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RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES August 5, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

Town Supervisor Rand opens the meeting at 5:00 PM

The Town first conducted a public hearing on a matter not involving the Review Board. The Town then moved to a joint public hearing with the Review Board.

Cell Science Center – Planned Development

A joint public hearing with the North Elba Town Board was conducted for the proposed zoning redesignation of properties commonly known as the Cell Science Center, and owned by PEG Enterprises, LLC, from a Gateway Corridor District to a Planned Development District. All members of both boards present, as well as Joseph Barile (developer) and Ivan Zdrahal (architect).

Mr. Rand: opens the meeting at 5:00 PM. Reads the draft proposed Town of North Elba Local Law No. 2 of 2020 which includes a section addressing the changes to the PEG Enterprises properties (Tax Map #s 42.10-1-1.100 & 42.10-1-1.200) and a section dealing with a change to

the Short-Term Rental Law. The first meeting topic is a Town Board-only public hearing on the proposed change to the Short-Term Rental Law. Passes meeting control to Mr. Hurley at the beginning of the joint public hearing regarding the PEG Enterprises properties.

Mr. Hurley: begins by stating it is the Review Board's responsibility to review requests for Planned Development District (PDD) and submit a recommendation to the Town Board. The recommendation is based on review of the project site plan, proposed perimeter and internal setbacks, structure height, project unit density, uses of surrounding properties, and other issues that may arise during discussion. The proposed local law sets building height at 48 ft, minimum perimeter setbacks at 20 ft, a maximum residential density at 12 units/acre, and relief from Section 5.6 of the Land Use Code (LUC) (Provisions for Income Based Housing).

The general rule for internal setbacks is 50 ft between buildings or 50% of the width of the largest building; whichever is greater. The maximum building height for a PDD is 45 ft. The Board cannot comment on the proposed building height of 48 ft without a visual analysis.

We have received a list, and use, of surrounding properties. We are all familiar with the surrounding commercial properties, including the Price Chopper Supermarket (Outpost Plaza), and are aware of the residential properties as well. The proposed unit density has increased but is within the purpose of a PDD.

Asks if the developer or other Board members have anything to add.

Mr. Barile: No.

Mr. Bissell: asks the attorney if he is subject to a conflict of interest as an adjacent property owner.

Mr. Smith: this is a legislative matter and you do not have the same conflict of interest concerns. You can comment.

Mr. Bissell: this is an opportunity to help meet our community needs for affordable housing. I was also under the impression from ROOST this project would support this need after its use for the planned University Games in 2023.

Board members have no further comments.

Mr. Hurley: asks the Town Board to address the legislation part of the PDD request as that is beyond the Review Board's jurisdiction. Asks if any member of the public has a comment on the parameters of the proposed PDD.

No public comment, written or oral, regarding the PDD standards.

Mr. Hurley: our Board will submit its recommendation to the Town Board. This completes our portion of this hearing and request the Town address the legislative portion of this hearing. This concludes the Review Board's role in tonight's PDD public hearing.

Mr. Rand: again reads Section 1 of the draft Local Law No. 2 proposal for the PDD. Opens public comment at 5:19 PM.

Peter Roland: speaks on behalf of the Joint Community Housing Committee. Reads a statement dated 8/5/2020 expressing their objection to the proposed relief from Section 5.6 of the Land Use Code (copy attached).

Elizabeth Trachte: I am here with my husband Paul as residents of a property between the Pirates Cove mini-golf center and the Cell Science Center [4 Fawn Ridge Rd]. Address Section 1.3C of the LUC. Has lived in their home for approximately 15 years, which is located approximately 35 ft from the Cell Science Center property line. Does not think a 20 ft setback is sufficient for a residential property. Has spoken with the developer regarding the setback and hopes he maintains an existing line of trees along the lot line. Reads a statement prepared by others (copy attached).

Molly Mayer: states the project was sold as supporting affordable housing problems in our area and would really like to see our elected officials stand by that.

