

**APRIL 2, 2025
LAKE GEORGE VILLAGE
ZONING BOARD OF APPEALS
MEETING MINUTES**

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

OTHERS PRESENT: Debonnay Meyers (Planning & Zoning Clerk), Dan Barusch (Director of Planning and Zoning), Matt Fuller (Village Attorney), Patricia Dow, Glen Bruening, Heather Courtney, Ron Viola, Laura Kohls, Ethan Hall, Jon Lapper, Yunus Yanak, Mehmet Baykal, and Dogay Kocak.

Kieran Murray asked all to stand for the pledge of allegiance. After the pledge, Kieran Murray informed all that there would be no roll call as a sign in sheet was handed to all members by the Planning and Zoning Clerk that documented attendance.

Kieran Murray opened the meeting at 4:58 pm.

Kieran Murray stated that the Zoning Board came to a mutual agreement to change the agenda order to have Marine Village first as Village Attorney Matt Fuller expressed his time restraints to the Board.

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.

“The application was reviewed by the Zoning Board on March 5, 2025. The Board created a motion to table the application until updated plans by Ethan Hall showing the disconnection of the footings from the corner to be removed are supplied, and for the Zoning Board to have the opportunity to review the entire Planning Board file.

“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 told everyone that the public hearing was kept open, so a motion to open a hearing wasn’t necessary. Kieran Murray reminded everyone to please state their name before

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speaking and that this application wasn't a variance review; so that means that the meeting must stick to the appeal, the determination letter, and what the Village Code states.

Kieran Murray then turned to the public and asked the appellants to speak first. The appellants were Glen Bruening, Patricia Dow, Heather Courtney, and Ron Viola. Glen Bruening introduced himself as the attorney from Miller, Mannix, Schachner, and Hafner and that he was present to represent the appellants. Before Glen Bruening could state anything further, Kieran Murray asked Glen Bruening to come closer as he had a hard time hearing him. Glen Bruening moved to the front of the room to accommodate the request and reintroduced himself. He expressed his gratitude to the Zoning Board for the opportunity to speak on the appeal and thanked the Board for mandating the applicant to supply updated plans.

Glen Bruening informed the Board that he reviewed the plans, and he still believed that a variance should be obtained. He explained that the sole basis was the language of the statute. Glen Bruening read 220-78(B) to the Board and specifically emphasized the words "or otherwise increase the nonconformity". He explained that the districts were created to protect each district from the other; otherwise, there would be no boundaries between commercial and residential properties. Glen Bruening concluded his statement saying that if the text was read in a different way, it could lead to legal exposure and that the Board should think about its' residents than commercial properties.

The owner of Marine Village, Laura Kohls, appeared before the Board with architect Ethan Hall from Rucinski Architecture, and attorney Jon Lapper from Bartlett, Pontiff, Stewart & Rhodes, P.C. Jon Lapper informed the Board of the history of the project, starting from when they appeared before the Board in November 2024 to now. Jon Lapper indicated that they had followed all the conditions; especially the recent one requesting new plans that show the disconnect. Jon Lapper reiterated that they were not avoiding or violating the written statute. He simply explained that the project would remove the non-conformity completely because the non-conforming corners would be separated from the building. Jon Lapper concluded his statement by stating that Ethan Hall would start his presentation momentarily as he had all the plans readily available.

Ethan Hall introduced himself quickly and started his presentation. Ethan Hall showed the Board what detail was removed on the regular sized plans. He then took the time to show them the same areas on the enlarged plan. Ethan Hall commented about the notes in the drawings and that he did ensure the new plans articulated the disconnect, that way the Board had a better understanding of what was being done. Jon Lapper stepped in to indicate that it would be ridiculous to obtain a variance on something that won't be maintained or part of the conforming building.

