

JAY RAND  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK/ TAX COLLECTOR  
523-2162  
JACK FAVRO  
DEREK DOTY  
RICHARD CUMMINGS  
EMILY KILBURN POLITI  
TOWN COUNCIL  
KENNETH PORTER  
SUPT. OF HIGHWAYS  
523-9081  
CATHERINE EDMAN  
BUDGET OFFICER  
523-9517

## TOWN OF NORTH ELBA

2693 MAIN STREET  
LAKE PLACID, NEW YORK 12946  
phone: (518) 523-9516 fax: (518) 523-9569  
web: www.northelba.org

EUGENE MARTIN  
PARK DIST. MGR.  
523-2591  
MIKE ORTICELLE  
DARCI LAFAVE  
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523-9518  
TODD ANTHONY  
ASSESSOR  
TEL: 523-1975  
FAX: 523-9821  
TOWN COURT OFFICE  
523-2141  
RONALD J. BRIGGS  
ATTORNEY FOR THE TOWN



### REVIEW BOARD MEETING MINUTES June 3, 2020

#### MEMBERS PRESENT

Bill Hurley  
Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

Mr. Hurley opens the meeting at 5:34 PM.

All Board members, except Messrs. Walton and Smith, present via GoToMeeting video conferencing. Mr. Smith present by telephone.

#### Kryger, Cindy & Michael (Case #1075)

Mr. Rosenthal recuses himself.

Messrs. Chary and Laramie, architects, present as applicant's representatives.

Notice to neighbors addressed. 8 notices mailed and 4 returned. No oral or written comments from the public.

Mr. Chary: there are no changes to the design since the last meeting.

Mr. Smith: this is a single-family residence and, regardless of size, is Type II for SEQ. No action required.

Mr. Hurley: the Board has reviewed minor design changes in architecture, footprint, colors, and material. Square footage is reduced approximately 500 SF.

Mr. Chary: stone siding from the bottom of the main floor down to the wainscoting of the basement has been redesigned with clapboard siding. As described in the narrative, exterior lighting will be Dark Sky compliant.

Mr. Hurley: asks for confirmation on tree removal and plantings and screening.

Mr. Chary: small cedar trees in an approximate 6'x4' area will be removed on the east side of the property for access from the front of the house to the lake side of the house. Any required buffer screening will be replaced as required. The plans show the proposed planting/replanting plan.

Mr. Hurley: the Board retains jurisdiction over lighting and planting for one year after completion of the project.

Notice to neighbors comment period closed at 5:40 PM.

Mr. Thompson makes a motion to approve the project, subject to the following conditions:

- a. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- b. The Review Board will retain continuing jurisdiction over the exterior lighting plan and the wattage and shielding of lights, until one year after the improvements have been completed, and during this one-year period the Review Board may prescribe modifications if it sees fit to mitigate adverse impacts from the project's lighting.
- c. The Review Board will retain continuing jurisdiction over the planting plan aspects of the project, until one year after all plantings have been completed, and during this one-year period the Review Board may prescribe additional plantings if it sees fit to mitigate visual impacts. Plantings which do not survive shall be replaced in kind, whether before or after the one-year period.
- d. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- e. This approval does not address or make any findings regarding applicable deed restrictions, covenants, or other title conditions. This approval does not excuse the applicant from obtaining all other necessary governmental approvals, including but not limited to the New York State Building Code, Adirondack Park Agency, New York State Department of Environmental Conservation, New York State Department of Health, and/or Army Corps of Engineers.
- f. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- g. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

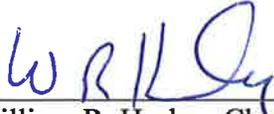
Mr. Bissell seconds the motion.

All present members vote in favor. The motion is approved 5-0.

Case #1075 closed.

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These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman  
Review Board

**RECEIVED**

Date: 7-2-2020  
Town Clerk: Chelsie Kepler  
Date: 7/2/2020  
Village Clerk: Amita G. G.

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ATTORNEY FOR THE TOWN



### REVIEW BOARD MEETING MINUTES June 3, 2020

#### MEMBERS PRESENT

Bill Hurley  
John Rosenthal  
Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Netter & Dunn (Case #1078)

Mr. Smith recuses himself.

Mr. Brian Netter present as applicant.