Jim McKenna (ROOST): the issue seems to be Section 5.6 of the LUC. We need the perspective this is an opportunity to solve the need for middle income housing. The separate Wesvalley 60-unit proposed project addresses low-income subsidized needs. This parcel of land has been sitting unused for approximately 15 years without a good use. This developer has a reputation of constructing quality projects in our community (e.g., Price Chopper, Whiteface Lodge, The Meadows off Old Military Rd.). These are examples of his work. He is willing to come up with a product that meets deed and sales restrictions, prohibits short-term rental and other hospitality related lodging. The 150% of AMI (Average Median Income) category is identified as a need in the housing report and we need to keep that in mind. Overall, the number of units will be something that will serve as a conduit for local residents in the middle-income level and enhance our growth of our population base and replenish our student and general population. Additionally, this developer's energy design plans will help meet or exceed our state government's climate initiatives for 2040 through 2050. Solar and geothermal systems have a positive effect on the climate and net zero and will result in lower utility bills for residents. The potential for population growth, increased school enrollment, increased tax assessments, and general economic growth far outweigh anything we have seen in the past. A look at the two recent housing projects reveals an increase of about 300 low and middle-income housing units. Putting more restrictions, other than eliminating short-term rentals and other rental restrictions, makes the project a little more difficult to accomplish. Tying the project to the 2023 World University Games puts the focus on completing the project by then. As we look at this project, we need to look at the long-term goal of the community. To be a sustainable community, we have to offer residential units that will establish now and develop over a longtime period. A housing stock of 270-plus apartments puts us in a position we have never been in before. Ultimately, market forces will be driven up to the restriction of 150% of AMI and will solve a large need in our community. Coupled with the low-income project on Wesvalley Rd., we are going to be in a better position to affect economic growth. In closing, this particular project, in my opinion, offers us more opportunity to become a long-term sustainable community in a

manner in which we can be proud of the housing stock we have for our residents. I think the opportunity is here now to make this happen.

Mary Jane Lawrence: agrees with Mr. McKenna. This project will be a benefit to the community and help us be sustainable and healthy.

Jessica Kelly: agrees with the Joint Community Housing Committee. We need to continue to abide by Section 5.6 of the LUC to make housing sustainable and obtainable for our community members to be able to rent long-term. 120% of AMI is a bit high and 150% of AMI is too high. We need to be mindful of the financial capabilities of our community and our residents.

Kari Hoffman: reads from a letter she submitted on 8/4/2020 objecting to the proposal to relieve the developer of the requirement to forego providing low-income housing per Section 5.6 of the LUC (copy attached).

Bill Billerman: expresses support for the stance presented in the Joint Community Housing Committee's letter. We should abide by Section 5.6 of the LUC to provide affordable housing for families.

Craig Randall: concurs with Mr. Billerman's comments. States the need for exemption from Section 5.6 of the LUC has not been presented and/or justified. We are familiar with the Camoin report on our housing needs. Also, the AMI standards should be made clear to all. Further comments will be provided after the upcoming Village Board meeting.

Michael Ballard: spoke to address the PDD request for property owned by Lake Placid Vacation Corp. (RB Case #1082). Advised that hearing will be held on Tuesday, August 11.

Bill Hurley: submits and reads letter expressing his objection, as a private citizen, to relief from the provisions of Section 5.6 of the LUC (copy attached). Where is the request for relief from Section 5.6 of the LUC coming from? No reason or justification has been presented as to why relief is necessary. This does not help our community. Rents are capped but income eligibility is not. Short-term rental may not be allowed but there is nothing to stop a non-resident from renting for six months at a time. My letter talks about the comprehensive plan, the housing study, and the LUC. Tens of thousands of dollars have been spent on studying, addressing, and develop solutions to the housing problem. This is a game changer and once-in-a-lifetime opportunity for the community to create housing for local residents. This will lead to an increase in our school population and increase our residents leading to increased community involvement. This does none of that. The AMI is a joke because it is not capped income. Everyone needs to see that capping only rent allows anyone, including millionaires, to rent these units. I have no objection to Mr. Barile. He has come to this community, builds marvelous projects, and added millions to our tax base. But Mr. Barile can sell this project at any time and we will not know who we are dealing with. This is an opportunity to build a beautiful community inside our village; not outside past the ski jumps, not out Whiteface Inn Rd, not in Ray Brook, but walkable or available to public transportation within the village. I get what he is trying to do and I commend him for everything he has done. But I can see no justification for giving a complete waiver of a law this community has spent 10 years trying to build. A full waiver is not necessary. I strongly

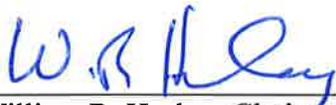
recommend coming up with a number of affordable homes per Section 5.6 that is beneficial to the community and the developer. This currently looks to me like a tourist, second home owner, visitor housing project – not a project for the local community.

Mr. Thompson: it seems to me where we are at with this is proposing to give the developer a bunch of relief from a local law that was passed in response to problems identified years ago. It seems only fair to ask Mr. Barile for small concessions back. Should the Board decide to abandon Section 5.6, we should memorialize in the law these units shall not rent for more than 150% of AMI. Secondly, the law should specify a certain percentage of local ownership.

