

**MARCH 5, 2025
LAKE GEORGE VILLAGE
ZONING BOARD OF APPEALS
MEETING MINUTES**

BOARD MEMBERS PRESENT: Kieran Murray – Vice Chairman, Mike Ravalli, Jeff Blau, Robert Lebar, and Mike Menter.

BOARD MEMBERS ABSENT:

OTHERS PRESENT: Debonnay Meyers (Planning & Zoning Clerk), Dan Barusch (Director of Planning and Zoning), Matt Fuller (Village Attorney), Laura Kohls, Stephanie “Stef” Bitter, Glen Bruening, Heather Courtney, Heath Mundell, and Chris Navitsky.

Kieran Murray asked all to stand for the pledge of allegiance. After the pledge, Kieran Murray asked everyone to keep standing because he wanted to lead a moment of silence for Chairman, Tom Sullivan. Kieran Murray indicated that Tom Sullivan passed away unexpectedly last month, and he wanted to ensure all knew how much of an asset Tom Sullivan was to the Village and to this Board.

Kieran Murray opened the meeting at 5:01 pm.

Kieran Murray asked Debonnay Meyers to conduct a rollcall. Debonnay Meyers indicated that all Board members, the Director of Planning and Zoning, and the Village’s Attorney were all present.

TAX MAP:	251.14-2-1
OWNER/APPLICANT:	DILLIGAF – BILL MASSRY / ROB LANGLEY
ADDRESS:	325 CANADA STREET
ZONE:	COMMERCIAL MIXED USE
VARIANCE APPLICATION:	AV#3-2025

“Applicants are proposing a total of one (1) sign variance. The variance is for relief of the sign’s size. Applicants state their proposed 36-square-foot sign would look more proportionate on the building than a 25-square-foot sign. Applicants also state that approving the variance would make the building’s appearance more harmonized as both Kicking Country and DILLIGAF would have similar size signs.

1. Relief of §220-24 (B)(5): Wall signs. Total wall signage shall not exceed 1.5 square feet per linear foot of building frontage, 10% of the total area of the building façade, or 25 square feet, whichever is less.”

Kieran Murray opened the public hearing at 5:01 pm.

MOTION 2ND: Robert Lebar

Kieran Murray	Mike Ravalli	Jeff Blau	Robert Lebar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

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Kieran Murray informed all that DILLIGAF's application would be reviewed first. Dan Barusch informed the Board that Rob Langley was unable to attend the meeting due to illness. Dan Barusch indicated that if the Board felt that it was inappropriate to decide without Rob Langley's presence, they could table it for the next meeting. Kieran Murray stated that he had no problem with moving forward.

Kieran Murray asked the public to speak to which there was no reply. Kieran Murray asked the Board if any of the members wanted to make the motion to close the public hearing. Dan Barusch asked Kieran Murray to read the DILLIGAF portion of the agenda so that way the public knew what the variance was for. Kieran Murray read the excerpt and then asked the public for their comments. There was no response.

Robert Lebar closed the public hearing at 5:04 pm.

MOTION 2ND: Mike Ravalli

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

Robert Lebar asked if the request was for both or just one. Dan Barusch said both, and that each sign will be around the corner from each other. The Board expressed confusion as to why the sign on Amherst Street needed a variance. Kieran Murray indicated that based on the picture, it looked like it meets the percentage mentioned in §220-24(B)(5) because of the building's size; but because there were no building measurements in front of them, they couldn't verify that. Dan Barusch indicated that it would need a variance because both signs were requested to be above the size maximum. Dan Barusch specifically said that because the code said, "whichever is less", DILLIGAF would technically have to follow the 25 square foot rule.

The Board questioned if all signs, including Kickin' Country's, were on the same building to which Dan Barusch replied with yes. Dan Barusch then explained that because Kickin' Country got their variance, Massry requested his in hopes of getting approved as well.

Kieran Murray polled the Board to see if they had any questions about any of the signs. He started with Kickin' Country's to which all Board members had none. Kieran Murray then asked the Board about DILLIGAF's Canada Street sign. Blau said he was ok with it because it matches Kickin' Country's, but he wasn't ok with the other one. Mike Ravalli asked Dan Barusch if both of DILLIGAF's signs would be the same size as Kickin' Country's. Dan Barusch said yes, and explained Kickin' Country's sign was approved at 36 square feet. Jeff Blau chimed in and stated that he will always be an advocate for signs, but he felt that DILLIGAF shouldn't get it for the side because it'll be too much.

