

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
ZONING BOARD OF APPEALS
JUNE 7, 2023**

BOARD MEMBERS PRESENT: Ron Mogren – Chairman, Mike Ravalli, and Kieran Murray

BOARD MEMBERS ABSENT: Tom Sullivan, Jeffrey Blau, and Robert Lebar

OTHERS PRESENT: Debonnay Meyers – Planning & Zoning Clerk, John Fox, Yerbol Kenzhebekov, Vincent Cianciolo, and Brandon Cianciolo.

ZONING BOARD OF APPEALS PUBLIC HEARING

TAX MAP:	251.18-4-54
OWNER/APPLICANT:	RAYMOND PERRY
AGENT:	JOHN FOX
ADDRESS:	106 MOHICAN STREET
ZONE:	RESIDENTIAL MIXED USE
VARIANCE APPLICATION:	AV#13-2023

Applicant is proposing a total of one (1) area variance. The variance is for relief of the height maximum for property line walls or fencing.

The variance requested is as follows:

- Relief of 220-31 (G): Applicant is seeking relief to allow the height of the existing wood stockade fence to increase due to neighbor relations and safety concerns. Per Code 220-31 (G), the height of fences and walls shall not exceed four feet in front yards, six feet in side yards, and six feet in rear yards, unless otherwise directed by the Planning Board during site plan or special permit review. The degree of change will be 60 square feet or 2'x 30'. The applicant is specifically proposing a new section of fence atop the existing 6' high fence, which would be an additional 2' high (a total of 8' in height) for a length of roughly 30' in length.

Ron Mogren opened the meeting at 5:04 PM.

Ron Mogren started the Public Hearing at 5:04 PM.

John Fox was present to represent Raymond Perry. All Board members reviewed the application and plans. Ron Mogren notified John that he may conduct his opening statement.

John Fox began his opening statement informing the Board why Raymond Perry is asking for this variance. He explained that due to neighbor relations and safety concerns, Raymond would like to increase the height of the fence to create more of a separation between his neighbor and himself. The neighbor lives in the building adjacent to Raymond's driveway and there have been situations that have caused increased anxiety and worry based on his neighbor's actions. The neighbor has a history of repetitively slamming car doors, watching them from her window, and has previously screamed to his wife, children and himself several times. Raymond had talked to the Village Attorney regarding this matter and the Village Attorney told him to raise the fence to

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block the neighbor's window. Raymond also talked with the Warren County Sheriff's office and they suggested the same thing. John Fox concluded his opening statement by explaining that the property owner of the neighbor's house is aware of the situation and even they are suggesting to raise the height of the fence.

The Board questioned if Raymond was renting his property. John Fox indicated that Raymond is a property owner, the neighbor is the one that's renting. Mike Ravalli stated that he drove by the property and did see that there's an addition already added to the fence. John Fox explained that a tarp had been added and was approved by Dan Barusch temporarily.

Ron Mogren stated he spoke with Dan Barusch in relation to this application. Ron Mogren was reviewing his application and stated there were no pictures and measurements included. Debonnay Meyers handed Ron Mogren her copy of the application for him to review. Ron Mogren asked about what material would be used to make the addition. John Fox said that the addition of the fence would be added to the weathered fence and would look very similar to the existing fence.

Ron Mogren asked Mike Ravalli and Kieran Murray their thoughts. Mike Ravalli expressed that if he was in that situation, he'd ask for the same thing. Mike Ravalli asked John Fox if the neighbor was new. John Fox indicated the issues have been ongoing for a while now. Mike Ravalli indicated that if they approve this, he hopes it doesn't start a precedent in the Village. Kieran Murray stated that based on the picture, it looks like any one would be able to see it as it's positioned perpendicular to the street. Ron Mogren asked if this is the side fence or the front fence. John Fox stated that it's the side fence.

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 it's merely a two-foot extension over a period of 30 feet, which would not cause an undesirable change.
2. The benefit sought by the applicant cannot be achieved by some other method feasible because it looks like you've talked to the police, looks like you've talked to the neighbor. I don't really see that there's some other method that's feasible.
3. The requested area variance is not substantial because it's just a two-foot extension by 30-foot long.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because there'd be no impact on environment conditions.

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5. The alleged difficulty was not self-created.

MOTION 2ND: Mike Ravalli

Ron Mogren	Mike Ravalli	Kieran Murray
Aye	Aye	Aye

Ayes = 3 Nays = 0 Absent = 3 Motion carried.