Mr. Bissell: I second everything Bill Hurley said. I think this is an opportunity to do something right for the community. People who work here should be able to live here. It is really important and we are running out of land.

Mr. Rand: there being no further comments, I close the public hearing (5:57 PM).

These minutes were reviewed by the Board on 8/19/2020. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Thompson seconds the motion. All present members vote in favor. Mr. Walton absent. The motion is approved 6-0.



William R. Hurley, Chairman
Review Board

RECEIVED

Date:

9/15/20

Town Clerk

Chelsie Gleser

Date:

5/16/20

Village Clerk

Amita A. G. G.

DRAFT

DRAFT
TOWN OF NORTH ELBA
LOCAL LAW NO. 2
OF 2020

Section 1: (a) Town of North Elba lands described by Tax Map Parcels 42.10-1-1.100 (28+ acres) and 42.10-1-1.200 (6+ acres), presently owned by PEG Enterprises, LLC, are hereby reclassified from Gateway Corridor District (GC) to Planned Development (PD).

(b) Notwithstanding any other provision of the Village of Lake Placid/Town of North Elba Land Use Code the following shall apply to said lands:

(i) The maximum building height shall not exceed forty-eight (48) feet.

(ii) The minimum perimeter building setback for said lands shall be twenty (20) feet.

(iii) The maximum residential density (unit/acre) for said lands shall be 12 units/acre.

(iv) Development of said lands shall not be subject to Section 5.6 of the Land Use Code.

Section 2: Section 11.2(2) of the Village of Lake Placid/Town of North Elba Land Use Code shall be amended by adding the following sentence: Short-term rental units located within the Town of North Elba and outside the corporate limits of the Village of Lake Placid may not be rented for greater than one hundred-twenty (120) days in any given calendar year.

Section 3: This local law shall take effect immediately upon filing with the New York State Secretary of State's Office.

EMAIL RECEIVED
8/6/20
READ BY PETER ROLAND AT
8/5/20 HEARING
TKD
August 5, 2020

To: The North Elba Town Board
From: Joint Community Housing Committee
Re: Proposed Planned Development for Cell Science Center

The Joint Community Housing Committee has reviewed the application, Draft Local Law and Public Hearing Notice for a Planned Development at the Cell Science Center property. While we are aware of the need for Athlete Housing for the World University Games and to add to the existing housing stock to meet our community housing needs, we see no reason why any developer should be exempt from the requirements set forth in Section 5.6 of the 2011 Land Use Code.

Section 5.6 requires developers to provide one unit of income-based housing when creating any residential development consisting of 10 or more dwelling units. It was added to the Land Use Code in 2011 to further the objectives of the 1996 Comprehensive Plan reflecting the communities desire to increase community housing. Substantial community-wide support for that goal was reflected in the comments gathered at 5 public meetings associated with the creation of 2011 Code. It should be noted the public has consistently voiced its support for developing strategies to create community housing in the 2014 Comprehensive Plan, the more recent discussions on the Short Term Rental legislation, and the presentations of the Housing Needs Assessment. How to develop community housing was also a major issue in the most recent political campaigns and elections.

Section 5.6 (Mandatory Inclusion of Income Based Housing) was placed in the Land Use Code in 2011 to mirror industry standards. This, very simply, is what other

communities such as ours were doing at that time to create housing. Section 5.6 also contains our community's agreed definition of what it means to be "affordable" housing. This is defined as what a household with an income of 120% of AMI (roughly \$84,000 at this time) can afford based upon housing industry standards. It does not allow any developer to determine his or her own definition of affordable housing.

The narrative of the application states the project will "meet the community goals of providing housing for the existing workforce and also allow for population growth".

While we agree the proposal will promote the later objective and perhaps help to diversify the economy, the recent Housing Needs Assessment indicates it would not add much to solving the problem of housing the existing community. That study indicated only 6 more rental dwelling units would meet the needs of the existing workforce with a household income of 150% of AMI. The same study indicates the existing workforce with 120% AMI, which is the level established in section 5.6, needs 32 rental units to close the housing gap. Holding the developer to the provisions of 5.6 would move us substantially toward that goal.

Another concern we see associated with allowing the exemption of the requirements of 5.6 is the proposal uses rent control measures rather than income level to determine who can rent. Without some sort of controls we believe these apartments have the potential to become vacation homes. Section 5.6 would require an income evaluation and limit tenants to those with a household income of approximately \$84,000 or less. That group of people would by nature not be renting the units as a vacation home and would most likely work in the immediate area. A partnership with a public or

non-profit housing organization is also required. This is much more in line with what the community demands.