Mike Ravalli asked if both signs would be illuminated. The Board was reviewing the last page of the renderings when Kieran Murray explained that the old DILLIGAF sign would be replaced with the new one. Mike Ravalli asked if the old sign's size followed the sign ordinance to which Dan Barusch said he wasn't sure. The Board questioned the number of allowed signs, and Dan

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Barusch indicated that the variance had nothing to do with the number of signs. He explained that each business in the Village, per the ordinance, was allowed either one wall sign and a free-standing or two wall signs. Dan Barusch reminded the Board that they have the right to either approve the application as presented, approve it with conditions, or deny the application entirely.

Mike Ravalli asked if the applicant was requesting them to approve the illumination of the sign. Dan Barusch indicated that illumination portion had nothing to do with the Zoning Board and that they would only focus on the size variance. Mike Ravalli asked if Kickin' Country's was backlit. Dan Barusch replied with a yes and explained that they went through the process about a year ago. Mike Menter said he felt the variance should be granted for the Canada Street sign but not for the Amherst Street sign.

Kieran Murray polled the Board to see where they stood. Jeff Blau suggested that they approve the application with conditions, and the condition mandates the Amherst Street sign to follow the 25-square foot regulation. The Board unanimously agreed to approve the project with that condition.

Kieran Murray 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 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 properties because the proposed signs scale is more proportionate to the size of the subject commercial space in the front, regarding the front side.
2. The benefit sought by the applicant cannot be achieved by some other method because the signs size is limited to 25 square feet.
3. The requested sign variance is not substantial because there are signs in the immediate district that are larger.
4. The proposed area variance will not have an adverse effect or impact on the physical and environmental conditions in the neighborhood because the proposed sign size will be affixed to an existing structure using widespread improved methods and practices.
5. The alleged difficulty was self-created.

The conditions are that the variance is granted for the front sign but the sign on the side of the building has to comply with code.

MOTION 2ND: Jeff Blau

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

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TAX MAP:	251.10-3-43
OWNER/APPLICANT:	TASTE OF INDIA – SABRINA CHAWLA
ADDRESS:	462 CANADA STREET
ZONE:	COMMERCIAL RESORT
VARIANCE APPLICATION:	AV#4-2025

“Applicant is proposing a total of one (1) sign variance. The variance is for relief of the color maximum. Applicant states that they need all 5 colors on the free-standing sign because it would be similar to their wall sign that was approved by the Planning Board on June 26, 2024.”

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

Kieran Murray read the excerpt on the agenda that pertained to Taste of India. Kieran Murray asked the Board to create a motion to open the public hearing.

Robert Lebar opened the public hearing at 5:13 pm.

MOTION 2ND: Jeff Blau

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

Kieran Murray advised that all who plan to speak must state their name first before providing their feedback. Heath Mundell stated he was here for Taste of India, and that he would be installing the sign for them. Heath Mundell explained that if they approved the variance, it would help them achieve their goal of matching signs. He continued to explain that the Zoning Board gave them the same variance last year for their wall sign. So, they had high hopes of them approving this variance so their signs could match. Dan Barusch interjected to state for the record that the man that spoke was Heath Mundell and he was with Lake George Signs.

Kieran Murray asked the Board if they had any questions to which there was no response. Dan Barusch asked the Board if they saw all five colors. The Board looked at the rendering while Dan Barusch listed the colors. The colors were as follows: yellow, black, white, red, and green. Jeff Blau stated that the colors looked good and that he had no problems with the color scheme. Dan Barusch reminded the Board that changes to the sign ordinance will occur soon. He stated that the sign ordinance would allow six or eight colors. The Board asked for the interpretation of whether black and white would be labelled as colors. Dan Barusch indicated that there were discussions on whether they should be labelled as colors or not. The final determination labelled both black and white as colors, which has started the discussion of upping the number of colors to six without including black and white and eight including black and white.

Kieran Murray polled the Board to see where they stood. The Board unanimously agreed to approve the project as presented. Kieran Murray asked for any other comments from the audience to which there were none.