TAX MAP:	251.18-3-63.2
OWNER/APPLICANT:	VINCENT CIANCIOLO
ADDRESS:	164 CANADA STREET
ZONE:	COMMERCIAL MIXED USE
VARIANCE APPLICATION:	AV#12-2023

Applicant is proposing a total of one (1) sign variance. The variance is for relief of the color maximum. Applicant is requesting to allow 6 colors onto his sign as its part of the logo/company.

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.

Vincent Cianciolo and Brandon Cianciolo were present to represent Bambaz Mac-N-Cheese, located at 164 Canada Street in Lake George. All Board members reviewed the application and plans. Ron Mogren notified Vincent that he may conduct his opening statement.

Vincent Cianciolo began his opening statement by introducing himself and his son, Brandon, to the Board. He explained that he is the owner of the new restaurant called Bambaz Mac N Cheese. Ron Mogren asked where his restaurant is located. Debonnay Meyers indicated that Bambaz took over Kabab Express's space. Vincent Cianciolo added that Saltwater Cowboy was in that space as well. Ron Mogren asked if this was Vincent's first season in the Village. Vincent Cianciolo advised that he has been doing food trucks in Shepard Park before he started the restaurant.

Vincent Cianciolo advised that he is requesting the Board to grant him approval for the color variance so he can keep his logo on his sign. He indicated that he's had the logo affiliated with his business since when he was doing business as a food truck. Ron Mogren advised that per Village Code, there is a maximum of four colors allowed on the sign. Ron Mogren asked Vincent why he couldn't follow the four-color rule. Vincent Cianciolo expressed that he couldn't because of his logo. Ron Mogren asked if the logo was part of his corporate company. Vincent Cianciolo advised that he's part of a franchise.

Mike Ravalli questioned how many restaurants Vincent has. Vincent Cianciolo responded with six. Mike Ravalli asked the location for these restaurants. Vincent indicated they're spread out throughout the Catskills area, Manhattan area and Lake George area with two food trucks. Kieran Murray asked if the logo was a trademark. Vincent confirmed.

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Ron Mogren reviewed the application and indicated that the length and size of the sign are within code so there will be no concerns about that. Ron Mogren expressed his thoughts regarding the sign. He reviewed and felt that the extra two colors he saw don't really stand out. He also added that the background color picked, the yellow-ish color, wasn't the best looking. Vincent Cianciolo informed that on paper, it doesn't look great. However, on the banner, it looks like the color of the cheese in the mac.

Ron Mogren asked Kieran Murray for his opinion. Kieran Murray expressed that the franchise had invested in the logo with all of the different colors. He continued to say that when he drove by, it doesn't look like there's so many different colors. The colors look like different hues instead of different colors entirely. Ron Mogren asked Mike Ravalli for his input. Mike Ravalli expressed his concern about continuously approving signs with logos and how it could set a precedent in the Village. Ron Mogren agreed indicating that this is the second time this occurred within two months.

Mike Ravalli asked Vincent Cianciolo what colors he would eliminate if he had to. Ron Mogren asked Mike Ravalli and Kieran Murray if they consider white a color. Vincent Cianciolo advised that there's not many different colors, there's different shades. Mike Ravalli stated that it's still considered a color. Debonnay Meyers chimed in and asked the Board if white should be considered a color and if all Board members would agree and make the joint decision. Ron Mogren expressed that he believes white should be labelled as a color. Ron Mogren reiterated his feelings indicating he doesn't think having the two extra colors will make such a big impact. Based on the size of the sign and the small amount of the two extra colors, he doesn't believe it would cause issues or even be noticed.

Mike Ravalli expressed that his decision is based on their appearance or character or how many colors are on the sign, it's more of approving this and creating a precedent they'll have to deal with in the future. Vincent Cianciolo asked if he could appear in front of another Board to possibly raise the allowed number of colors. Mike Ravalli expressed that if Vincent followed the four-color rule, he would be okay with the sign.

Kieran Murray asked if he removed the logo, how many colors would remain on the sign? Ron Mogren advised the sign consists of a yellow and white background with two logos on each side of the sign. Ron Mogren added that the sign on the building can reflect different than the logo on the shirts. The logo on the clothing doesn't have to change, just the sign on the building to follow Village Code.