Mr. Hurley: recaps the Board's site visit conducted on Tuesday, 26 May. All members except Mr. Walton were present. The Board first viewed the garage location, noting the marked location of the corners built into the hill at the front of the property. No Board comments. Notes a planting plan is shown for the garage on page G001 of the design plan. Species are not identified.

Mr. Netter: does not know the specific types of plants but they will be native to the area.

Mr. Hurley: the Board next looked at the boathouse location. The side setbacks and deed restriction of 40' were staked for viewing. The large boulder shown on the plans has a slight separation from the shore but is essentially along the mean high-water mark. The Board saw why a 20-ft gangway is required from the shore to the water side of the large boulder. An alternate location was viewed just to the south of the proposed site but would require removal of several trees and small boulders. Moving the boathouse to the south does not improve on the proposed location. The proposed site is not on a point and the land to the north and south juts further out into the lake.

Notice to neighbors addressed at 5:49 PM. 5 notices were mailed, and 3 green cards returned. No oral or written comments from the public.

Mr. Netter: there are no changes to the plan.

Board members have no questions or comments.

Ms. Kelly makes a motion to approve the proposal, subject to the following conditions:

- a. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- b. The Review Board will retain continuing jurisdiction over the exterior lighting plan and the wattage and shielding of lights, until one year after the improvements have been completed, and during this one-year period the Review Board may prescribe modifications if it sees fit to mitigate adverse impacts from the project's lighting.
- c. The Review Board will retain continuing jurisdiction over the planting plan aspects of the project, until one year after all plantings have been completed, and during this one-year period the Review Board may prescribe additional plantings if it sees fit to mitigate visual impacts. Plantings which do not survive shall be replaced in kind, whether before or after the one-year period.
- d. The premises shall not be used for access to any other parcel of land fronting on Lake Placid, except to a single parcel which is or is to be improved only by a one-family residence and accessory structures thereto.
- e. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- f. This approval does not address or make any findings regarding applicable deed restrictions, covenants, or other title conditions. This approval does not excuse the applicant from obtaining all other necessary governmental approvals, including but not limited to the New York State Building Code, Adirondack Park Agency, New York State Department of Environmental Conservation, New York State Department of Health, and/or Army Corps of Engineers.
- g. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- h. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Rosenthal seconds the motion.

All present members vote in favor. The motion is approved 6-0.

Case #1078 closed.

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These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.

  
\_\_\_\_\_  
William R. Hurley, Chairman  
Review Board

|                 |                              |
|-----------------|------------------------------|
| <b>RECEIVED</b> |                              |
| Date            | <u>7-2-2020</u>              |
| Town Clerk      | <u>Chelsie Decker</u>        |
| Date            | <u>7/2/2020</u>              |
| Village Clerk   | <u>Amelia A. [Signature]</u> |

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### REVIEW BOARD MEETING MINUTES

June 3, 2020

#### MEMBERS PRESENT

Bill Hurley  
John Rosenthal  
Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Amoriell, Stuart/Pickled Pig (Case #1080)

Mr. Amoriell absent.

Mr. Thompson: recaps a site visit conducted by Mr. Rafferty, Ms. Kelly, and himself on Tuesday, 26 May. Board members viewed the existing deck and noted the heights and wall. Members also discussed the existing and proposed color.

Mr. Hurley: notes the existing deck was previously approved. Requests comments on the proposed color (Benjamin Moore Moroccan Red).

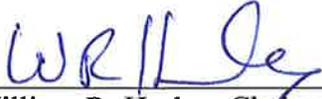
Mr. Thompson: the previous color approval was for a cedar tone. He is opposed to a red color and would like something more natural cedar-type stain.

Messrs. Bissell, Rosenthal, and Rafferty concur. Ms. Kelly states no preference.

Mr. Hurley: there are not enough votes to approve the proposed red color. Mr. Amoriell will be contacted to discuss his color options.

End of discussion.

These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman  
Review Board

**RECEIVED**

Date: 6-2-200  
Town Clerk: Chelsie Lester  
Date: 7/2/2020  
Village Clerk: Amberly Ery

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#### MEMBERS PRESENT

Bill Hurley  
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Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Adirondack or Bust Trust/DeHaan (Case #1079)

Susan (Trustee) & Jason DeHaan and Michael Tuck, architect, present.