Kieran Murray asked Ethan Hall for the calculation of the height of what's left. Ethan Hall showed Kieran Murray the highest and the lowest points; but before he could continue, Kieran Murray stated that he would need an answer based on the definition in the Village statute. Ethan Hall said he didn't have the exact number; but he had to guess, it would be eight feet. Kieran

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Murray offered to read the definition, so he could hear it and then provide a definite answer. Ethan Hall circled back to the lowest point and highest point answer, but Kieran Murray indicated that wasn't what he was looking for. Kieran Murray then turned to Dan Barusch to provide clarification. Dan Barusch started to say that it would be after they severed the corner but before he could finish, Ethan Hall and Jon Lapper talked amongst themselves to answer the question. After a few seconds, Ethan Hall confidentially said two feet below grade.

Dan Barusch asked Kieran Murray if he wanted the definition read for the record, and Kieran Murray said yes. Kieran Murray explained that the answer he got differed from Ethan Hall's, so reading the definition would help all parties get the right answer. Dan Barusch read the following, "vertical distance measured from the lowest point of the existing grade prior to site disturbance within 5 feet of any primary building footprint to the upper most portion of the structure". Kieran Murray said his answer was 0 when he calculated it. Dan Barusch said if the Board was asking him the question, he would've gotten 0 as well. Kieran Murray told Ethan Hall and Jon Lapper that they were welcome to challenge his answer if they felt he was wrong.

Kieran Murray told the Board that if they had more questions, they could ask them. Kieran Murray then asked if they were finished with their presentation, and Jon Lapper replied with what they said was their response. Kieran Murray asked if anyone else from the public wanted to speak. Glen Bruening asked the Chairman if he could ask a question to which Kieran Murray nodded and motioned Glen Bruening to speak.

Glen Bruening indicated that Jon Lapper's point of saying "it was silly to come back for a variance" was ridiculous and that his clients and him were respectfully disagreeing with that. Glen Bruening reminded the Board that the Zoning Board has jurisdiction on this because it's what was written in the statute. Kieran Murray said that the original plan showed the walls coming down, so the only thing that was altered was the note. Jon Lapper said yes to Kieran Murray's comment. Glen Bruening replied with no, and said Marine Village's plan was to stay above ground and cap it; but because of the questioning, they changed it. Glen Bruening reminded the Board that if someone plans to modify their non-conforming building in the Village of Lake George, they should not be allowed to do so until they obtain a variance. Jon Lapper chimed in to state that they can't rip the building down until they had Planning Board approval, and the Planning Board recommended them to make it conform. Glen Bruening replied that regardless of Planning Board determination, the applicant should still appear before the Zoning Board because the applicant shouldn't have a say. Glen Bruening concluded his point by saying that the Board should oversee the project and provide a variance if one is needed. Jon Lapper rebutted and indicated that the Village of Lake George Zoning Administrator agreed with his take, so Glen Bruening's point was incorrect.

Robert Lebar asked if he could have a copy of the code. Debonnay Meyers gave Robert Lebar her copy of the code for him to follow along. Dan Barusch offered to read §220-78(B) so all knew the definition. Dan Barusch read as follows: "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

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volume of the building or structure or otherwise increase the nonconformity.” Robert Lebar said based on his interpretation of the code and what was in front of him, he felt that the project wasn’t increasing non-conformity as they were cutting off the corners. Dan Barusch said Glen Bruening’s point was on the project as a whole; meaning that Marine Village would have to get Board approval to cut the corners off.

Dan Barusch took the time to provide a detailed explanation about Zoning Board jurisdictions. Dan Barusch started providing examples of what would be considered Planning and what would be considered Zoning, so all understood the difference. Dan Barusch then explained that if an applicant had to go before the Zoning Board to add a second story, it would be challenged very quickly. Dan Barusch then stated if Marine Village left the corners on the building and started expanding the building by height, then it would trigger a variance because that would be expanding a non-conformity; but because this project shifts the non-conformity into conformity, it wouldn’t need one. Robert Lebar said per the definition of §220-78 (B), it wouldn’t apply to this scenario; therefore, they wouldn’t need a variance.