In summary the provisions of 5.6 were placed into the Land Use Code for a reason. That reason still exists and waiving the requirements for this application will not only impact the move toward the well established community goal of providing community housing as defined by the community, but may eliminate one of the most powerful tools we have to build that housing inventory in the future.

Respectfully submitted,

The Joint Community Housing Committee

Emily Kilburn Politi

Dean Dietrich

Peter Roland

Jessica Kelly

Eli Schwartzberg

Brandon Montag

Terry Tubridy

From: Elizabeth Trachte <eliztrachte@gmail.com>
Sent: Wednesday, August 12, 2020 9:51 PM
To: Terry Tubridy
Subject: Re: Public Hearing Letter

RECEIVED
8/12/20 (KT)

COPY OF STATEMENT READ
DURING PUBLIC HEARING
ON 5 AUGUST

Hello Terry,

Please see below.

The properties in the Fawn Ridge area and the Cell Science center currently connect large tracts of public land to the west with Lake Placid Lake, Outlet Brook, and smaller pockets of public land and wild spaces near the town of Lake Placid to the east. Finding a way to balance development with the preservation of as much of the remaining natural space as possible will help maintain wildlife corridors, the integrity of our ecosystem, and the character that makes this town special.

There is abundant wildlife that utilizes the natural area surrounding the cell science center and the adjacent neighborhoods. Some of the ADK's more charismatic animals like deer, turkey, bear, owl, woodpecker, bobcat, and many others use this space and the resources it provides. Not only will preserving the natural space in this area benefit these creatures it will add to the quality of life for the people who call this place home including the future residents of this newest housing development. The small stands of forest that remain on these properties serve as a privacy buffer for residents and provide wildlife viewing opportunities right outside their door.

The Adirondacks are seen as one of the greatest experiments in the history of conservation. They are intended to be a place where humans and nature coexist and benefit from one another. In order for this experiment to be a success we must develop our community to provide high quality housing for people without causing additional harm to the natural world. The more we fragment the natural space that remains interspersed in and around town the further we remove ourselves from the very essence that makes this place unique.

On Wed, Aug 12, 2020 at 12:40 PM Terry Tubridy <ttubridy@northelba.org> wrote:

Ms. Trachte,

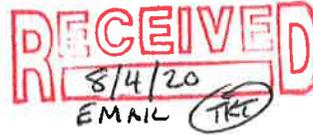
Can you please provide a copy of the letter you read during last week's public hearing for the Cell Science Center? I wish to include it in my meeting minutes.

Thank you,

Terry Tubridy
Planning & Zoning Coordinator
Town of [North Elba/Village of Lake Placid](#)
[2693 Main St](#)
[Lake Placid NY 12946](#)
518-523-9518

KARI M. HOFFMAN

August 4, 2020



Jay Rand, Town Supervisor
North Elba Town Board
2693 Main Street
Lake Placid, NY 12946

cc: Jack Favro, Councilman
Derek Doty, Councilman
Richard Cummings, Councilman
Emily Kilburn Politi, Councilwoman
Terry Tubridy, Codes & Planning Coordinator

Dear Supervisor, Councilmen, Councilwoman, and Codes & Planning Coordinator,

I write to you as a concerned parent raising two children, a working professional, and a long-time resident of North Elba. I have been following the Community Housing Needs Assessment conversation and the most recent development proposal by Joe Barile to develop the former Cell Science Center property.

I understand the short-term identified need for housing of athletes for the World University Games and the desire to look for ways to meet this need and subsequently use this housing to meet some of our longer-term affordable housing needs, but I strongly oppose Joe Barile's current proposal to develop the Cell Science Center property and do not feel he should be exempt from Land Use Code 5.6.

Throughout the Housing Assessment, the term family/families is mentioned 91 times and received the most votes on page 93 of the Camoin Assessment as being the type of person who has the most trouble finding the right kind of housing. We have fewer families living in the community, fewer families maintaining a year-round residence, fewer families enrolling in our schools, more need for starter homes and homes for expanding families at price points that are affordable and encourage families to lay their roots down here in our community. The current proposal from Joe Barile outlines 1, 2, and 3-bedroom apartment units, while the Housing Assessment from Camoin identified single-family, two-family, and three-family homes and condominiums. If we are looking to encourage families and expanding families to remain in the community, why would we be proposing the first development option to include a large number of 1 and 2-bedroom apartments

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(that would be primarily focused on under-housed singles and seasonal workers), instead of small homes/cottages or traditional single-family homes.

