

**LAKE GEORGE VILLAGE PLANNING BOARD MEETING  
AUGUST 16, 2023 – 5:00 PM  
VILLAGE ADMINISTRATION BUILDING  
26 OLD POST ROAD - LAKE GEORGE, NY  
MEETING MINUTES**

**Board members present:** Carol Sullivan (Chairperson), Patricia Dow, Kevin Merry, and Dean Howland

**Board members absent:** Patrina Leland and Walt Adams

**Others present:** Debonnay Meyers (Planning & Zoning Clerk), Dan Barusch (Director of Planning and Zoning) and John Scott Wood.

Carol Sullivan called the meeting to order at 5:02 pm.

**NEW BUSINESS:**

**APPLICATION: SPR#18-2023**

**APPLICANT: JOHN SCOTT WOOD**

**TAX MAP: 251.18-4-1.1**

**ADDRESS: 81 CANADA STREET**

**ZONE: COMMERCIAL MIXED USE**

The applicant is seeking seasonal approval for a 30' by 50' tent to be placed behind the outdoor deck, and an after-the-fact approval to retain three other tents that have been on the outdoor deck for years. Currently, it is unknown if these tents predate the provision in 220-27(B)(1)(E). The applicant appeared in front of the Zoning Board on August 2, 2023, for relief of 220-27(B)(1)(E). It was determined that the outdoor seating provision regarding the 50% rule (220-39) would apply to this property but, the outdoor seating itself (without the tents) and the deck were in existence since 2003 or prior. As the outdoor seating rule came into effect in 2009, that would make the outdoor seating grandfathered in. Under the 30' by 50' tent, the applicant will have eight picnic tables. The eight picnic tables will be bisected by a concrete walk, creating four tables on either side of the walkway. The eight picnic tables will hold a max of 65 people, which is equivalent to six to eight people per picnic table. There is a 10' landscaping area that does separate the deck and the picnic tables/large tent. The large tent and two of the smaller tents are proposed to be semi-permanent, with the frames staying up season long but the canopies being removed. The fourth tent, which has been used on and off over the years, is a temporary "pop-up" tent and is placed near the business sign. There will be no change to the building façade and there will be no exterior or interior construction.

John Scott Wood was present to represent The Lobster Pot. Carol Sullivan informed the Board of what they will be reviewing for this application. Carol Sullivan asked John Scott Wood to conduct his opening statement. John Scott Wood informed the Board that during COVID, the Village Board passed a temporary law that allowed season-long tents. He explained that he didn't realize it was terminated until he submitted the tent permit this year. As he submitted the paperwork later than expected, Dan Barusch informed him that he would have to appear in front of both Boards to obtain approval for the tents. He added that prior to COVID, he would follow the two-week rule and have the tents up twice a year, one during Americade and the other during

Car Show. He expressed that he really does want the season-long tents for his business as Saluti and Biscotti Brothers have theirs.

Dan Barusch interjected to quickly explain what occurred during the Zoning Board meeting before any questions were asked. Dan Barusch explained that John Scott Wood obtained the approval to allow his tents to remain up till October 11, 2023. Dan Barusch also indicated that John Scott Wood did provide photo evidence showing that the deck and the outdoor seating were on the property since 2003. Therefore, the 50% rule is irrelevant as that law became effective in 2009. Dan Barusch added that there is a difference between the season-long tents and the temporary tents. The season-long tents must be reviewed by both Boards. The temporary tents are allowed in the Village for only two weeks and those two weeks must be reviewed and approved by Dan Barusch. Dan Barusch concluded that the blue and white tent will be the one the Planning Board will review as that tent wasn't grandfathered.

John Scott Wood explained that in 2004, he was going to submit a project to expand his deck but then decided not to do it. Carol Sullivan asked John Scott Wood what platform the seating is on. John Scott Wood said stone. John Scott Wood added that the area where the blue and white tent would cover normally is used for family parties and sports teams such as field hockey teams. He was told by customers that not many restaurants would take them as they had over a certain number of people. John Scott Wood said that he feels great to be able to accommodate them by having those tables. John Scott Wood changed the subject to talking about the weather in the Village. He explained that the rain and the thunderstorms had been so bad this year that the tents he has up don't help keep people dry. He said those other tents that are up are mostly used for sun blockage.

Carol Sullivan asked the Board if they had any questions in relation to this application. Patricia Dow asked John Scott Wood how many seats were available indoors. John Scott Wood responded with 120 seats. Patricia Dow then asked how many seats were outside. John Scott Wood responded with 58 under the tent. Patricia Dow asked Dan Barusch how long the variance was approved for. Dan Barusch advised until Columbus Day weekend. He added that the Village Board would be reviewing the tent ordinance this winter as numerous businesses had been talking to them about the tents. He said that the Village Board would require feedback from both Boards before any law passes. Patricia Dow asked if the building owner would be the one to appear, like how Patricia Kirkpatrick appeared for The Greek Island's sidewalk café. Dan Barusch said it depends on how the ordinance would be drafted. Carol Sullivan said the Planning Board could use the sidewalk café ordinance as a guide for what they would require. Dan Barusch said that he's hoping that the ordinance would be drafted to have the applicants appear in front of the Planning Board once for approval and then every year after, they fill out the tent permit to get it renewed by him every year. Carol Sullivan asked if the tents could be added to the business licenses. Dan Barusch said it could be like that if they wanted it to be but, that discussion should be talked about later.