Mr. Hurley: recaps the site visit conducted at 14 Grace Way on Tuesday, 26 May. All members except Mr. Walton were present. Both the architect and engineer (Mr. Dennis MacElroy) were present for the applicants. The Board viewed three existing structures, ground markings showing new building corners for the garage/apartment and house, and the appearance of other structures surrounding the property.

The Board looked first at the structure labeled as Ice House. The only change to this building is raising the roof to accommodate 10" of insulation for better winterization. There would be no impact to the neighbor to the west and I do not think the Board is concerned about this modification.

We looked next at the main house. We discussed building height and setback boundaries; particularly the 50' shoreline setback. We have since received a letter from the engineer asking questions about Land Use Code (Code) issues that were evidently not clear during our visit. The Board has previously determined reconstruction of nonconforming structures can be approved if the existing foundation remains. That is a liberal interpretation of Section 4.2.2B of the Code. The Board was willing to allow the side foundations to be moved approximately 2' to the south to eliminate the current roof overhang

on the adjoining property to the north. However, the lakeside foundation had to remain. Removable of this section of the foundation would require a variance.

The final issue discussed was the building heights for the garage/apartment and the house. The Code requires accessory structures to have a height equal to the lesser of the principal structure or 18'. Refers to Section 4.2.4B of the Code.

No other comments from the Board regarding the site visit.

Mr. Hurley: there was also a discussion on the use of permeable pavers and/or in-ground heat for the driveway coming down off Main St. Any design would have to part of a stormwater management plan.

Mr. Bissell: a stormwater plan should be required for runoff from the driveway regardless of any improvements.

Mr. Tuck: concurs with the site visit recap.

Mr. DeHaan: no questions about the site visit but there a still a few questions related to the Balzer-Tuck letter.

Mr. Hurley: refers to a letter from Balzer-Tuck, dated June 1, 2020. Not all members of the Board have seen the letter. There are a number of questions posed in the letter:

One – can the existing foundation be removed and rebuilt to accommodate the building shift? My answer is no, for the same reasons stated during the site visit – removal of the foundation constitutes new construction and the Code requires bringing any nonconformity into compliance (Sec. 4.2.2B). This issue is outside the jurisdiction of the Review Board and requires Zoning Board of Appeals approval.

Two – what of other codes not allowing a residence to be built on the property line? The only code that is applicable is the Town/Village Code and it states structures can be built with a side setback of 0' or 10'.

Three – does the entire building have to be on the setback boundary or can only a portion of the building meet the setback requirement? That will require further study by the Board attorney. My opinion is a substantial portion of a building should meet the side setback requirement.

Four – can an egress window well be part of a structures for determining satisfaction of a side setback? My opinion is a retaining wall, particularly one below grade, is not normally part of a structure. This will also require further study as the Code is not specific regarding this issue.

Five – how is building height measured since the Code states Main Street buildings are measured from the street level for the Village Center District? Common sense must prevail. These buildings are below Main Street and you cannot have a building height that is only a few feet high or a negative number.

Mr. Smith: one rule of statutory construction interpretation dictates a statute cannot be interpreted with an absurd result. Also notes the Code refers to buildings on the east side of Main Street. This implies the height measurement is only for those buildings touching Main Street.

Mr. Hurley: in my opinion, our normal convention for measuring building height applies for this property – from the average grade to the midpoint of the highest roof and its eave. Are there any other issues?

Mr. Smith: is there a question regarding the number of principal buildings on a site?

Mr. Hurley: the question is if a lot can have more than one principal structure. A residence would be a principal structure but something such as the Ice House, which will be used for storage, would be an accessory structure. Can we consider the garage with a large 2-story attached apartment as an accessory or second principal structure?

Mr. Smith: it would be appropriate in this case for the Board to determine the garage and apartment is a second principal structure. The apartment is a dwelling unit and is comparable to the main house.

Mr. Hurley: designating the garage/apartment as a principal structure eliminates height concerns.

Mr. Tuck: has no further questions. The 0' or 10' setback issue has been clarified, and the balance of the other questions have been answered as well.

Mr. Bissell: asks if replacement of boathouse caissons would be equivalent to replacement of a foundation.