Mike Ravalli closed the public hearing at 5:16 pm.

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MOTION 2ND: Robert Lebar

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

Kieran Murray 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 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 properties because the sign's size and placement complies with zoning law.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because compliance is not possible using five colors under any circumstances.
3. The requested sign variance is not substantial because it adds only one color to an otherwise conforming sign and its total of five colors is the least possible number of colors to cause non-compliance.
4. The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because the sign will be affixed to existing posts.
5. The alleged difficulty was self-created and there are no conditions for this approval.

MOTION 2ND: Mike Ravalli

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

TAX MAP:	251.14-3-31
BUSINESS NAME / PROPERTY OWNER:	MARINE VILLAGE – LAURA KOHLS
ADDRESS:	370 CANADA STREET
ZONE:	COMMERCIAL RESORT
VARIANCE APPLICATION:	APPEAL#1-2025
APPEALED BY:	MILLER, MANNIX, SCHACHNER & HAFNER, LLC. (on behalf of Patricia Dow, Heather Courtney, and Ronald Viola)

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“The appellant has submitted an appeal to the Zoning Board, appealing portions of the Zoning Determination letter that was issued by the Village’s Director of Planning and Zoning. The letter explained that if Marine Village’s existing footings were disconnected and left below grade, then the building itself would not be contrary to the Village Zoning Laws §220-78 (B) and (C). The Director’s determination letter concludes that the structure will no longer be within, or have any physical connection to, any remaining (or proposed) structures within the 10-foot setback after such disconnection is made; so, it wouldn’t require a variance to expand the structure in conjunction with the removal of the pre-existing non-conformity. The appellant is arguing that a variance is still required for such expansion to the existing structure.”

Kieran Murray read the excerpt on the agenda that pertained to Marine Village. Kieran Murray then wanted to provide background information as to how the appeal got to them. He indicated that at the November Zoning Board meeting, Marine Village asked them to approve their variance that will allow them to build on top of a non-conforming structure. However, during the hearing, Marine Village was met with some resistance from the neighbors, which ultimately led to Marine Village withdrawing their application. Marine Village told them that they would remove the parts of the building within the setbacks so they could go to the Planning Board.

At the Planning Board meeting, Marine Village indicated that they would leave the corners of the building underground. Miller, Mannix, Schachner, and Hafner asked Dan Barusch to provide a determination letter. Dan Barusch made his final determination and shortly after, Miller, Mannix, Schachner, and Hafner appealed his determination. Kieran Murray told the Board that each Zoning Board member would be like a juror, and that they would be hearing from all parties on the case. Kieran Murray also stated that they would have to review and see if the letter does meet Village zoning code and if they agree or disagree on Dan Barusch’s determination.

Kieran Murray asked the Board to create a motion to open the public hearing.

Robert Lebar opened the public hearing at 5:23 pm.

MOTION 2ND: Jeff Blau

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

Kieran Murray invited the appellants to come up and state their case to the Board. Glen Bruening stood before the Board and wanted to state that the clients as well as the firm extend their condolences to the Sullivan family and to the Board for the loss of Tom Sullivan. Kieran Murray thanked him for the kind words and asked him to introduce himself for the record. Glen Bruening introduced himself as an attorney under Miller, Mannix, Schachner, and Hafner. Kieran Murray asked Glen Bruening if he could identify the exact language that he and his clients were appealing on in Dan Barusch’s determination letter. Kieran Murray stated that it was a bit ambiguous, and offered Glen Bruening a highlighter to highlight the parts so the Board could see it better. Glen Bruening said he cut and pasted everything in the letter, and he can

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double check his records. Glen Bruening pulled out the determination letter and stated that everything being appealed was in the second paragraph.

Glen Bruening then took the time to explain the timeline of events that got them here, starting with the first Zoning Board meeting, to Dan Barusch's determination letter, to submitting their appeal letter, and ending with them attending the meeting tonight. Kieran Murray told Glen Bruening that the points he was making should be linked to the words written in Dan Barusch's letter; so, Kieran Murray asked him to tell them what specific language from Dan Barusch's letter was being appealed. Glen Bruening began saying that both his supplementary letter and Dan Barusch's letter were brief, but he was driven to show relevance to Village Code excerpts §220-78 (B) and §220-78 (C). Glen Bruening explained that Marine Village had to appear before the Zoning Board due to the existing footings being in the 10-foot setback. During that meeting, Glen Bruening indicated that the benefits of the project were incredibly outweighed by the detriment to the neighborhood, environment, and the neighbors themselves; so, the application should be denied.