Patricia Dow asked about the other tents that surround John Scott Wood's property. Carol Sullivan asked John Scott Wood how many tents he has up. John Scott Wood explained that he currently has one pop-up in the corner and three full tents on the deck. The pop-up normally would be used during the Car Show and Americade for music use. He added that he has used the

pop-up recently as it has been raining non-stop. Dan Barusch reviewed the property map of the Lobster Pot and explained to the Board which tent was the pop-up and which ones have the metal frame. John Scott Wood said the tents with the metal frame were from Zachary's. The tents were used to cover cocktail tables as Zachary's was more of a nightclub. Carol Sullivan asked if all the tents had been there for years. John Scott Wood said he changed the plastic on them but nothing else had changed or had been altered. Carol Sullivan inquired if the pop-up was included with those other tents from Zachary's. John Scott Wood said it's a commercial pop-up that works well. That tent had been there since Americade came to the Village. Dan Barusch added that the pop-up comes and goes more frequently than the others.

Carol Sullivan asked the other Board members if they had any other questions. Patricia Dow said she had no further questions, but she did want to comment on the number of tents there would be. She expressed that she didn't like the property to be covered in tents. Carol Sullivan agreed with Patricia Dow but did remind the Board that the Board should only focus on the one tent as the others were grandfathered in. While reviewing the plans submitted, John Scott Wood said the tent would be 50' by 20'. The Board asked for clarification as the plans show another measurement. John Scott Wood confirmed that the tent will be 50' by 20'. Carol Sullivan asked the Board for their final thoughts. Dean Howland said if the tents do help the businesses, he would be okay with allowing them. However, he did specify that he did want requirements to go into the tent ordinance. Dan Barusch said there will be a discussion later about that.

Patricia Dow asked Dan Barusch about the difference between umbrellas and tents. She opened her question to everyone on the Board as she was conflicted. She added to her question explaining that some businesses have umbrellas, and some businesses use tents. Carol Sullivan said that umbrellas are regulated, which means that the Village Code forbids any advertisement on them. Patricia Dow asked if the tent ordinance was in Chapter 220. Dan Barusch said yes. The Board and Dan Barusch continued the tent discussion for future changes to the tent ordinance for a couple moments. Carol Sullivan changed the subject to ask the Board if they're ready to make a motion. Dean Howland said that he'd make the motion. Carol Sullivan quickly interjected and said she had one last question. She asked John Scott Wood if everything would be coming down on Columbus Day. John Scott Wood said it would.

Dean Howland made a motion to approve the application SPR#18-2023 by Scott Wood on 81Cnaada Street to use the 20 by 50-foot tent that would be placed behind the outdoor deck.

**2<sup>nd</sup> MOTION:** Patricia Dow

|                |             |              |              |
|----------------|-------------|--------------|--------------|
| Carol Sullivan | Kevin Merry | Patricia Dow | Dean Howland |
| Aye            | Aye         | Aye          | Aye          |

Aye = 4 Nays = 0 Absent = 2 Motion carried.

Dan Barusch advised John Scott Wood that he could put up his tent. He reminded him that the tents must be removed by the end of Columbus Day weekend.

**MINUTES:**

**JUNE 21, 2023 (PD, PL, KM, WA, DH)**

Patricia Dow made a motion to approve the June 21<sup>st</sup> minutes as presented.

**2<sup>nd</sup> MOTION:** Kevin Merry

|                |             |              |              |
|----------------|-------------|--------------|--------------|
| Carol Sullivan | Kevin Merry | Patricia Dow | Dean Howland |
| Aye            | Aye         | Aye          | Aye          |

Aye = 4 Nays = 0 Absent = 2 Motion carried.

Carol Sullivan wanted to inform the Board, Dan Barusch and Debonnay Meyers that Sean Quirk and Konstantin Grabko have the same business name “The Anchor”. Dan Barusch said there haven’t been any complaints about Konstantin Grabko yet.

**JULY 19, 2023 (CS, PD, PL, WA, DH)**

Carol Sullivan made a motion to approve the July 19<sup>th</sup> meeting minutes as presented.

**2<sup>nd</sup> MOTION:** Patricia Dow

|                |             |              |              |
|----------------|-------------|--------------|--------------|
| Carol Sullivan | Kevin Merry | Patricia Dow | Dean Howland |
| Aye            | Recused     | Aye          | Aye          |

Aye = 3 Nays = 0 Recused = 1 Absent = 2 Motion carried.

The recorder turned off before the motion to adjourn was made.

Motion to adjourn by Dean Howland at 5:28 pm., seconded by Patricia Dow, and unanimously carried.

Respectfully submitted,  
Debonnay Meyers