The Board started to count how many colors there were on the sign. Vincent Cianciolo explained that his son created the sign for his business. Kieran Murray informed the Board that due to the success in the Village with his food truck, that's why he's expanding in the Village with a new restaurant and wants to bring the logo with him. Mike Ravalli still had the same concerns as earlier. He's concerned that next month another business will come in with a logo of six or seven colors and the Board will have to handle this kind of situation again. Ron Mogren did suggest

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maybe changing the orange-red colors near the macaroni noodles in the logo for another color that keeps the logo within the four-color maximum.

Kieran Murray chimed in asking if there were any colors that could be taken out without touching the logo. They reviewed and found that yellow and the white are in the logo already. Kieran Murray asked if there's a definition of the word color in the Code. Mike Ravalli confirmed that there was and it's labelled as shades of color. Ron Mogren expressed that in the sign, Vincent has two shades of red and that's technically considered two colors.

Ron Mogren asked Debonnay Meyers if he will appear in front of the Planning Board next. Debonnay Meyers confirmed. She indicated Vincent Cianciolo must obtain approval from the Zoning Board in order to present this sign design to the Planning Board on the 21st of June. Ron Mogren suggested to provide a conditional approval to allow four-colors and have the Planning Board pick the four colors.

Vincent Cianciolo expressed he would like approval from the Zoning Board for his sign as presented. He stated that when he came to the Village, he didn't know there was a four-color maximum until he started making this sign. He indicated it's very hard to minimize the design of a logo as technology and design are advancing at a fast rate. Vincent Cianciolo provided examples of other businesses that have more than the four-color maximum such as Phases and the Village of Lake George. Ron Mogren expressed that there shouldn't be a lot of signs on Canada Street that have more than the maximum. Vincent Cianciolo advised there were. Mike Ravalli and Ron Mogren expressed there shouldn't be as they didn't approve many. Ron Mogren added that if there were, the Village Zoning department isn't doing well if they're not catching illegal signs.

Ron Mogren asked Vincent Cianciolo if he could just pick four colors and re-do the logo. Mike Ravalli expressed that it would be less expensive if he used less colors. Vincent Cianciolo advised that it wouldn't be an easy job to do. His logo is in a file that isn't easy to change and alter. Vincent Cianciolo explained the logo designers make it difficult to change or alter the logo once it's created. Ron Mogren asked Vincent if he will follow the four-color rule. If not, the vote will occur and there is a chance that the application will be denied. Ron Mogren expressed that he will need all three votes in order for it to be approved.

Vincent Cianciolo continued to plead his case. He expressed that going in front of the Zoning Board is case by case as the next business that appears would most likely get the approval. Ron Mogren asked Mike Ravalli, Kieran Murray and Vincent Cianciolo if a compromise could be done. Mike Ravalli indicated the compromise would still be over the four colors.

Vincent Cianciolo explained his journey of what he's done so far. He went in front of the Planning Board and got tabled because of the number of colors they saw on the sign. He paid for a temporary banner to be placed in front of his building and paid to appear in front of the Zoning Board. He asked Ron Mogren why he would pay the \$250 dollars to appear in front of the Zoning Board just to be denied. Ron Mogren notified Vincent Cianciolo that he should've

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appeared in front of the Zoning Board first before going to the Planning Board. Vincent responded back saying that Dan Barusch reviewed the application and told him he needed to go in front of the Planning Board. Then when he got to the Planning Board, they told him to go to the Zoning Board for approval of the colors.

The Board and Vincent Cianciolo went back and forth in relation to the colors. The Board indicated that Vincent has a choice to either follow the four-color maximum or go through with the vote with the possibility of getting denied. Ron Mogren explained to Vincent Cianciolo that the Zoning Board has five members (with one alternate) and two of the main members are absent. In order for Vincent to get the approval, he must obtain three “yes” votes from those who are here.

Vincent Cianciolo explained the process he went through again. He indicated that he filled out the sign application and handed it to Debonnay Meyers. Debonnay Meyers told him that the picture of the sign looks like it has too many colors on it and to head to Dan Barusch for review. Dan Barusch told him that it appears there may be too many colors and Vincent should appear in front of the Planning Board. Vincent then paid \$250 to appear in front of the Planning Board just to get told to go to the Zoning Board as he had more than what’s allowed. Now, he’s currently at the Zoning Board meeting and being told there’s nothing the Zoning Board can do for him because they’re not approving the variance. Vincent continued to express frustration and his confusion as to why he wasted an additional \$350 to appear in front of the Zoning Board when the Board can’t do anything to change the law.