Kieran Murray advised that they should close the public hearing before deliberating. Debonnay Meyers asked the Board if a decision will be made tonight and Kieran Murray said yes. Kieran Murray gave the public another chance to speak before they created a motion to close the public hearing.

Kieran Murray closed the public hearing on Appeal#1-2025 at 5:20 pm.

MOTION 2ND: Jeff Blau

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

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

Kieran Murray started the deliberation by saying that he agreed with Robert Lebar and that he wanted to take the discussion a step further. He explained that what was happening was a classic case of broad language in the Zoning ordinance because there was no differentiation between types of structures. Kieran Murray took the time to read the definition of structure, then indicated there were no definitions for other structures like buildings or walls in Chapter 220-78. Therefore, it would suggest that a bird bath at a five-star hotel would be treated the same way as all other structures. Kieran Murray stated that whoever created the statute did not mean for it to be interpreted that way. However, Kieran Murray said he dug deeper into the statute to see what other sections had to say, and he found that there were different rules for different structures throughout different parts of the zoning code. Kieran Murray started listed examples like §220-29 for swimming pools, §220-31 for fences, and §220-33 for boarding houses.

Kieran Murray then shifted the conversation to lead to what was said previously and how he interpreted it. Kieran Murray said the goal was to transform non-conforming structures into conforming ones; so, if removing the corners would grant that, the Board wants it. However, Kieran Murray stated that Ethan Hall’s point of “what’s left meets the definition of a structure”,

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made him think of §220-31 (G). In §221-31 (G), it states that “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.” Therefore, in Kieran Murray’s opinion, with the removal of the corners, it would leave two structures: the conforming structure that used to be non-conforming and the wall. Therefore, based on what was written in the code and what was dictated by both sides, the mutual understanding was that the wall is allowable in the zone.

Robert Lebar said he would offer a different interpretation by using the note in the drawing. He said whether they proposed it to be a wall, or pieces of a wall broken by a hammer, he would still constitute it as fill because it’s occupying space underground. Kieran Murray stated that Robert Lebar’s explanation was similar to his and that they both were thinking alike. Kieran Murray then asked the Board to provide their thoughts, starting with Jeff Blau. He said he agreed with both Kieran Murray and Bob Lebar. Mike Ravalli agreed as well.

Kieran Murray made a resolution rendering determination on Appeal by Heather Courtney, Ronald Viola, and Patricia Dow concerning Zoning Interpretation date January 14, 2025, by Village of Lake George Zoning Administrator.

Whereas, the Village of Lake George (“Village”) Zoning Administrator issued interpretation dated January 14, 2025 (“the ZA Decision”) regarding a project application filed by Marine Village (“the Applicant”) for property located at 370 Canada Street in the Village and identified as tax map parcel 251.14-3-31, which proposes to remove a portion of an existing structure and convert it to motel units (the “project”); and

Whereas, Heather Courtney, Ronald Viola, and Patricia Dow (the “Appellants”) appealed the ZA decision by letters dated January 27, 2025 and February 14, 2025 whereby the Appellants argue that because the Applicant plans to leave a portion of a building that constituted a prior existing non-conforming use, now apparently to be used as a retaining wall located above and below grade, Village of Lake George Code Section 220-78 (B) requires an area variance (the “Appeal”); and

Whereas, the Appeal was filed within 60 days of the ZA Decision as required in Village Code Section 220-85 (A)(3); and

Whereas, the Zoning Board of Appeals (“ZBA”) held a public hearing on the Appeal on March 5, 2025, and continued to April 2, 2025; and

Whereas, the Applicant and Appellants were permitted to submit any additional information, and the Applicant was asked by the ZBA to submit drawing showing specifically how the remaining portion of the building was to be left on site as part of the Project; and

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Whereas, the Applicant submitted the additional plans, and the ZBA reconsidered the Appeal on April 2, 2025, and received arguments by the Appellants and Applicant, and others interested in the matter, as part of the public hearing; and

Whereas, the ZBA having deliberated the Appeal and all information, arguments and testimony submitted, is prepared to render a decision on the Appeal.