The Camoin assessment covers many of our community needs but barely touches on the needs in the community for families with children who are living in apartments and residences that are too small for their family or residences that are poor in condition/need major improvements. Due to high rental and housing costs, many year-round families are forced to either overburden themselves with higher housing costs, or fit their families into residences that are too small for them. I'm not sure what the official divorce rate in North Elba is (a quick Google search shows 21%), but anecdotally-speaking, 75% of my friends and acquaintances (myself included) are single-parents, or recently separated/divorced within the last 3 years, causing a need for split families to legally remain in the area with little choice of leaving. Unfortunately, these circumstance mean families must find affordable and reasonable housing locally, or commute their children from outside the school district in order to maintain custody arrangements. This heavily weighs in on the need for (potentially smaller), but affordable family homes, allowing families to have the opportunity to provide a stable and comfortable home for children while growing up and remaining in the Lake Placid community. There is a severe lack of options in this community at this time.

Personally speaking, I am relatively fortunate, compared to many others in our community, yet I still struggle with finding reasonable and affordable housing within North Elba. I am a working professional who had to find remote work out of the area in order to find employment that pays a decent salary for my profession and I luckily have savings in the bank. As a mother raising two children with the intention of staying long-term in this community, I want to own my own home. I don't want to live in an apartment complex. Unfortunately, any home that is currently or recently on the market that falls within an affordable price range is incredibly small (900 square feet or less), or needs significant improvements to comfortably live in. Taking a risk in investing in a "fixer-upper" is not an option for those who do not have the means to handle any unforeseen issues. I'm lucky enough that I have savings and a reasonable income, and yet I can't even find a place to purchase locally, myself.

The Housing Assessment recommends the community partner with affordable housing developers. I understand that somewhere along the way, Joe Barile was either approached or showed interest in acquiring the Cell Science property for his development. To my knowledge, Mr. Barile is not an "affordable housing developer" and I'd be interested to understand better how he would look to adjust his past development materials/processes/practices so that actual, affordable residences could be constructed. Mr. Barile's current proposal presents a shiny, luxury, resort-style

development with an in-ground pool, clubhouse, underground parking, and gardens/green space. All of this sounds wonderful on the surface but, pools and clubhouses are not terms that comes to mind when I think about affordable homes. Small, independent yards, storage sheds or garages, and 2-4 bedroom homes are more in-line with what growing and young families need. Mr. Barile's proposal sounds like a scaled back Whiteface Lodge. His caveat that the affordable rate of his 66% of units be increased to 150% of the AMI is a concern. We already have a significant problem with available affordable homes in the area and with raising the threshold of rate, this issue will continue to be exacerbated and price those we have identified as being the most in need, out of much of the proposed residences.

The introduction in Mr. Barile's "Narrative for Concept Review" states that the goal of The Peaks at Lake Placid is to create a vibrant, sustainable community. That this project will provide affordable, long-term community housing for the local workforce and position the community for population growth and increased school enrollment. He states that it will provide one-, two-, and three-bedroom apartments with rentals up to 150% of the Essex County AMI. If my calculations are correct, 150% of AMI would mean housing costs could easily exceed \$2,600 per month. This seems like a far stretch from the averages reported in Camoin's assessment for housing affordability (\$860-\$1,200 for rent and \$1,770-1,816 for ownership). I think there is much of Mr. Barile's proposal that is left to be desired for much of the community, at this time. How is this proposal going to achieve increased school enrollment if the housing costs automatically price out a large portion of our community? How is this going to provide affordable, long-term housing for the local workforce? Those who can comfortably afford \$2,600 per month in housing costs are more likely to purchase a home in the area than rent; and these families (while valuable) are not the portion of the community that needs affordable housing.

This proposal feels more like a way to use the tax code to Mr. Barile's financial advantage than to actually be providing a viable solution to assist with the housing issues of our community. Mr. Barile should not be exempt from Land Use Code 5.6. He should not be permitted to increase to 150% AMI and he should not be permitted to make a monetary contribution to the housing trust in lieu of fulfilling affordable housing needs for this project. If he is granted exemption, I find it very hard to understand what part of his plan will actually be helping to solve or lessen the housing crisis in our community.

We will not be able to fulfill all the housing needs that are identified in our area with this initial development, but for once, we have the space & land available to potentially create a development that could include single-family homes and/or duplexes. In many other parts of the country, this is a

common practice with "suburban development" and creates small neighborhoods that people can be proud of. Many of these developments in other parts of the country have a main developer that oversees the entire project, who then works with multiple construction firms to physically build the homes over a short period of time; providing employment opportunities to area workers while building efficiently and timely (during our shortened building season). Ultimately, these family units are able to be more active in our community, increase our school enrollment, and provide a more stable, sustainable, and on-going workforce for our businesses.