Kieran Murray quickly said the application was withdrawn; but before Kieran Murray could finish, Glen Bruening replied with exactly. Glen Bruening continued to explain that because Marine Village thought that they might lose the argument, the owners decided to cut the corners off the building. Glen Bruening stated that the corner cutting meant cutting through the foundation with a saw and leaving a tiny separation between the existing structure and the footings. Glen Bruening said that because the plans mentioned that the footings were to remain in the setback and were to be tied into the structure by providing stability and ground protection, that those footings were to still serve as a function part of the building. Therefore, a variance would be required by the Village ordinance.

Glen Bruening said in §220-78 (B), it states that "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 non-conforming, provided that the repair or alteration will not increase the height, size, or volume of the building or structure"; therefore, because the structure is in the setback and the structure plans to be increased, a variance is required. Glen Bruening stated that his goal wasn't to completely turn down the project, but to ensure the Zoning Board exercises their jurisdiction and to ensure the process was followed correctly. Glen Bruening shifted the topic to discuss the Village zoning districts. He said that districts were created for the purpose of balancing the community; so, both residential and commercial properties could be in the same area. The zones Glen Bruening referenced were Commercial Mixed-Use and Commercial Resort because Marine Village and Pine Point were in those specific zones. Glen Bruening explained that the setback rule was put into place because its' purpose was to protect the existing residents, so any project that breaks that regulation must be brought to the Zoning Board for final determination. Glen Bruening indicated that that the residents were there first, and that was way before the construction of the hotels, so the Board should take note of that. Also, he indicated that allowing Marine Village to not obtain a variance when the statute indicates one was required was outrageous. Glen Bruening concluded his point by stating that the plans clearly show the structure remaining and increasing, so the Zoning Board should have the opportunity to make their determination and utilize the criteria designed for these decisions. Glen Bruening stated that

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it would affect the neighborhood because the structure would double in size and would obliterate the residents' views to the north and east.

Kieran Murray advised that he wanted to circle back to the interpretation of the code because some of the code was mentioned in the letters. Kieran Murray then asked Glen Bruening if he could ask some clarifying questions to which Glen Bruening nodded yes. Kieran Murray asked if Marine Village proposed to remove all foundations, which left nothing in the setbacks and includes removal of all footings from the non-conforming building, would they agree or disagree with the interpretation letter? Glen Bruening stated that if the project's trajectory was to remove the footings, it should go through the variance process.

Glen Bruening started to say that the Zoning Board could grant the variance; but before Glen Bruening could say anything more, Kieran Murray asked another question. Kieran Murray asked if he would agree or disagree on the ruling of "no variance" for expansion if the plans consisted of removing all the existing non-conforming portions of the building within the 10-foot setback even if it brought high practicality? Glen Bruening apologized to the Board for not providing enough clarification, but he assured the Board that he would provide a clearer answer. He referenced the code, whether the wording of the code was intentional or not, but it stated that any modifications, which would include adding or removing any non-conformity, would require a variance. Glen Bruening then referenced the plans again, stating that the plans show it would be functionally and psychically in place so overall it would require a variance.

Robert Lebar said that §220-78 (B) includes the word "increase"; so, technically, removing the non-conforming portions of the building would decrease the non-conformity, not increase it. Glen Bruening replied, stating that per the first part of that code, nobody has the right to touch any non-conforming building without Zoning Board approval. He then said that all applicants should be required to provide documents and reasonings as to why their variance should be approved. Robert Lebar re-worded his statement to see if he was interpreting Glen Bruening's response correctly. Glen Bruening stated whether the building had plans to be altered to increase or decrease the non-conformity, the Zoning Board should review the case. Glen Bruening then indicated that he will ask for the Board to deny the application if the "no variance" determination got overturned.