Now Therefore Be It:

Resolved, that as to the Appeal and Appellant's argument that because the Applicant plans to leave a portion of a building that constituted a prior existing non-conforming use, now apparently to be used as a retaining wall located above and below grade, Village of Lake George Code Section 220-78 (B) requires an area variance, the ZBA, upon consideration of the entire record, finds the Applicant's draft site plan for which the Zoning Administrator's determination was based, results in two separate and distinct structures as follows:

1. The original non-conforming building structure, now compliant with Village Code Section 220-20
2. A newly created wall structure compliant with Village Code Section 220-31 (G)

And given that both structures are compliant with Chapter 220 of the Village Code, the ZBA hereby denies the Appeal and affirms the determination of the Zoning Administrator dated January 14, 2025; and be it further

Resolved that this resolution shall take effect immediately.

MOTION 2ND: Jeff Blau

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

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

Kieran Murray wanted to inform everyone that he could understand both sides, and that their job was to interpret the code based on how it was written. Jon Lapper indicated that he was there to ensure that they were doing everything right and working on creating a nice-looking building for the neighbors. Jon Lapper said they would continue working alongside the residents throughout the project.

TAX MAP:	251.18-3-40
OWNER/APPLICANT:	CHILL STOP – DOGAY KOC AK
ADDRESS:	155 CANADA STREET
ZONE:	COMMERCIAL MIXED USE
VARIANCE APPLICATION:	AV#5-2025

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“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 seven colors on the wall sign because it would accentuate the sign graphics as well as blend in with the surrounding business signs.

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 informed everyone that the next application on the docket was AV#5-2025 and that he would read the variance request out loud. After reading, Kieran Murray asked the Board if there was a motion to open the public hearing.

Robert Lebar opened the public hearing at 5:34 pm.

MOTION 2ND: Mike Ravalli

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

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

Kieran Murray reminded everyone to please state their name and address before speaking. Yunus Yanak, Mehmet Baykal, and Dogay Kocak were present to represent Chill Stop. Dogay Kocak started his introduction; but because Dogay Kocak spoke softly, Kieran Murray asked if he could speak louder as Kieran Murray had a hard time hearing. Dogay Kocak introduced himself as one of the owners of Chill Stop. Dogay Kocak explained that he didn’t know there was a color maximum when he made the sign. He indicated that he was hoping the Board would grant relief of the color maximum for them.

Kieran Murray asked the public to share their comments before he moved forward with reading an email that contained a comment. There was no response so, Kieran Murray moved forward with the email. He informed all that he was going to read it for the record. The correspondence read as follows, “Another business asking for a sign variance? Did this go before the Planning Board first? My comments would be this is not a franchise with a recognized logo in full color. Even franchises often offer accepted variations and I’m not sure their sign would ‘blend in.’ Lake George Village has had a sign ordinance with very specific guidelines for a reason. If the Zoning Board allows these variances, we should just change the ordinance to allow everyone the opportunity to have more colorful signage.”

After reading it, Kieran Murray asked the public again to share their comments. Mehmet Baykal stood up and said he would like to share. Kieran Murray asked him to state his name and address before speaking. Mehmet Baykal introduced himself as the landlord and said he didn’t see it as a colorful sign, but as a sign that matched with what Dogay Kocak plans to sell. He explained that ultimately the decision was up to the Zoning Board, but he hopes they will allow the relief as the sign fits with the overall area.

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Kieran Murray thanked him for speaking and asked if there were any other public comments. Kieran Murray was met with silence. Kieran Murray then asked if there were any questions about the application; and again, he was met with silence.

Robert Lebar closed the public hearing at 5:38 pm.