Ron Mogren told Vincent Cianciolo that he wasn’t sure why Dan Barusch sent him to the Planning Board before going in front of the Zoning Board. He advised that Vincent would have to speak with Dan about that matter. Mike Ravalli interjected and offered to table the application until they talk to Dan Barusch. Ron Mogren asked Vincent Cianciolo if he would like the application to be tabled till next month so Dan Barusch could be present. Vincent Cianciolo stated that he would not like for the application to be tabled, he wants to know why other businesses can have more than four colors on their sign and he can’t. Ron Mogren asked Vincent for examples. Vincent Cianciolo provided examples such as Phases. Vincent said that Phases have nine colors on the sign at both of their locations. Ron Mogren advised only one applicant came before the Zoning Board for the color variance. He explained that the other businesses who haven’t appeared in front of the Zoning Board to request a color variance or have appeared and got denied will be dealt with.

Ron Mogren asked Vincent Cianciolo if he would like an additional approval. Vincent Cianciolo indicated he had no choice. Ron Mogren went over with Vincent on what his choices were. One choice leading to a tabled application till next month, another choice leading to take the conditional approval or final choice of Zoning Board voting yes or no on the application. Ron Mogren reiterated that Vincent will have to get three “yes” votes in order to get approved. Vincent indicated it will be difficult to get the design changed as the Planning Board wanted a sample. He continued to explain the whole process on his end with requesting changes to the

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sign company and with the designer. Vincent went on and indicated Bambaz is a seasonal restaurant so he feels the time is ticking.

Vincent Cianciolo asked Ron Mogren how to change the Zoning ordinance laws. Ron Mogren explained that Vincent would have to plead his case to the Village Board as the Village Trustees are the only ones allowed to alter any local laws within Village Code. The Board and Vincent Cianciolo again circled back to the previous conversation of what the Planning Board told Vincent. Vincent Cianciolo indicated he was told by the Planning Board that the Zoning Board has the power to override laws. Ron Mogren confirmed that they can override a Zoning Ordinance with a variance however, there has to be three votes for approval. To officially change the law from the Zoning section, the Village Board would have to review and go through the process and approve that new law.

Ron Mogren asked Brandon Cianciolo for his thoughts on the matter. Brandon Cianciolo remained silent. Vincent Cianciolo stated that Brandon liked the design because he made it himself. Ron Mogren indicated that if they knew of the sign ordinance, they wouldn't be in this situation and would've made this same exact design with four colors with no issues. Kieran Murray chimed in stating he had the opportunity to sit down beside a couple sign designers and what he gathered from the experience was having too many colors can muddy up your logo. He expressed this could be a blessing in disguise as you would want your logo to pop. Kieran Murray continued the conversation with letting everyone know he drove past Bambaz's restaurant to check out the temporary banner. He stated that even with his vision not being the greatest, it was very hard to read from afar. Vincent Cianciolo responded back with the temporary banner doesn't look as nice as a sign would. He continued on stating that neon lights were allowed in the Village in the window of the establishment with numerous colors but one sign can't have more than four colors.

Ron Mogren recalled there being a situation with neon lights with Capri Pizza a few months back. Debonnay Meyers reminded the Board that the condition was removing one of the signs as they had so much signage in a small square foot area. Ron Mogren changed the topic and asked the Board if they're ready for a motion. Vincent Cianciolo asked what would be included in the motion and why they have to do a motion. He expressed that Mike Ravalli was going to say no so it wouldn't get approved anyways. Ron Mogren indicated that the motion would be a conditional approval that allows the maximum of four colors to be utilized. Vincent Cianciolo indicated he has no choice but to accept their decision. Ron Mogren reminded Vincent Cianciolo of his choices once more. Vincent asked if he went forward with the vote and it got denied, would he have to keep his temporary banner up and he'd never get a sign? Ron Mogren expressed if the application got denied, he would have to conform with the Zoning Ordinance laws and he wouldn't have to appear in front of the Zoning Board.

Ron Mogren made a motion for approval for the sign based on the condition that he use four colors because if he uses the four colors:

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1. An undesirable change will not be produced to the character of the neighborhood or will be a detriment to nearby properties because it would conform to the zoning law.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant. He's just got to use the four colors. Any colors.
3. The requested area variance is not substantial because it's just a couple colors.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. There's no physical or environmental conditions associated with the sign.
5. The alleged difficulty was self-created.