Mr. Hurley: a boathouse is not nonconforming and the Board has made multiple decisions based on removal or retention of a building foundation. We have been very liberal in determining the limits of reconstruction/remodeling as compared to new construction. I am willing to work on the north and south sides of the foundation due to the existing encroachment on neighboring property. I am not willing to work with relocation of the lakeside foundation. We cannot change the rules. We can only interpret the rules. Our decision that removal of the foundation is not something we can approve still allows the applicant another avenue for approval of their design – the ZBA.

Mr. Smith: a dimensional variance standard has a fairly lenient standard where the Board weighs the benefit to the applicant against the detriment to the neighborhood and public. You can readily win that balancing test at times if there is no detriment.

Mr. Hurley: in this case, there is an existing structure. The change is minor but it is a ZBA issue to address. The Review Board is not going to attempt to manipulate the Code. Questions regarding the retaining wall and how much of the building must meet the setback requirement are legitimate. But the Board has no jurisdiction over relocation of the foundation.

Mr. Thompson: can caissons be installed behind the existing foundation be approved by this Board?

Mr. Hurley: the Code states the existing foundation must remain in place. It is up to the applicant to decide what they want to do.

Mr. Tuck: a variance request will be impacted by the status of the garage/apartment as an accessory or principal structure. The design height of the garage/apartment is over 18 feet.

Mr. Hurley: asks the Board if there is any concern in considering the garage with an attached 2-story apartment as a principal building? All Board members agree to label the garage/apartment as a principle structure.

Mr. Tuck: I assume we can address all the side yard setback issues with the ZBA.

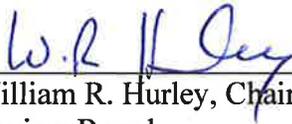
Mr. Hurley: you have a variance if the ZBA approves what you present as a foundation design.

Mr. & Mrs. DeHaan: we think our questions have been answered. NY code prohibits windows on a wall with a 0' setback but it appears that can be addressed with the ZBA.

End of discussion.

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These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman  
Review Board

**RECEIVED**

Date: 7-2-2020  
Town Clerk: Chelise Keeler  
Date: 7/2/2020  
Village Clerk: Amber G. King

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### REVIEW BOARD MEETING MINUTES June 3, 2020

#### MEMBERS PRESENT

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Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Hlavacek, Elizabeth (Case #1081)

Ms. Betsy Hlavacek present as applicant.

Ms. Hlavacek is proposing to build a seasonal sleeping cabin next to her main cabin on Buck Island in Lake Placid.

Mr. Hurley: reviews the dimensions and design of the proposed cabin. The cabin is 360 SF. Photographs of the existing site were provided. Confirms materials and colors will match main cabin. The cabin meets setback restrictions. Is there sewer or water?

Ms. Hlavacek: there will be a toilet and a sink tied into existing plumbing systems.

Ms. Kelly: will there be any tree clearing.

Ms. Hlavacek: three trees will be removed on the backside of the cabin. The site consists mostly of ledge rock.

Mr. Rafferty: will the cabin be visible from the lake?

Ms. Hlavacek: you will not. You can barely see the main cabin and will not be visible. There might be a glimmer of a view.

Mr. Hurley: you will have to look for the cabin to see it.

Ms. Hlavacek: the green and brown colors helps it blend in. The grade from the shore up is pretty steep. The cabin is between 95 and 100 ft from the shoreline.

Mr. Thompson: do we need any certification the existing sewer system can handle the additional load?

Ms. Hlavacek: the existing septic system has a grinder pump which pumps uphill to a septic field with a 1,000-gallon tank. There are two toilets and two bedrooms in the main house.

Mr. Smith: the sleeping cabin would function as a third bedroom.

Mr. Orticelle: three bedrooms with a 1,000-gallon tank meets code for the Dept. of Health.

Board agrees no site visit is necessary.

Ms. Hlavacek: states they are 21 ft from the nearest neighbor, who helped design the cabin.

Mr. Hurley: how does the Board wish to proceed? First meeting rule?

Mr. Bissell makes a motion to approve the proposed project, subject to the following conditions:

- a. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
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- f. This approval does not address or make any findings regarding applicable deed restrictions, covenants, or other title conditions. This approval does not excuse the applicant from obtaining all other necessary governmental approvals, including but not limited to the New York State Building Code, Adirondack Park Agency, New York State Department of Environmental Conservation, New York State Department of Health, and/or Army Corps of Engineers.