MOTION 2ND: Mike Ravalli

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

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

Kieran Murray started the deliberation amongst the Board by saying he had a comment about the applicant's word choice. He said the word "accentuate", to his understanding, was defined as "to grab more attention" and that wasn't allowed per the Village Code. Kieran Murray continued saying that it could cause a color war and he didn't want that for the Village. Robert Lebar added to the conversation by saying he reviewed the color statute, and he felt that §220-24 (D) should apply. Robert Lebar stated the statute reads, "Signs shall not contain reflective material, fluorescent paint or colors that shock the senses or scream for attention, such as but not limited to bright pinks, greens, yellows and oranges" and unfortunately the sign has those mentioned colors.

Before the Board could discuss further, Dan Barusch told the Board that they can't deny an application for the reason of "the code says so". He reminded them of the five criteria, and that each criterion should be well thought of before making a decision. Dan Barusch then brought up previous variances, like Hawaiian Ice and Phases, that created a precedent a while ago. Mike Ravalli said they approved of them because they had stores in various areas. Dan Barusch indicated that that wasn't the only reason they approved of it and used Phases again as an example. He stated that Phases's overage of color was a small portion of the sign; so, it wasn't that big of a deal to the Zoning Board at the time. Dan Barusch also reminded the Board that the Village Board will be changing the ordinance in May. Mike Ravalli asked what would change and Dan Barusch said the number of colors. Mike Ravalli then asked how many, and Dan Barusch said eight.

Robert Lebar asked if the color regulation for fluorescents would change. Dan Barusch said no. The Board started expressing their thoughts about the pink color on Chill Stop's sign. Dan Barusch said if the Board felt that the pink was too much, they could suggest another color. Robert Lebar mentioned that the yellow color stood out to him more than the pink. Mike Ravalli chimed in and suggested switching the pink to green. Dan Barusch said if they did that, it would decrease the color count to five. Jeff Blau asked Dan Barusch if the color change would be official in May. Dan Barusch said no because May would start the local law process. The Board asked when it would be adopted, and Dan Barusch replied with July.

The Board was still torn on how they were going to proceed with the chosen colors. Dan Barusch said the decision was based on how they interpret the design, and it was all subjective. Dan

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Barusch then informed the Board that there were existing signs in the Village that have teal, pink, and yellow on them. He added that it wasn't the background of the sign or in big letters, but they were on there.

Kieran Murray said that he had no problem approving the application now because of the upcoming law change. Jeff Blau stated his interpretation of the pink was more of a separator as it was between the words "Chill" and "Stop"; so, he had no qualms with approving the application as is. The Board kept shuffling ideas on how to handle the yellow color. Jeff Blau asked if the sign was already made, and Dogay Kocak replied with yes. Jeff Blau asked for the measurements of the sign. Dogay Kocak said it was under 24 square feet. Dan Barusch confirmed that the sign would measure 21 square feet.

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 not be a detriment to nearby properties because there are other signs with more than 4 colors in the vicinity.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because the desired sign design cannot be achieved without applying colors.
3. The requested sign variance is not substantial because only 3 colors will be added to an otherwise conforming sign.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because only colors will be applied.
5. The alleged difficulty was self-created and there are no conditions for this approval.

MOTION 2ND: Robert Lebar

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

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

MINUTES:

March 5, 2025 (KM, RL, MR, JB, MM)

Kieran Murray praised Debonnay Meyers for a job well done. Kieran Murray then asked the Board how they felt about the minutes. All Board members all agreed with Kieran Murray's comments and wanted to approve them as presented.

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Dan Barusch left the meeting at 5:52pm.

Kieran Murray made a motion to approve the March 5, 2025, meeting minutes.

MOTION 2ND: Robert Lebar

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

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

Mike Ravalli made a motion to adjourn the meeting at 5:53 pm.

MOTION 2ND: Robert Lebar

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

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

Respectfully submitted,

Debonnay Meyers

Debonnay Meyers