

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
ZONING BOARD OF APPEALS  
OCTOBER 5, 2022  
MEETING BEGINS AT 5:00 PM**

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

**OTHERS PRESENT:** Debonnay Meyers (Clerk), Dan Barusch, Jon Lapper, Sean and Melissa Quirk

**ZONING BOARD OF APPEALS PUBLIC HEARING**

<b>TAX MAP:</b>	<b>251.18-3-60</b>
<b>OWNER/APPLICANT:</b>	<b>SEAN QUIRK</b>
<b>ADDRESS:</b>	<b>1 KUROSAKA LANE (NEPTUNE’S)</b>
<b>ZONE:</b>	<b>COMMERCIAL RESORT</b>
<b>VARIANCE APPLICATION:</b>	<b>AV3-2022</b>

Applicant is proposing a total of one (1) area variance. The variance is for relief of the shoreline setback for the enclosure of the existing outdoor patio.

The variance requested is as follows:

- Relief from the 50 feet required shoreline setback requirement in Commercial zone: As part of a larger conversion of the restaurant property to five tourist accommodations and retail use, the applicant is proposing enclosing an existing outdoor patio along the lakefront walkway and converting it to a boat rental/retail space on the lower level, with balconies above said space for 2 of the 5 rental units to be created. A relief of 38 feet is requested, where a 12 feet setback is proposed and 50 feet is required.

Ron Mogren opened the meeting at 5 P.M.

Sean Quirk, Melissa Quirk and John Lapper were present to represent the project regarding the transformation of the restaurant, King Neptune’s, to a five-unit hotel with boat retail area. All Board members reviewed the application and plans. Ron Mogren asked Dan Barusch to clear the confusion. Ron Mogren advised that the variance of the Lake is a great concern and had questions about the project in general. Dan Barusch advised to let the applicants present first and then he will answer any questions after.

Jon Lapper introduced himself and started to go further into detail regarding the project. John Lapper explained that this project, is a project that’s asking to do less than what’s present now. John Lapper included in his statement that Neptune’s had been present there for decades and has had high traffic with the public. He concluded his statement by stating that Sean Quirk would love to transform the restaurant into a boutique, high end five-unit hotel. John Lapper further explained that due to the variance from the lake, the 12 feet was already there in terms of the

concrete patio area with lots of tables and umbrellas. Jon Lapper advised that Sean Quirk will turn that specific area into an enclosed boat rental office and on top of the boat rental area, there will be a balcony for two of the units. Jon Lapper advised that this construction will complete the building and the construction won't have any effect on the lake such as pollution or any changes to the stormwater run-off. Tom Sullivan asked if the footprint will be the same. Jon Lapper confirmed. Ron Mogren asked Jon Lapper about the outdoor area. Ron Mogren wanted clarification on the outdoor dining area being transformed into an office. Dan Barusch interjected and advised that this project will be categorized as a change of use. John Lapper stated that it's a permitted use. Dan Barusch advised the tourist accommodations and the retail accommodations will take place on the enclosed patio. Dan Barusch further explained to the Board to ensure they're understanding that the seating area will be surrounded by the screened porch. There will be balconies above for the two units. Dan Barusch continued to explain that the shoreline setback relief will be the request. The goal was to enclose that area. Dan Barusch added to Jon Lapper's point earlier, there currently is a structure present. In addition, the patio is currently above grade. Sean Quirk, Melissa Quirk and Jon Lapper were in front of the Zoning Board because the project was encroaching on the inner space. The inner space is the imaginary white line of the setback. Tom Sullivan notified the Board to review the last picture in the application. Tom Sullivan explained to the Board that they will see the difference of the removal of the umbrellas to the boat rental retail area. All the Board members reviewed the picture Tom Sullivan was referencing.

Ron Mogren confirmed with Jon Lapper that the balconies will be new and the balconies will be separate from the concrete. Dan Barusch interjected and advised the Board that the balconies will be on the roof of the enclosed retail area. The Board inquired if the APA had a say regarding this project. Dan Barusch advised that the APA will not get involved. Dan Barusch further explained the APA will get involved only when the project will be over 40 feet in height or location is in the wetlands. Dan Barusch advised the Village of Lake George doesn't have many wetland areas. Ron Mogren and Dan Barusch continued their discussion on the confusion of the variances and the setback of the lake with the APA.

John Lapper notified the Board that this project will be aiming as a big upgrade. The money spent will be used to make the building more modernized. There will be new stone and new surfaces. Tom Sullivan confirmed with Jon Lapper that there will be sliding doors for two of the units. Jeff Blau asked if there will be rooms on the second floor of the building. Jon Lapper advised there will be units on the second and third floor of the building. The Board confirmed with Jon Lapper that there will be a total of five units all together.

Sean Quirk notified the Board that King Neptune's used to be a hotel named King Neptune's Hotel in the 1940's and 1950's. Sean Quirk further explained that his father kept paying the 25 dollars to keep the permit in good standing. Ron Mogren inquired if the boat rental office will replace the gazebo that's in front of the mall. Sean Quirk advised that the gazebo will not be replaced. Ron Mogren questioned if the stone work on the side of the building will be new. Jon Lapper confirmed that the stone work will be new as proposed. Kevin Merry inquired if the existing foundation will be used. Jon Lapper confirmed. The Board was notified that the sidewalk will remain the same.

Ron Mogren said that the project looked good and how there can be concerns about cutting the project close to the Lake. Ron Mogren asked the Board their thoughts on the project. Tom Sullivan advised that the project's a good idea. Michael Ravalli advised that there's hardly any changes. Jeff Blau agreed to let Sean Quirk proceed with the project. Kevin Merry advised the project is not encroaching. Robert Lebar had no comment.

Ron Mogren started the Public Hearing at 5:07 P.M. There were no comments. Ron Mogren made a motion to close the Public Hearing.

**MOTION 2<sup>ND</sup>:** Michael Ravalli

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

Ayes = 5 Nays = 0 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 property owners because there's clearly a nice improvement to the aesthetics of the building.
2. The benefit sought by the applicant cannot be achieved by some other feasible method because this is the current location of the concrete patio and it retrofitted to be an office and it's pretty much confined in that space.
3. The requested area variance is not substantial because there's no significant changes to the building layout, building foot print.
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 think any storm water management is affected or any other physical conditions will be a detriment to the project.
5. The alleged difficulty was not self-created.

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

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

Ayes = 5 Nays = 0 Motion carried.

**APPROVAL OF MINUTES FROM June 1, 2022 (RM, TS, KM, MR, JB, RL)**

The Board reviewed June 1, 2022 Meeting Minutes before making a motion. Ron Mogren made a motion to approve the minutes from June 1, 2022.

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

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

Ayes = 5 Nays = 0 Motion carried.

Ron Mogren wanted confirmation that the January 5, 2022 Meeting Minutes had been approved. Debonnay Meyers notified the Board that those minutes were approved at the June 1, 2022 Meeting.

Ron Mogren made a motion to adjourn the meeting at 5:11 P.M., seconded by Kevin Merry, and unanimously carried.

Respectfully submitted,  
Debonnay Meyers  
October 5, 2022