

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
ZONING BOARD OF APPEALS
NOVEMBER 3, 2021
MEETING BEGINS AT 5:00 PM**

BOARD MEMBERS PRESENT: Tom Sullivan – Acting Chairman, Kevin Merry, Mike Ravalli, and Jeff Blau

BOARD MEMBERS ABSENT: Ron Mogren – Chairman

OTHERS PRESENT: Dan Barusch (Director of Planning & Zoning), Lori Bott (Clerk), Heath Mundell, and Dennis Quirk

ZONING BOARD OF APPEALS PUBLIC HEARING

Tom Sullivan will be chairing the meeting in the absence of Chairman Ron Mogren.

TAX MAP:	264.06-2-43
OWNER/APPLICANT:	JAMES DENNIS QUIRK JR/SHORELINE
ADDRESS:	43/47 CANADA STREET
ZONE:	COMMERICAL MIXED USE
VARIANCE APPLICATION:	AV4-2021

Applicant is proposing a total of one (1) area variance. The variance is for the sign to be a white interior lit sign.

The variance requested is as follows:

- Relief of 220-24(B)(1)(c)[2]: Internally lit signs with a transparent or light background color are prohibited. Relief of this provision to have an internally lit sign with the Shoreline Company logo on the white background.

Tom Sullivan opened the public hearing at 5:01 p.m.

Tom Sullivan asked Heath Mundell, attending on behalf of the applicant, Dennis Quirk, to approach the Board and explain the request for the variance. Heath explained that he designed the proposed sign. He tried several background colors, but with the logo no other colors worked as well. He designed an internally lit sign because the existing case has internal lights. The lights would be switched from fluorescents to LED lights. Heath stated that there are other signs on neighboring lots that are internally lit with white backgrounds.

The Board acknowledged that there are white internally lit signs in the Village, but that they were placed there before the ordinance was adopted. The internally lit white signs are distracting to traffic, and signs with white backgrounds are allowed if they are externally lit. The Board checked with Dan Barusch to see if he could recall any previous times where variances for

internally lit with light backgrounds signs had been issued. Dan recalled that a variance was issued for Auntie Anne's and Crabby Joes. The Board stated that Auntie Anne's was granted because it was recessed wall sign not directly on Canada Street, and because the franchise owner did not have control over the logo. Crabby Joe's sign only has lighting behind the red and white canned letters and not behind the background. The Board expressed concern over granting a variance and setting a precedent that defeats the purpose of the ordinance altogether.

Dennis Quirk asked to address the Board regarding his request for the variance. Dennis explained that he tried several different colors but really feels that the white background works the best. Dennis also brought up that several of his neighbors have signs with white backgrounds. He feels that having an internally lit sign with a white background would fit in with the other signs in the neighborhood. Heath said he could in theory reduce the level of the brightness of the sign, but if he reduced it too much, it would look like the sign was malfunctioning.

The Board reminded him that the internally lit signs with a white or light background were in place before the ordinance was adopted. If the owners of the signs wanted to update their respective signs, they would have to adhere to all of the current ordinances. The Board suggested to Heath and Dennis that if wanted to stay with the internally lit sign, they could do a darker color, cream, or grey background color and could outline or "shadow" the letters in white. If they choose to stay with a white background, they could externally illuminate the sign or not illuminate the sign. The Board discussed these options with Heath and Dennis.

Changing the sign ordinance was brought up in the discussion. Dan mentioned that he has been working on a draft but it would be up to the Village Board to make any sign ordinance changes, and that that process takes several months. Heath asked if he could get a conditional approval for six months for the internally lit sign, and if there were no complaints about the sign that it would be allowed to remain up. Heath stated that it would be a good test to see how an internally lit white background sign would look on Canada Street and would allow the Village time to change the ordinance. The Board said that it is not in their purview to change the Village ordinances, that that approval would set a bad precedent, directly go against the ordinance, and that there are other feasible options available.

Tom Sullivan made a motion to deny the application as submitted and addressed the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is not greater because:

1. An undesirable change will be produced in the character of the neighborhood or will be a detriment to nearby properties because an internally illuminated, light background sign has been specifically prohibited by the Village as a potential traffic hazard, in the interest of uniformity, and for other reasons.
2. The benefit sought by the applicant can be achieved by some other method feasible for the applicant because the applicant is free to erect a sign with an unilluminated or externally illuminated, light background, or with a dark background illuminated either

internally or externally.

3. The requested area variance is substantial because it is in direct violation with the ordinance.
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because internally illuminated signs with light backgrounds have been deemed by the Village to pose potential traffic, uniformity, and other issues.
5. The alleged difficulty was self-created.

MOTION 2ND: Kevin Merry

Tom Sullivan	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Nay

Ayes = 3 Nays = 1 Motion carried.

Heath asked if he could put the sign up now not backlit. Dan let him know that he had to go before the Planning Board on the 17th and receive approval before installing the sign. Heath asked when Dan thought he would have the revisions to the ordinances. Dan let him know that he was still in the drafting stage and had not presented anything to the Village Board.

Tom Sullivan made a motion to close the public hearing at 5:45 p.m.

MOTION 2ND: Mike Ravalli

Tom Sullivan	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Motion carried.

APPROVAL OF MINUTES FROM April 7, 2021 (RM, TS, KM, MR, JB)

Tom Sullivan made a motion to approve the minutes from April 7, 2021.

MOTION 2ND: Kevin Merry

Tom Sullivan	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Motion carried.

Tom Sullivan made a motion to adjourn the meeting at 5:46 p.m., seconded by Kevin Merry, and unanimously carried.

Respectfully submitted,
Lori Bott
November 3, 2021

Meeting Minutes - APPROVED