- g. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- h. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

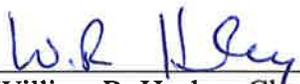
Ms. Kelly seconds the motion.

Ms. Kelly and Messrs. Bissell, Rosenthal, and Rafferty vote in favor. Messrs. Hurley and Thompson abstain. The motion is approved 4-0.

Case #1081 closed.

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These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.

  
\_\_\_\_\_  
William R. Hurley, Chairman  
Review Board

|                 |                       |
|-----------------|-----------------------|
| <b>RECEIVED</b> |                       |
| Date:           | <u>7-2-2020</u>       |
| Town Clerk:     | <u>Chelsea Bester</u> |
| Date:           | <u>7/2/2020</u>       |
| Village Clerk:  | <u>Amber A. Eng</u>   |

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### REVIEW BOARD MEETING MINUTES June 3, 2020

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Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Lake Placid Vacation Corp. (Case #1082)

Mr. Arthur Lussi present as the applicant's agent.

Applicant is requesting a 15-plus acre parcel of land be changed from a Village Center District to a Planned Development District (PDD). Subject property is bounded by Wesvalley Rd to the west, the Crowne Plaza hotel to the east, and the Shipman Youth Center to the south.

Mr. Lussi: the primary purpose for this request is to accommodate an affordable housing project proposed by Larry Regan. We agreed to gift the community a 5-acre land trust to enable the project. I talked to Mr. Hurley and was told it would be awkward for the Board to approve the entire 15 acres. We are fine with a 5-acre planned development if the Board prefers that option.

Mr. Hurley: a PDD requires a minimum of 3 acres and you are proposing 5 acres. I discussed with Mr. Lussi the Board can set restrictions other than those identified with the districts identified in the Code. It would be easier to address development of the 5 acres instead of the 15 acres.

Mr. Lussi: the only problem is the proposed site of the housing would not be contiguous. There would be vacant land between the site and the Crowne Plaza PDD/Village & Town line.

Mr. Hurley: we would work with the developer to determine the size of the lot. We would establish setback boundaries according to the design. The site has a big hillside and will need to be taken into account. It will be more complicated if we have to deal with the entire 15 acres.

Mr. Lussi: I am totally comfortable with that. Please note this is a philanthropic project and is something we know is needed in the community. We would love you to work with this developer to come up with a pleasing project knowing it will be built as affordably as possible.

Mr. Hurley: has the developer provided a plan of the number and types of apartments?

Mr. Lussi: they have not given me anything, but they have the Essex Country guidelines for affordable housing.

Mr. Hurley: another consideration is the cost of living here in Lake Placid in addition to the cost of apartment rental. I think you can see the Board is likely to approve this PDD. But the Board needs to meet with the developer to review the proposed design before making a recommendation to the Town and Village boards. There have been some meetings between the developer and the Building Department discussing building design. The Board needs to meet before it is comfortable making a recommendation.

Mr. Lussi: I think that is fair but please know the developers are moving as quickly as they can. It is important they know the feelings of the Board to ensure the design meets with your approval.

Mr. Bissell: expresses his support for the project and wishes to move as quickly as possible to meet the need.

Mr. Orticelle: the Building Department has met and reviewed the design with the developer. The only issue is building height and a PDD gives more leniency. Pricing of the units was never discussed, but a recent Camoin Associates 310 study for the Town of North Elba and Village of Lake Placid noted pricing would be based on the average median income of the area. It would make sense to have the developer make a presentation during a public hearing.

Mr. Thompson: does title of 5 acres or 15 acres pass to the developer?

Mr. Hurley: that is what we discussed. I think it is quicker to deal only with the 5 acres.

Mr. Orticelle: clarifies the Review Board does not grant a PDD. The Board provides a recommendation to the Town and Village and they make the decision.

Mr. Smith: concurs. Refers to Section 7.3B of the Land Use Code.

Mr. Hurley: the Town and Village will ask for the Review Board's opinion, but they can set their own restrictions. Requests the Review Board be provided the existing development plans.

Mr. Lussi: does the Board need plans?