Mike Menter asked if he could ask Dan Barusch a question. Dan Barusch said yes, but he wanted to inform all about his time restraint. Dan Barusch explained that he was the Director for both Town and Village; and unfortunately, both municipalities have their Zoning Board meetings on the first Wednesday of each month. So, because he had to be at that meeting in 18 minutes, if the Board wanted to hear Dan Barusch's side, he would have to do it within the next 10 minutes. The Board acknowledged the time restraint. Mike Menter then asked Dan Barusch what the protocol was if someone wanted to convert a non-conforming building to a conforming building. Dan Barusch said he hadn't been sending those to the Town or Village Zoning Boards for the duration of his time here as Director.

Kieran Murray then requested Glen Bruening to provide his stance on the following: if the parts from the non-conforming building's foundation were to be left underground and were physically

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separated, would he consider those corners part of the non-conforming structure? Glen Bruening said he and his clients weren't engineers; so, they couldn't provide an answer to that. However, they hired a reputable local engineer from RU Holmes Engineers, PLLC to review the file. According to their letter, the engineer felt that the corners were clearly being left as a structural component to the building. Glen Bruening then referenced the plans, indicating that they showed no separation; and to them, it would be part of the non-conforming structure. Glen Bruening then mentioned that anyone could rule against the engineer's determination, and that was fine. However, the plans show what they show, and the plans show them connected. Glen Bruening concluded his statement saying if revised plans were brought in that showed the disconnection, that could alter the engineer's determination; but until they receive that, their stance stands.

Kieran Murray advised that he wanted Dan Barusch to speak next. Kieran Murray then turned to Glen Bruening and asked him if he had his closing statements available as he wanted to stay in systematic order. Glen Bruening nodded and stated that the drawing clearly showed the encroachment, and that the encroachment would remain and serve as a functional portion of the structure. Glen Bruening used what was written on the plans as reference and read the following: "existing masonry left in place where it acts as a retaining wall, cap with concrete slab, pitched to shed water away from the new building exterior wall". Glen Bruening said that some of the encroachment would be removed, and some would remain; and in his view, it would trigger the need for a variance. Robert Lebar asked Glen Bruening if Marine Village decided to bring the building into compliance, and not add a structure on top of that building, would they still be there to request a review? Glen Bruening replied with yes because a variance is needed. He concluded his statement by saying that the applicant shouldn't make the decision, the Zoning Board should.

Glen Bruening then reminded the Board what they did at the last Zoning Board meeting. He said they provided alternatives, such as expanding another building on the property or tearing down the building and starting new. Glen Bruening indicated he couldn't recall who suggested it, but he wanted to thank them because that was what the Board should do. He said it was their due diligence to protect and continue protecting the zoning regulations for the residents because they rely on them. Kieran Murray thanked Glen Bruening for speaking.

Kieran Murray asked Dan Barusch if he had enough time to say what he needed to say, and Dan Barusch replied yes. Dan Barusch turned to the Board and asked if they all received a copy of his determination letter to which they all said yes. Dan Barusch stated that Mike Menter's question earlier was a good one, because Mike Menter specifically asked him what Dan Barusch does for certain applications. Dan Barusch said majority of the Zoning members knew the protocol for the projects that handle non-conforming to conforming because of their long duration of being a Zoning Board member. However, for those who weren't aware and were new, they wouldn't have known unless they inquired. Dan Barusch indicated that if a structure was proposed to transition from non-conforming to conforming, it would create compliance. Therefore, the structure would not increase or expand non-conformity. Dan Barusch did indicate that Glen Bruening had a point about the plans. He stated that the plans showcased connection, but what led Dan Barusch to his determination was the note talking about the disconnection. Dan Barusch suggested the Board to request updated, revised plans showing the disconnection. That way, it could solve that discrepancy instead of having it linger.

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Dan Barusch explained that when the Board reviewed the first Marine Village application in November, it was Dan Barusch bringing it to them because plans showcased expansion on a non-conforming structure. During the meeting, there was discussion on disconnecting the corners because the corners were what made the building not conform. Dan Barusch reminded the Board that the details were the most crucial part of the determination. He explained that shortly after the meeting, Marine Village made their decision to move forward with the disconnection; so, that made the proposed building in conformity as it no longer was tied inside the setbacks.