I truly hope that this parcel of land, along with others (future-planned developments) throughout the community are really meant to provide long-term, sustainable options to keep our community vibrant and growing. I look forward to seeing our elected officials continue to support the greater needs of our community as a whole.

Sincerely yours,

Kari M. Hoffman

08/05/2020

W. R. HURLEY

Town of North Elba Board

Good evening,



I am fully aware that the World University Games are driving millions of dollars of investment into our sporting venues and there is a need to house all the athletes for the Games. But this proposal does not meet the needs of the community. We have spent tens of thousands of dollars on a Comprehensive Plan, Land Use Code and a housing study that have identified the need and desire for “affordable” housing. This proposal does not address any of the goals or needs identified in these documents. Why have these laws or studies just to ignore them?

I have heard this proposal being called “a game changer”, “a once in a lifetime opportunity”, my question is for who? How does this proposal help the community? Can anyone identify a comprehensive plan goal or Housing study findings that this proposal will address, never mind solve? I agree this is a great opportunity, to address the housing needs of locals, of families and not of tourist or part time residents. This is a 34-acre parcel close to town that would be perfect for a neighborhood of single-family homes.

This developer can sell it at any time, from one minute after he receives all his permits to years after completion, or any time in between, so any decision is not for the developer but the development and for the town. Who knows who the Town will be dealing with in the future?

None of the proposed 360 units are deed restricted to be for full time residents. They can be rented to anyone, say a skier who wants one for the ski season. (Short-term excluded)

Per the LUC for “affordable” housing rent is calculated at 120% of AMI, this proposal caps rent at 150% of AMI, with no income verification. Meaning any person with any income can rent these units. How does this help our housing shortage?

I am in total agreement with Kari Hoffman’s letter. Affordable single-family homes are what is needed. This is not an opinion, it is fact, proven by the comprehensive plan, the housing study, and what we all see and hear. Do not be blind to the obvious.

Why does this proposal seek relief from section 5.6 “affordable housing” of the LUC? What is the next developer going to ask for if you set this precedent? Seems arbitrary and capricious to grant such relief to one piece of land. I do not see why this development should be any different than any other. Why grant total relief of the “affordable housing” section of the LUC? This Section of the Code addresses the Comprehensive Plan and the Housing Study findings.

This is a “game changer”. Imagine if this project was held to the law, the Code, and built 36 “affordable” housing units as required. (out of 360 units) There is no justification to give full relief of Section 5.6 of the LUC. If you can make “PILOT” deals, maybe, at the very least, you can make a deal here. Of course, physical houses are the best solutions, but the Code allows for Housing to be built in another location or Payment made can be made to a housing fund to help qualified families own a home. Any combination of these options is possible.

Imagine the “once in a lifetime opportunity” for population growth, growing the number of children attending school, workers living here instead of commuting 10, 20, 60 miles to work.

Imagine a vibrant neighborhood.

Do not let a short-term need take precedence over long-term needs and goals.

Thank you for your time and consideration.

Bill Hurley

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ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES August 5, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

Mr. Hurley opens the Review Board-only meeting at 6:00 PM. All Board members and applicants present. Members of the public present via Go To Meeting teleconferencing.

Cunningham, Tyler/Ski Barn (Case #1089)

Tyler Cunningham present.

Mr. Cunningham: confirms there have been no changes to the application since the Board meeting on July 1, 2020.

Mr. Walton: asks what work is planned for the hose tower.

Mr. Cunningham: nothing is currently planned and it will not be removed.

Mr. Hurley: confirms 9 notices sent to neighbors within 200 ft and 6 green cards were returned.

Public Hearing: opened and closed with no oral or written comments.

Mr. Hurley: the window and transom design is good. The only concern is the change of color from red to gray.

Mr. Bissell: the color is fine and the redesign of the entry door is fine as well.

Mr. Thompson: concerned about future plans for the hose tower.

All other Board members agree the proposal looks good.

Mr. Hurley 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 hose tower shall remain and be properly maintained.
- c. 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.
- d. 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.
- e. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- f. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Ms. Kelly seconds the motion.

All members except Mr. Hurley, who votes NO, vote in favor. The motion is approved 6-1.

Case #1089 closed.

These minutes were reviewed by the Board on 8/19/2020. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Thompson seconds the motion. All present members vote in favor. Mr. Walton absent. The motion is approved 6-0.