Mr. Hurley: we have not seen what has been sent to the Building Department. We will review what has been provided and determine if any other information is needed.

Mr. Orticelle: is granting of a PDD contingent on a particular project or is it an overall zoning amendment.

Mr. Smith: designation as a PDD is a legislative action but, while helpful, a project need not be identified at the time of the designation.

End of discussion.

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These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.

  
\_\_\_\_\_  
William R. Hurley, Chairman  
Review Board

|                 |                        |
|-----------------|------------------------|
| <b>RECEIVED</b> |                        |
| Date:           | <u>7-2-2020</u>        |
| Town Clerk:     | <u>Chelsie Sheller</u> |
| Date:           | <u>7/2/2020</u>        |
| Village Clerk:  | <u>Christa G. King</u> |

JAY RAND  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK/ TAX COLLECTOR  
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JACK FAVRO  
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RICHARD CUMMINGS  
EMILY KILBURN POLITI  
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CATHERINE EDMAN  
BUDGET OFFICER  
523-9517

## TOWN OF NORTH ELBA

2693 MAIN STREET  
LAKE PLACID, NEW YORK 12946  
phone: (518) 523-9516 fax: (518) 523-9569  
web: www.northelba.org



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PARK DIST. MGR.  
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MIKE ORTICELLE  
DARCI LAFAVE  
CODE ENFORCEMENT OFFICIALS  
523-9518  
TODD ANTHONY  
ASSESSOR  
TEL: 523-1975  
FAX: 523-9821  
TOWN COURT OFFICE  
523-2141  
RONALD J. BRIGGS  
ATTORNEY FOR THE TOWN

### REVIEW BOARD MEETING MINUTES June 3, 2020

#### MEMBERS PRESENT

Bill Hurley  
John Rosenthal  
Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Fadden, Chris (Case #1084)

Mr. Chris Fadden present as applicant.

Mr. Fadden is proposing to build an attached garage to his house on Mountain Lane.

Mr. Hurley: notes the house is located on the backside of a hill blocking view of NYS Route 73. However, this project is reviewable because the house is above 2,000 ft. Applicant has provided geographic elevation data of his house, the hill to his south, and the highway. It is clear the house cannot be seen by the public from Route 73.

Discusses the photographs of the existing house and drawings of the proposed attached garage.

No Board comments.

Mr. Hurley makes a motion to approve the proposed project, subject to the following conditions:

- a. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- b. The Review Board will retain continuing jurisdiction over the exterior lighting plan and the wattage and shielding of lights, until one year after the improvements have been completed, and during this one-year period the Review Board may prescribe modifications if it sees fit to mitigate adverse impacts from the project's lighting.
- c. The Review Board will retain continuing jurisdiction over the planting plan aspects of the project, until one year after all plantings have been completed, and during this one-year period the Review Board may prescribe additional plantings if it sees fit to mitigate visual impacts. Plantings which do not survive shall be replaced in kind, whether before or after the one-year period.
- d. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- e. This approval does not address or make any findings regarding applicable deed restrictions, covenants, or other title conditions. This approval does not excuse the applicant from obtaining all other necessary governmental approvals, including but not limited to the New York State Building Code, Adirondack Park Agency, New York State Department of Environmental Conservation, New York State Department of Health, and/or Army Corps of Engineers.
- f. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- h. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Bissell seconds the motion.

All present members vote in favor. The motion is approved 6-0.

Case #1084 closed.

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These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.

  
\_\_\_\_\_  
William R. Hurley, Chairman  
Review Board

|                 |                       |
|-----------------|-----------------------|
| <b>RECEIVED</b> |                       |
| Date:           | <u>7-2-2020</u>       |
| Town Clerk:     | <u>Chelsie Keeler</u> |
| Date:           | <u>7/2/2020</u>       |
| Village Clerk:  | <u>Amata Q. Ely</u>   |

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TOWN CLERK/ TAX COLLECTOR  
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### REVIEW BOARD MEETING MINUTES June 3, 2020

#### MEMBERS PRESENT

Bill Hurley  
John Rosenthal  
Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Gilbert, William/Little Thai Restaurant (Case #1085)

Ms. Laura Walker present as applicant's representative.