Dan Barusch provided an example to the Board, giving them an idea of what would require a variance. He stated if Marine Village were to expand on those disconnected footings, that would trigger one because of their non-conformity. Dan Barusch indicated that if Marine Village planned to eradicate the building, it would trigger a Planning Board review only. Dan Barusch said regardless of what happens, the Planning Board would have jurisdiction to review the project, and they would ensure every rule was followed.

Dan Barusch told the Board he respectfully disagreed with the appeal and continued to explain why by breaking down the review process. He stated that if they felt that every transformation and/or alteration should go to the Zoning Board, even if it brings the structure or building into compliance, then it would expand their review as well as their meeting length significantly. Dan Barusch added more than half of the projects coming into his office would be brought to the Zoning Board, meaning that 75% of all projects would need Zoning Board review.

Dan Barusch indicated that Glen Bruening hired an engineer to review the file, and Dan Barusch was familiar with Thomas Jarrett from RU Holmes Engineers, PLLC. Dan Barusch explained that he had worked alongside Thomas Jarrett throughout his tenure here in Lake George, and that Thomas Jarrett was an excellent engineer. However, Dan Barusch wanted to ensure that the Board knew that Thomas Jarrett was not a zoning administrator. Dan Barusch indicated that a zoning administrator's job was to make interpretations and/or determinations regarding municipal zoning laws, an engineer does not do that.

Dan Barusch told the Board to review Thomas Jarrett's letter as there was a specific excerpt he wanted to discuss. Dan Barusch read the following to the Board, "as the change constitutes a modification to a pre-existing non-conforming structure, and the retaining walls still constitute a structure; therefore, a variance should be required". Dan Barusch stated what was written was correct only if they planned to build on a non-conforming structure. However, this wouldn't be the case because of the footing and building separation. Kieran Murray asked Dan Barusch for his opinion on expansion, specifically the top cap addition mentioned in the plans, and if he would classify that as increasing a structure. Dan Barusch read the note on the plan that mentioned the top cap and grout addition and paused for a second. Dan Barusch then replied with yes only if it were a slab of concrete.

Dan Barusch informed all that the plan should be updated to elaborate more on what's going on, so that way everyone had a better understanding of it. He indicated that everyone must physically see the disconnect, and the plan should have more details about the cap and grout. Dan Barusch

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explained that based on the plan, he wasn't sure if there were plans with removing subgrade or not. Dan Barusch concluded his explanation by stating that without answers or details about the cap, he can't properly answer the question all the way. Dan Barusch told the Board that he did tell the applicant to provide more clarification on the plans prior to the interpretation; but they were happy with the note.

Kieran Murray agreed with Dan Barusch on his response about needing more information. However, Kieran Murray then turned to the Board and stated that the Planning Board's slope retention recommendation and what their recommendation may be different. Kieran Murray stated that overall, retention review was in Planning Board's jurisdiction; so, if the Planning Board determines that what they proposed wouldn't help with the retention, it could change things. Kieran Murray concluded that unanswered questions regarding the appeal as well as the retention can complicate the situation.

Mike Menter quickly chimed in to ask Dan Barusch if the setback requirements affected below grade structures. Dan Barusch stated that in the Village of Lake George code, the definition of structure specifies that by it stating, "a combination of materials to form an object constructed, installed, erected or permanently placed above or below the surface of the land or water". Glen Bruening chimed in to indicate that the Zoning Board should still have jurisdiction whether the footings and the building were separated by an inch. Kieran Murray told everyone that their duty as the Zoning Board for the appeal was to interpret the code as written, so they must focus on the interpretation.

Dan Barusch left the meeting at 5:56 pm.

Kieran Murray asked if there was anyone else that wanted to comment on the appeal. Laura Kohls and her attorney, Stephanie Bitter, stood up and introduced themselves as representatives of Marine Village. Kieran Murray asked Stephanie Bitter to speak up to which Stephanie Bitter and Laura Kohls moved to the front of the room. Stephanie Bitter explained that she was covering for attorney Jon Lapper as he was unable to attend the meeting. She also stated that Jon Lapper, their clients, and her send their regards to Tom Sullivan.

