

**JANUARY 8, 2025  
LAKE GEORGE VILLAGE  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

**BOARD MEMBERS PRESENT:** Tom Sullivan (Chairman), Mike Ravalli, Robert Lebar, Kieran Murray, and Mike Menter (Alternate).

**BOARD MEMBERS ABSENT:** Jeff Blau

**OTHERS PRESENT:** Debonnay Meyers (Planning & Zoning Clerk), Dan Barusch (Director of Planning and Zoning), Rich Simmes, and Heath Mundell.

Tom Sullivan opened the meeting at 5:00 pm.

Tom Sullivan introduced the Permanent Zoning Board members to everyone who was at the meeting. He then explained that there was a recent member change due to Ron Mogren's departure with the Board. Tom Sullivan said that he accepted the Chairman position, which opened his old role of Permanent Board Member. As they needed the position filled, Kieran Murray, who was the Zoning Board's Alternate, took that role. Tom Sullivan then explained that because of the transition, it left the Alternate role open but was quickly filled. Tom Sullivan then turned to Mike Menter and welcomed Mike Menter to the Zoning Board. Tom Sullivan asked Mike Menter to introduce himself and, if possible, to share a couple words about himself.

Mike Menter said he was happy to be here and told the Board some interesting facts about himself. Mike Menter then indicated that he has two businesses in the Village and one business in the Town, so he was very familiar with the Lake George region.

<b>TAX MAP:</b>	<b>251.18-3-56</b>
<b>OWNER/APPLICANT:</b>	<b>ADIRONDACK ICE CREAM – SABRINA CHAWLA</b>
<b>ADDRESS:</b>	<b>216 CANADA STREET</b>
<b>ZONE:</b>	<b>COMMERCIAL RESORT</b>
<b>VARIANCE APPLICATION:</b>	<b>AV#1-2025</b>

Applicant is proposing a total of one (1) sign variance. The variance is for relief of the color maximum. They are proposing a new business sign with 6 colors. Applicant states that they need all 6 colors in the logo, so they can keep the company logo proper.

1. Relief of §220-24 (A)(8)(c): A maximum of four colors is allowed for the entire sign, foreground, background, border and text.

Tom Sullivan informed all that Adirondack Ice Cream's application would be reviewed first. He indicated that there was no other rule that had caused so much consternation between businesses like this one. Tom Sullivan continued to say that because it provided much difficulty amongst people, that there was mention of possibly changing the rule. Tom Sullivan turned to Dan Barusch and asked him to provide details. Dan Barusch indicated that regulations need to be revised from time to time because they need to adapt to the continuously changing world. He said that they were in the middle of drafting one of the largest amendments in the Village code,

**JANUARY 8, 2025  
LAKE GEORGE VILLAGE  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

which was known as the sign ordinance, and that the Village Board was in favor of it. Some of the changes proposed included headache issues, like A-frame signs, and most importantly, the color rule. Dan Barusch said the rule had to be changed because the Planning Board determined that black and white counted as colors. So, because of that determination, it had a hand in increasing the number of sign variances.

Dan Barusch advised the Board that he did research on the outdated ordinance and found who was a part of the adoption. He asked the prior Trustees if their intent was to include black and white as part of the four colors to which they said no. Dan Barusch said if the draft progresses, the maximum would be changed to either six or eight. Eight would include black and white and six would not include black and white. Dan Barusch then indicated that before the determination was made, he made the argument stating that black and white shouldn't be labeled as colors. He continued by saying that there were numerous sources throughout the internet that made arguments back and forth, and that there wasn't a definitive answer. Dan Barusch stated that in the dictionary, it states that one was a color, and one wasn't. He then said that on Google, if you type in "is black a color", it will define it as "absence of light"; but if you were to type the same question for white, it will state that it was a combination of all colors so technically not a color. Dan Barusch concluded his explanation saying that the Village wasn't trying to "bust chops" and that updating the ordinance was a way to help businesses succeed.