MOTION 2ND: Mike Ravalli

Ron Mogren	Mike Ravalli	Kieran Murray
Aye	Aye	Aye

Ayes = 3 Nays = 0 Absent = 3 Motion carried.

TAX MAP:	264.06-2-1
OWNER/APPLICANT:	YERBOL KENZHEBEKOV
ADDRESS:	1 CANADA STREET
ZONE:	COMMERCIAL MIXED USE
VARIANCE APPLICATION:	AV#14-2023

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 to Labor Day for outdoor seating at the Biscotti Café restaurant.

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

Yerbol Kenzhebekov was present to represent Biscotti Brothers, located at 1 Canada Street in Lake George. All Board members reviewed the application and plans. Ron Mogren inquired if the business is located in John Carr's building. Yerbol Kenzhebekov confirmed. Ron Mogren notified Yerbol that he may conduct his opening statement.

Yerbol Kenzhebekov conducted his opening statement with introducing himself as the owner of Biscotti Brothers Café and Saluti. He indicated that he's present to ask the Zoning Board to grant the variance allowing him to have the tents. He further explained that when COVID happened, the Village Board decided to approve tent use all season long to aid with social distancing. The tents did help Yerbol as it did save his business from failing. However, he just found out that the tents have been switched back to follow the code. Before finding that out, he had bought all new tents, stands and new furniture for his business.

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Ron Mogren asked Yerbol Kenzhebekov if he had bought all these new additions to his business without appearing in front of the Zoning Board. Yerbol confirmed and indicated he didn't know it had switched back at the time of purchase. Ron Mogren stated that the tents weren't the most attractive thing to look at. Yerbol responded the tents included with the application were good looking. The Board opened the applications and reviewed the photos submitted. Yerbol Kenzhebekov explained that the pavement would be painted to make it seem like you're not in a parking lot. Yerbol pleaded his case by saying that the customers who continuously come back to Biscotti Brothers don't mind the tents. He also stated that he would have flower boxes available to create a nice atmosphere.

Mike Ravalli asked if what he ordered was a large investment. Yerbol Kenzhebekov confirmed. Mike Ravalli then asked if Yerbol had the thought that the pandemic would go on forever. Yerbol confirmed. He felt at the time that it would. Yerbol then asked the Zoning Board to allow him two months with the tents. He explained that once Labor Day comes, he will have it taken down the next day. Yerbol indicated that the summer season is when he gets the most business. Due to the fact his business is year-round, the summer is the only way he can pay his employees and keep afloat.

Ron Mogren questioned how busy the restaurant was. He inquired if his restaurant has frequent flow of customers that will fill every indoor and outdoor seat. Yerbol Kenzhebekov indicated that his two businesses have two large parking lots. No other business within the Village offers the amount of room as his business. He explained that customers will walk or drive to his establishment because of how much space there is. He also added the fact that just because COVID restrictions were lifted, there are still COVID cases around the world. People are still getting sick to this day. Yerbol indicated that people are still concerned with the spread and would still like to social distance. An example he used was customers that come up from New York City. Yerbol said they still come up and sit down with masks.

Ron Mogren asked if this one tent would be for both restaurants. Yerbol Kenzhebekov explained that there should be two applications; one for Biscotti and one for Saluti. Each application should have pictures of the tents that would be placed. The Board reviewed Saluti's application. Ron Mogren asked if there would be permanent fixtures installed. Yerbol informed the Board that the fixtures will be temporary. He explained that there's no possibility of installing permanent fixtures as his landlord, John Carr, would be plowing the parking lots in the off season.

Mike Ravalli asked how his two businesses are like indoors. Yerbol explained that this topic can't be asked about Saluti as Saluti opened in February 2020. Mike Ravalli expressed his concerns on how Yerbol can't determine how Saluti's indoor business would be. Mike Ravalli continued explaining that there could be a chance that Saluti wouldn't need the extra space outside if indoor seating could work just fine. Yerbol confirmed that the indoor business would be pretty full.

Ron Mogren expressed that he doesn't see the appeal of having the tents. It won't do the business any justice for the image of the restaurant. However, Ron Mogren did offer that he would allow a

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one-year trial to see how it goes. If he receives any complaints indicating how much of an eyesore the tents are, it won't be permanent. If there's no complaints, there could be a possibility of having the variance permanently. Ron Mogren asked when the tents would be put up. Yerbol stated at the end of June.