Stephanie Bitter expressed her gratitude for the Board's in-depth appeal discussion because in her opinion, the appellant's argument wasn't clear. She indicated that the project would consist of two separate structures and that the footings and the building would be 12 inches away from each other, not 12 centimeters away. She explained that with Dan Barusch's guidance, Marine Village decided to move forward with separation. Laura Kohls chimed in to state that the footings would act as a retaining wall as their purpose was to stabilize the surrounding land. Stephanie Bitter introduced Laura Kohls as the landowner and said that because Laura Kohls was at every meeting, she would provide some clarification as to how they got here. Laura Kohls explained that there were concerns brought up by the residents during the meetings; so, she had long discussions with their engineer, Ethan Hall, and with Dan Barusch about them. The solution they all came up with was using the footings as a retaining wall by separating them from the building. She indicated that the main goal was to amend the destabilization concerns and to help decrease costs to an already expensive project. Laura Kohls stated that originally, there was

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mention of cutting out the footings entirely; but they went with this option as they felt it would benefit both sides.

Kieran Murray asked Stephanie Bitter when they used the word “structure”, were they defining it by the Village Zoning code definition of structure? Stephanie Bitter replied with yes and Laura Kohls indicated that she was following definitions and interpretations Dan Barusch used with his argument. She indicated that meant that the original building would be one conforming structure and then the original leftover block from the non-conforming structure would be fill. Kieran Murray then asked them the question again, because he wanted to ensure that it was their final answer. He indicated that the Village Zoning ordinance had a very clear definition, and the Zoning Board’s goal was to interpret the code as written. Robert Lebar said that he believed they were defining it as to what the ordinance states. Stephanie Bitter and Laura Kohls both confirmed that they characterized the word “structure” with the definition of “structure” defined in Village ordinance. Stephanie Bidder then told the Board that she was defining it under the Village definition because that was what was being appealed.

Kieran Murray indicated that he would re-read the definition, so that way everyone knew the definition before solidifying their answer. Kieran Murray read the definition and then re-asked Stephanie Bitter if their approach was still to define the word “structure” by the Village’s zoning code. Stephanie Bitter agreed again, indicating that they were using that word as defined in the ordinance. Stephanie Bitter wanted to add that the second “structure” would be a smaller structure than what was originally there, so it would make it less of a non-conformity.

Stephanie Bidder informed the Board that when she read the following excerpt “until the footings encroaching are removed, a variance is needed”, to her understanding there shouldn’t be Zoning Board review at all. She asked the Board in their years of being on the Board if they had ever received anything like that before. She stated that she never witnessed anything like it. She explained that either the applicant demolishes the building and starts from scratch to get rid of the pre-existing non-conforming, or the applicant creates conformity and goes through site plan review.

Kieran Murray asked the public if there were any questions. Stephanie Bitter said she had a question. She indicated that the appellant hired an engineer to review the plans and asked if the Village was going to hire theirs. Kieran Murray asked if she was asking him the question. Stephanie Bitter said it was more of a suggestion to Kieran Murray because for Site Plan Reviews, the Village has the right to contact their engineer for any plan reviews. Kieran Murray said he would make a note on that.

Glen Bruening wanted to state that he would be correcting what was said for the record by addressing the misinformation. He stated that he was present for every Zoning and Planning Board meeting, and whether it was the attorney or somebody else who said it, but he wanted to make it known that his clients never requested any of the changes that were mentioned tonight. Glen Bruening said they did request other things, but they were rejected immediately. He also stated that Marine Village and their attorneys would not meet with them, so everything they were dealing with was outrageous. Glen Bruening wanted to add that his clients and him were very

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quiet when it was not their turn to speak. He wished they had the same courtesy. Stephanie Bitter indicated she wasn't at the prior meetings, so what Glen Bruening said was not relevant. Laura Kohls was going to state something, but Kieran Murray halted the conversation. Kieran Murray stated that this meeting shall stick with the interpretation of the code and whether Dan Barusch's interpretation letter of the code was correct or incorrect.

Kieran Murray then turned to the public and asked if there were any other comments to which there were none. Kieran Murray then turned to his Board and asked them if they had any questions to which there were none. Kieran Murray asked the Board if they wanted to close the public hearing. Matt Fuller interjected and said that the hearing shouldn't be closed and that they should table it to a future date. Kieran Murray told everyone that the public hearing would remain open for now.