Tom Sullivan thanked Dan Barusch for the explanation. Tom Sullivan then informed all that the meeting tonight was a public hearing. So, that would mean that the public had the right to voice their comments about the applications submitted. He explained that each person would have to raise their hand, wait to be called on by the Chair, and state their name and address for the record.

Tom Sullivan opened the public hearing at 5:05 pm.

Tom Sullivan asked who would be representing Adirondack Ice Cream. Heath Mundell said he was. Tom Sullivan asked Heath Mundell to state his name for the record. Heath Mundell introduced himself as Adirondack Ice Cream's representative and that he was the one who created the sign for them. Tom Sullivan asked Heath Mundell to conduct his opening statement. Heath Mundell informed the Board that the owners liked "Curated Phases" sign, so they wanted something similar for their business. Heath Mundell continued saying that all Adirondack Ice Cream had was decals on the windows, and that they wanted something more to represent themselves. Therefore, Heath Mundell was asked to create their sign.

Heath Mundell indicated that the proposed sign would fit next to Curated Phases's sign with little to no issues and that the colors picked were designed to coincide with their logo. Tom Sullivan quickly interjected to ask how long the business had been in the Village. Heath Mundell said he wasn't sure of the exact number but if he had to guess, approximately two years. Heath Mundell then stated that he had nothing else to really go over. He said that the design wasn't too crazy and that majority of it follows the code, minus the color request. Tom Sullivan asked if the logo was anywhere else. Heath Mundell said their logo was on the decals and on things inside of

**JANUARY 8, 2025  
LAKE GEORGE VILLAGE  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

the shop. Tom Sullivan told Heath Mundell that to him, white was not a color; so, if they were to proceed, the approval would be to add one more color than two. Tom Sullivan then turned to the Board and expressed his thoughts. He said that he didn't have any issues with it and then asked the Board to express their thoughts. All Board members, including the Alternate, deemed that there were no issues, and the application would be approved as presented.

Tom Sullivan closed the public hearing at 5:08 pm.

Dan Barusch reminded Tom Sullivan that he could either open and close the public hearing during each application, or he could leave it open and then close it at the end.

Tom Sullivan reopened the public hearing at 5:08 pm.

Tom Sullivan 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 is greater because:

1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance because the subject sign will appear on the front wall of a commercial enterprise and will be consistent both in size and in colors with one or more signs already occupying adjacent spaces on the wall.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than an area variance because the relief sought pertains to the colors claimed by the applicant to be unique and of value in the sale of the business's products.
3. The requested area variance is not substantial because it is for only two colors, additional to those permitted by the code, the addition of which will not be objectionable conspicuous to adjacent property owners or passers-by.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the sign will be displayed in a manner consistent with other commercial signs in the area and the rest of the business district.
5. The alleged difficulty was self-created, but the Board deems this fact to be immaterial to the consideration of the granting of the application.

**MOTION 2<sup>ND</sup>:** Robert Lebar

Tom Sullivan	Mike Ravalli	Robert LeBar	Kieran Murray	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

**JANUARY 8, 2025  
LAKE GEORGE VILLAGE  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

Dan Barusch told the Board that before they jump into the next application, he wanted to make sure they acknowledged the email sent by another business owner. The Board said they reviewed it and did take it into consideration.

<b>TAX MAP:</b>	<b>251.14-2-10</b>
<b>OWNER/APPLICANT:</b>	<b>NATHAN BENELYAHOU</b>
<b>ADDRESS:</b>	<b>52 AMHERST STREET</b>
<b>ZONE:</b>	<b>COMMERCIAL MIXED USE</b>
<b>VARIANCE APPLICATION:</b>	<b>AV#2-2025</b>

Applicant is proposing a total of one (1) area variance. The variance is for relief to be able to allow expansion of a pre-existing non-conforming building. The applicant is proposing renovations and minor expansions to the secondary dwelling building in the rear, which is pre-existing non-conforming.

1. Relief of §220-78 Nonconforming buildings, structures and lots (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.