Ron Mogren stated that the days of the trial should start June 15, 2023 to Labor Day. Ron Mogren asked Yerbol if that seemed fair. Yerbol confirmed. Kieran Murray expressed he sees that businesses are upgrading or creating permanent structures to abide the rules in the Village Code. He indicated it doesn't feel fair that they're working hard to improve their business while we're allowing another business to override over the law. Yerbol indicated that the outdoor seating will only include six or seven tables.

Mike Ravalli commented on the matter indicating that he doesn't agree with the tents. He expressed that the Village residents don't like the tents either. The whole point of the Zoning Ordinance is to maintain a good image of Lake George for everyone. He feels that having businesses place tents will tarnish the image and could start precedents. He provided examples of other Towns and Villages who don't allow tents such as Lake Placid and Bolton Landing. Kieran Murray chimed in and explained his previous point into more detail. Yerbol Kenzhebekov explained that he does acknowledge their position with this but he's just requesting only these two months.

Ron Mogren advised he could put tables and chairs outside without the tent. Debonnay Meyers indicated that Yerbol would have to get approval from the Planning Board. Yerbol Kenzhebekov pleaded to the Board to allow the tents this year. The Board suggested Yerbol to start planning on building a permanent structure for next year. Kieran Murray did indicate that Yerbol would have to work with the Planning Board on that structure.

Ron Mogren explained to Yerbol how the motion will follow. He will make a motion and then the vote will occur. Ron Mogren did indicate that there is a chance that it may not get approved as all three votes must be a yes. Debonnay Meyers let Ron Mogren know that since because there are two applications for two businesses, the motions must be separate. There must be one motion for Saluti and one motion for Biscotti Brothers.

Ron Mogren made a motion for approval with the condition that the tents will be summer only and will be removed after Labor Day, permanently:

1. An undesirable change will not be produced in the character of the neighborhood or will be a detriment to nearby properties because it's just a short-term situation. A couple months in the summer time for the tents is all.
2. The benefit sought by the applicant cannot be achieved by some other method feasible. Well, he's actually not did a very good job of that but he did show some tables with tents but again, the alternate would be a permanent deck out there. That would be another

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method that would be good for us.

3. The requested area variance is not substantial. It's only for the period of this summer.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. This is all on a parking lot so there's no stormwater implications so there would be no environmental conditions detrimental.
5. The alleged difficulty was not self-created because COVID came along.

MOTION 2ND: Mike Ravalli

Ron Mogren	Mike Ravalli	Kieran Murray
Aye	Aye	Aye

Ayes = 3 Nays = 0 Absent = 3 Motion carried.

TAX MAP:	264.06-2-3
OWNER/APPLICANT:	YERBOL KENZHEBEKOV
ADDRESS:	25 CANADA STREET
ZONE:	COMMERCIAL MIXED USE
VARIANCE APPLICATION:	AV#15-2023

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 to Labor Day 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.

As there was discussion about this application in the last application, the Board decided to work on the motion prior to announcing the approval.

Ron Mogren made a motion for approval with the condition that the tents will be summer only and will be removed after Labor Day, permanently:

1. An undesirable change will not be produced in the character of the neighborhood or will not be a detriment to nearby properties because it's just a short-term couple months in the summer time.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant. Well, he looked at the tables and the umbrellas and did not find that to be feasible method for now.
3. The requested area variance is not substantial. Cause it's just for this summer only.

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4. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because it's all on top of a parking lot anyways.
5. The alleged difficulty was not self-created.

MOTION 2ND: Mike Ravalli

Ron Mogren	Mike Ravalli	Kieran Murray
Aye	Aye	Aye

Ayes = 3 Nays = 0 Absent = 3 Motion carried.

Debonnay Meyers reminded him about the upcoming Planning Board meeting on the 21st of June. He asked if he could put everything out right now. She advised against it and to wait until the determination of the Planning Board meeting.

APPROVAL OF MINUTES FROM APRIL 5, 2023 (RM, TS, JB, MR, RL)

There was no motion made for April 5th meeting minutes as Kieran Murray doesn't count as a vote for these minutes.

Ron Mogren made a motion to close the Public Hearing at 6:05 PM.

MOTION 2ND: Mike Ravalli

Ron Mogren	Mike Ravalli	Kieran Murray
Aye	Aye	Aye

Ayes = 3 Nays = 0 Absent = 3 Motion carried.

Ron Mogren made a motion to adjourn the meeting at 6:05 PM, seconded by Mike Ravalli, and unanimously carried.

Respectfully submitted,
Debonnay Meyers
June 7, 2023