged difficulty was not self-created as he's replacing roofs.

**MOTION 2<sup>ND</sup>:** Tom Sullivan

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

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

Ron Mogren amended the motion to include "installing the gutter on the back of the building discharged to where it was before."

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**MOTION 2<sup>ND</sup>:** Jeffrey Blau

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

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

<b>TAX MAP:</b>	<b>251.14-4-26.1 &amp; 251.14-4-26.2</b>
<b>OWNER/APPLICANT:</b>	<b>JOSEPH PAIGE &amp; MICHAEL GROSSO</b>
<b>ADDRESS:</b>	<b>90 HELEN &amp; 90 MONTCALM STREET</b>
<b>ZONE:</b>	<b>RESIDENTIAL MIXED USE</b>
<b>VARIANCE APPLICATION:</b>	<b>AV#6-2024</b>

The applicant(s) are proposing a total of two (2) area variances. Joseph Paige and Joanne Stafford-Paige wish to sell a 6' wide strip of land to the Grossos but per the dimensional table, the minimum lot size for residential mixed use is 10,000 square feet. As both lots will be under the 10,000 square foot regulation, both applicants would like to request relief. Joseph and Joann Stafford-Paige (Lot 1) will be requesting relief of 3,200 square feet and Michael and Cindy Grossos (Lot 2) will be requesting relief of 4,783 square feet. Lot 1's new lot size will be 6,800 square feet and Lot 2's new lot size will be 5,217 square feet.

- Relief of §220 Attachment 2: Dimensional Table. Minimum lot size (square feet) is 10,000 for residential mixed-use.

The applicants and their attorneys were unable to make the meeting due to scheduling conflicts. Dan Barusch said this application would be reviewed at the next meeting.

**MINUTES:**

**MAY 1, 2024 (TS, MR, RL, JB, KM)**

Tom Sullivan made the motion to approve the May 1, 2024, meeting minutes.

**MOTION 2<sup>ND</sup>:** Jeffrey Blau

Tom Sullivan	Mike Ravalli	Jeffrey Blau	Robert Lebar
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Recused = 1 Absent = 1 Motion carried.

Motion to adjourn by Ron Mogren at 5:31 pm, seconded by Tom Sullivan, and unanimously carried.

Respectfully Submitted,

*Debonnay Meyers*

Debonnay Meyers