Tom Sullivan asked who was representing the 52 Amherst Street project. Rich Simmes said he was because Nathan Benelyahou couldn't attend. Rich Simmes advised that he lived in Queensbury and was the general contractor for the project. Tom Sullivan asked Rich Simmes to conduct his opening statement. Rich Simmes indicated that he wanted to thank the Planning and Zoning office for being so helpful. He said that they made the process easy and just wanted to take time to acknowledge them.

Rich Simmes then conducted his opening statement saying that he was told that two sections of the house were against zoning regulations. So, he had to fill out an application and appear before the Zoning Board. Rich Simmes said he wasn't sure if it was because he would be infringing on the property line, but he said that he would try his best to answer the questions the Board had on the project. He concluded his opening statement by saying that he included a set of drawings and a survey to show the property lines.

Tom Sullivan said he wasn't sure if he was interpreting the request right, so he asked for an explanation on one of the non-conforming corners. Rich Simmes said it was an existing overhang and what they wanted to do was to fill that space. So, essentially the overhang wouldn't exist and would make the building gain three feet or so. Rich Simmes then stated that his measurements weren't exact because he was based on memory, but doing all that would increase the size of the kitchen. Rich Simmes then took time to list all the other ideas they had. He indicated that majority of them were scrapped due to feasibility. Rich Simmes then took the time to explain the plans for the second floor. He said that the owners requested a bigger master

**JANUARY 8, 2025  
LAKE GEORGE VILLAGE  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

bedroom, so he ensured that the size increased in that room. He also added that he chatted with Warren County and Dan Barusch about the post system, and they both gave him the ok.

Tom Sullivan summarized and re-explained what Rich Simmes said, so that way it could clear up any confusion amongst the Board. There was silence amongst the Board, so Dan Barusch asked if they understood why the project needed a variance. Kieran Murray said it was because they were adding to a non-conforming structure. Mike Ravalli asked Rich Simmes how much the increase would be in square feet. Tom Sullivan replied with 150 square feet. Kieran Murray wanted to let Rich Simmes know that the property looked amazing and that he was excited to see the results. Rich Simmes thanked Kieran Murray for his compliments and added that he completed work at Kieran Murray's home. Kieran Murray said he didn't recall that, but when Rich Simmes mentioned his door, Kieran Murray instantly remembered him.

Tom Sullivan polled the Board to see where they stood. The Board unanimously agreed to approve the project as presented.

Tom Sullivan 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 is greater because:

1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance with regard to this non-conforming structure because the proposed modifications to the existing building will have the effect of "squaring off" its external structure without increasing the "footprint" of the building with regard to the existing setbacks.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than the area variance because any modification of the building to accommodate the desired expansion of the living area would require a variance likely more substantial than that at hand.
3. The requested area variance is not substantial in that it amounts to a total of approximately 150 square feet.
4. The proposed area variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or district because the building's footprint will not increase, and the proposed modifications will be largely indistinguishable to adjacent property owners and passers-by.
5. The alleged difficulty was not self-created because the building predates the present zoning code.

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

Tom Sullivan	Mike Ravalli	Robert LeBar	Kieran Murray	Mike Menter
Aye	Aye	Aye	Aye	Aye

**JANUARY 8, 2025  
LAKE GEORGE VILLAGE  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

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

**MINUTES:**

November 6, 2024 (TS, MR, JB, RL, KM)

Tom Sullivan asked the Board for their comments on the meeting minutes. He said that Debonnay Meyers did an exceptional job and had no other comments than that. The Board unanimously agreed to approve the meeting minutes as presented.

Kieran Murray made a motion to approve the November 6<sup>th</sup>, 2024, meeting minutes.

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

Tom Sullivan	Mike Ravalli	Robert LeBar	Kieran Murray	Mike Menter
Aye	Aye	Aye	Aye	Abstain

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

Tom Sullivan made a motion to adjourn the meeting at 5:20 pm.

**MOTION 2<sup>ND</sup>:** Kieran Murray

Tom Sullivan	Mike Ravalli	Robert LeBar	Kieran Murray	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

Respectfully submitted,

*Debonnay Meyers*

Debonnay Meyers