Kieran Murray asked the Board to provide their thoughts on the appeal. Kieran Murray started the deliberation by stating that he felt there was a lack in information and that the application should be tabled. Mike Ravalli indicated that he wanted more information as well, and he was for tabling it. Kieran Murray asked Mike Ravalli to elaborate more. Mike Ravalli said there was too much in the air and that he had some unanswered questions that couldn't be answered tonight. Robert Lebar asked Kieran Murray to elaborate further as to why he wanted to table it. Kieran Murray told Robert Lebar that he wanted to review the entire Planning Board file as he knew very little about what happened after their Zoning meeting in November. He said knowing the file in and out would help him decide. Kieran Murray then explained that he would want to do some research about the cap because there was a definition in the Zoning code about abandonment.

Jeff Blau stated that he wanted to table it because he wants the new plans showing the disconnect. Matt Fuller said the Board had the authority to ask for that. Kieran Murray said he wanted those updated plans as well to see what exactly it's going to look like. Stephanie Bitter indicated that she would ensure the request goes to Ethan Hall. Kieran Murray asked Mike Menter for his feelings on the matter. Mike Menter stated he wanted to know more about the footing structure, like whether it would be seen from grade or if it'll be completely underground. Jeff Blau expressed his confusion about how many structures there were. Kieran Murray said in his opinion per reviewing the plan, there were three structures: one footing, the other footing, and the conforming building. However, in the notes, there was mention of it being two structures. So, because of the loose details, it causes misinterpretations of the plans and the project.

Kieran Murray stated that based on everything presented, they could theoretically lean towards a variance because of the corners. There was silence amongst the Board members to which Laura Kohls asked if she could clarify somethings. Laura Kohls explained there would be corners removed and corners remaining; and the two remaining would be at ground level and undergrade. Kieran Murray indicated that the Board's end goal was to complete the interpretation of the code and provide an answer on the determination letter. Stephanie Bitter said the plans would help them. Laura Kohls informed Kieran Murray that he was incorrect in stating there was more than one corner. Kieran Murray indicated that even if there was one corner or two, the definition of structure pertains to "an object constructed, installed, erected, or

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permanently placed above or below surface of land or water”; so, regardless of the amount, the Board must determine if the determination letter was correct based on their interpretation of the code.

Jeff Blau asked both Stephanie Bitter and Laura Kohls for the proposed size of the structures. Laura Kohls said she wasn’t an engineer, and that she didn’t have the plans on her, so she couldn’t provide an answer. Matt Fuller advised the Board that their question could be answered at the next meeting via the updated plans. Kieran Murray indicated that size wouldn’t matter per the Village definition of structure, but the Board could request that information on the plans.

Kieran Murray polled the Board to see where they stood. Mike Ravalli said the whole appeal was a gray area and he wouldn’t feel comfortable moving forward without answers. The Board unanimously agreed to table the project to the next meeting as more information was needed to find a resolution.

Kieran Murray stated the public hearing will remain open.

Kieran Murray made a motion to table the application at this time. The Zoning Board of Appeals will table the appeal of the Director of Planning and Zoning’s determination letter. This matter will be postponed for further review and consideration. No decision will be made today. The appeal will be placed on a future agenda once all necessary information has been reviewed, and any outstanding matters have been addressed. We will table it to April 2, 2025. We would like any and all plans that would clarify anything, and that was presented to the Planning Board, and the new rendering plans to show more detail.

MOTION 2ND: Mike Ravalli

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

MINUTES:

January 8, 2025 (TS, MR, RL, KM, MM)

Kieran Murray asked the Board to share their thoughts about the meeting minutes. He stated that the minutes were beautifully written; but at the end, autocorrect misspelled his name. The Board had no other comments on the minutes.

Kieran Murray made a motion to approve January 8, 2025, meeting minutes with the changes to Kieran’s name.

MOTION 2ND: Jeff Blau

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

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Kieran Murray made a motion to adjourn the meeting at 6:16 pm.

MOTION 2ND: Mike Ravalli

Kieran Murray	Mike Ravalli	Jeff Blau	Robert LeBar	Mike Menter
Aye	Aye	Aye	Aye	Aye

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

Respectfully submitted,

Debonnay Meyers

Debonnay Meyers