Mr. Hurley: reviews the sign application and proposed design. Notes the restaurant is located behind the Sourdough Bakery on Saranac Avenue. Notes the sign will be attached to an existing sign support structure. Colors are red, gold, white, and orange.

Ms. Walker: the sign's white logo will be raised, and the border will be painted. The sign will be attached close to the top of the existing support structure. There is a 2-ft plant bed at the bottom of the sign.

Mr. Hurley makes a motion to approve the sign as designed, subject to the following conditions:

- a. Sign design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.

Ms. Kelly seconds the motion.

All present members vote in favor. The motion is approved 6-0.  
Case #1085 closed.

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These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman  
Review Board

**RECEIVED**

Date: 7-2-2020  
Town Clerk: Chelsea Decker  
Date: 7/2/2020  
Village Clerk: Amber R. Coy

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### REVIEW BOARD MEETING MINUTES June 3, 2020

#### MEMBERS PRESENT

Bill Hurley  
John Rosenthal  
Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Case #1086 – Wilcox, Vince/Adk Street Eats

Mr. Vince Wilcox present.

Applicant is proposing to operate a food trailer on his business property on NYS Route 86 in Ray Brook.

Mr. Hurley: reviews the application. The food trailer measures 8'x14' and food preparation will be performed in motel room on Mr. Wilcox's property. Has questions regarding the operating hours, specific location of the food trailer, color of the trailer, and the proposed sign on the trailer.

Mr. Wilcox: we will use a motel room because the Dept. of Health requires a refrigerator, 3-bay sink, and food preparation table. The trailer will not be changed from the current green color and the sign will be vinyl and attached to the side of the trailer. The trailer will be located approximately 40' from the highway and 10' from the business building (Wiley's Flies). Refuse containers are located downhill by a garage. There are four existing parking spots on the side of the building and more parking is available behind the building

Ms. Kelly: there are existing parking issues along the highway for Tail 'O the Pup and the Pine Cone ice cream shop.

Mr. Wilcox: my customers will not interfere with the Pine Cone.

Mr. Hurley: I am concerned about customers backing out onto NYS Rte 86.

Mr. Wilcox: current customers do not back out onto the highway but steps can be taken to prevent it from happening. Flower boxes or landscaping ties can be used to identify parking spaces.

Mr. Hurley: my main concern is traffic flow. How does the Board wish to proceed?

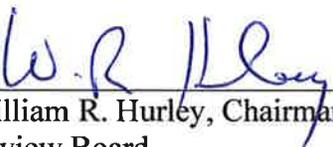
The Board agrees to conduct a site visit. A notice to neighbors within 200' is not necessary.

Mr. Hurley: we will conduct a site visit at 4:30 PM on Tuesday, 9 June.

End of discussion.

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These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.

  
\_\_\_\_\_  
William R. Hurley, Chairman  
Review Board

**RECEIVED**  
Date: 7-2-2020  
Town Clerk: Chelsea Gueller  
Date: 7/2/2020  
Village Clerk: Amrita G. Singh

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ATTORNEY FOR THE TOWN

### REVIEW BOARD MEETING MINUTES June 3, 2020

#### MEMBERS PRESENT

Bill Hurley  
John Rosenthal  
Chip Bissell  
Jackie Kelly  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

Tim Smith, Board Attorney  
Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator

#### Board Business

#### Minutes of 5/20/2020

Mr. Rosenthal makes a motion to approve the minutes as amended to include conditions of approval for approval of Case #1066 (Massimino).

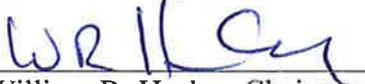
Mr. Thompson seconds the motion.

All present members vote in favor. The motion is approved 6-0.

Mr. Hurley notes he may miss one or two Board meetings in July if Canada opens the border for travel.

Meeting adjourned at 7:21 PM.

These minutes were reviewed by the Review Board on June 17, 2020. Mr. Rosenthal moved to approve the minutes as written. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.

  
William R. Hurley, Chairman  
Review Board

|                 |                         |
|-----------------|-------------------------|
| <b>RECEIVED</b> |                         |
| Date            | <u>7-2-2020</u>         |
| Town Clerk      | <u>Chelsea J. Kelly</u> |
| Date            | <u>7/2/2020</u>         |
| Village Clerk   | <u>Amber A. Esy</u>     |