William R. Hurley, Chairman
Review Board

RECEIVED	
Date	<u>9/15/20</u>
Town Clerk	<u>Chelisa Yeater</u>
Date	<u>9/16/20</u>
Village Clerk	<u>Amrita G. Eya</u>

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
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PARK DIST. MGR.
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MIKE ORTICELLE
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CODE ENFORCEMENT OFFICIALS
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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 August 5, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

Stanton, Joel/Ratkos, Kim (Case #1094)

Kim Ratkos and Joel Stanton present.

Mr. Hurley: we have a public hearing for this case tonight. Notes the building that was existing has been demolished in the past two weeks. Reviews the discussion during the first meeting on July 15, 2020, of a Code requirement for a 10 ft bump-out on the front of the building, a green space/planting plan, and a land issue with Essex County.

Mr. Stanton: Essex County has informed me they will deed land back to me currently identified as an old highway right of way running across the front of my property. Paperwork is pending. We will then own to the other side of the concrete curb along the defined boundaries of NYS Rt 73.

Ms. Ratkos: this will move our front lot line 35 ft further west and allow us to meet the front setback requirement without moving the building further to the rear (east).

Mr. Hurley: one of the Board's conditions of approvals would require all heavy equipment to be parked in the garage or in the rear behind the building.

Mr. Stanton: we are trying to purchase the lot behind me but all heavy equipment will be in or behind the building.

Ms. Ratkos: reviews the new building design, with the 10-ft front bump-out and 3-bay garage doors, the new building height with the new dormers, the proposed use of crusher run for the driving surfaces, and a landscaping plan.

Public Hearing opened at 6:12 PM.

6 notices sent to neighbors within 200 ft and 5 green cards returned. No comments from meeting attendees (via GoToMeeting) and no written comments received.

Public Hearing closed at 6:13 PM.

Mr. Hurley: asks for a more formal landscaping design (narrative and drawing). Applicants needs to provide the calculation for the percentage of impervious surface on site. Notes the Board considers gravel to be a pervious surface material. Asks what the Essex County requirement is for curb cuts and advises applicants to apply to the County for a curb cut.

Mr. Bissell: asks for a new site plan showing the County's approved curb cuts.

Mr. Smith: this is an unlisted action for SEQR.

Mr. Hurley makes a motion for a Negative Declaration for SEQR.

Mr. Bissell seconds the motion.

All members vote in favor. The motion is approved 7-0.

Mr. Thompson 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. Parking in the front of the property and building shall be restricted to pickup trucks only. All heavy equipment shall be parked in the garage or in the rear of the property.
- c. 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.
- d. 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.

- 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. Walton seconds the motion.

All members vote in favor. The motion is approved 7-0.

Case #1094 closed.

These minutes were reviewed by the Board on 8/19/2020. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Thompson seconds the motion. All present members vote in favor. Mr. Walton absent. The motion is approved 6-0.

William R. Hurley, Chairman
Review Board

RECEIVED	
Date:	9/15/20
Town Clerk	Cheryl Geesler
Date:	9/16/20
Village Clerk	Cheryl Geesler

JAY RAND
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
JACK FAVRO
DEREK DOTY
RICHARD CUMMINGS
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TOWN COURT OFFICE
523-2141
RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES August 5, 2020

MEMBERS PRESENT

Bill Hurley
John Rosenthal
Bill Walton
Jackie Kelly
Bob Rafferty
Rick Thompson

MEMBERS ABSENT

Chip Bissell

ALSO PRESENT

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

Barile Family LLC (Case #1098)

Joe Barile and Ivan Zdrahal present.

Chip Bissell recuses himself.

Applicant is proposing to develop properties formerly known as the Cell Science Center and presently owned by PEG Enterprises, LLC. The proposal is for a total of 363 units with a mix of 271 one-, two-, and three-bedroom apartments and 92 condominiums.

Messrs. Barile and Zdrahan jointly briefed the plan's concept as depicted on a plan design labeled DP-1 Development Plan. The plan illustrated the lot boundaries and estimated building and road locations. The following highlights were noted:

- The total site equals 34.35 acres.
- Parking has been designed at 1.5 spaces/unit.

- Parking for the condominiums will be underground to reduce the amount of impermeable surface.
- A new water/sewer design will improve service Village-wide as it will eliminate existing dead-end piping.
- The energy design goal is the Net Zero Energy Building concept. Claims it will be the largest such project in North America. The design will use a mix of geothermal and solar systems with Tesla storage batteries. Roof design will be flat surfaces for solar panels hidden by gable and mansard roof features. The aim is to obtain a Platinum LEED (Leadership in Energy and Environmental Design) and/or Passive Building certification.
- A stormwater management plan will address drainage issues.
- A traffic analysis is underway.
- Site design will include sidewalks, a village green, and landscaping.
- Density will be 12 units/acre.
- The property has a significant amount of vegetation and trees of 80-100 ft in height.
- An application has been submitted to the APA.
- The existing building will be the base for the condominiums. New construction will remove everything above the first floor, rebuild upward for the condominiums, add a basement-level parking garage, and add an extension off the northwest corner of the existing building. The height specified in the Planned Development request was to allow us to build up and minimize the expansion of the building's footprint.

Mr. Hurley: will there be a trail system accessible by the public?

Mr. Barile: no, any trails will be for the private use of the residents. With regard to comments on setbacks made by Elizabeth Trachte during the earlier public hearing, I will try to accommodate her concerns with a redesign of setbacks and building location for that area of the lot adjacent to hers.

Mr. Hurley: we may suggest larger setbacks along lot lines adjacent to residences.

Mr. Barile: notes the existing structure is 50,000 sqft. New construction will remove everything above the first floor and rebuild upward for the condominiums. An additional condominium structure will be added off the northwest corner of the existing building.

Mr. Thompson: you will need to address the expected increase in pedestrian traffic.

Mr. Barile: we are responsible for sidewalk installation. Presents this as a mid-tier construction project that will increase the tax assessment to approximately \$450,000. Rents will be capped per agreement with the Town and local law at 150% of the Area Median Income. Our target is residents earning \$56,000-\$112,000 per year. I am very proud to offer the planned amenities at this price point. My goal is to create a mountain community serving our community's housing needs.

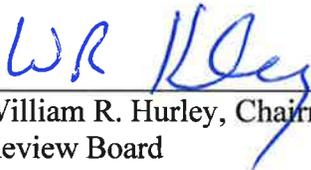
Mr. Hurley: notes rental fees will be capped but not what a renter may earn. However, it is not a Board concern.

Mr. Smith: this will be Type II for SEQR.

Mr. Hurley: this project is still evolving. Height will not be an issue for the Board as the visual impact of the proposed design will be slim. More work is needed to determine the specific siting of proposed buildings before a site visit can be conducted. We also need to wait until the Planned Development District and standards are approved. More discussion of the projected construction timeline is needed as well.

End of discussion.

These minutes were reviewed by the Board on 8/19/2020. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Thompson seconds the motion. All present members vote in favor. Mr. Walton absent. The motion is approved 6-0.



William R. Hurley, Chairman
Review Board

RECEIVED	
Date:	<u>9/15/20</u>
Town Clerk	<u>Chelsea Steeler</u>
Date:	<u>9/16/20</u>
Village Clerk	<u>Amiee A. King</u>

JAY RAND
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
JACK FAVRO
DEREK DOTY
RICHARD CUMMINGS
EMILY KILBURN POLITI
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RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES August 5, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

Board Business

Regan Development/Wesvalley Road (Case #1083)

Regan Development is requesting expedited approval of their proposal to build a low income-based 60-unit apartment complex on Wesvalley Road. They are seeking funding through the State's Homes and Community Development (HCR) department and must apply by August 31, 2020. Approval by the Review Board prior to the deadline will strengthen the request for State funding.

Mr. Hurley: Regan Development has been apprised of the timelines dictated by our Code and their application is not ready for full review. The Board is still awaiting formal approval of a PDD request for the proposed site and a subdivision request for the specific acreage related to the proposal. Mr. Smith is drafting a letter from the Board stating the Board has a general idea of the proposed project, what criteria the project must meet, and noting the Board and community

support for the project. This is not really hurting the proposal as they have only just begun the approval/jurisdiction process with the APA.

The Board concurs with the Chairman's course of action.

Land Use Code Issue

The Board engaged in a brief discussion regarding the wording of Section 5.6.2 – Mandatory Inclusion of Income Based Housing.

Beef Jerky Sign

Ms. Kelly: asks if the wall-mounted sign for Beef Jerky, located in the Haus building located at 2439 Main St., had been approved by the Board.

Mr. Tubridy: the sign falls under the master sign design for the building and was approved by the Building Department.

Minutes of 7/15/2020

Mr. Hurley makes a motion to approve the minutes as written.

Mr. Rafferty seconds the motion.

All members vote in favor. The motion passes 7-0.

Meeting adjourned at 7:18 PM.

These minutes were reviewed by the Board on 8/19/2020. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Thompson seconds the motion. All present members vote in favor. Mr. Walton absent. The motion is approved 6-0.

William R. Hurley, Chairman
Review Board

RECEIVED	
Date:	9/15/20
Town Clerk	Chelsie Oleson
Date:	9/16/20
Village Clerk	Amber A. Esch