

ROBERT T. POLITI
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RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES October 2, 2019

MEMBERS PRESENT

Bill Hurley
Emily Kilburn
Chip Bissell
John Rosenthal
Andrew Thompson
Jackie Kelly
Bill Walton

MEMBERS ABSENT

ALSO PRESENT

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

Mr. Hurley opens the meeting at 5:30 PM

Napier, John & Elizabeth (Case #1045) – Site Visit Recap/Notice to Neighbors/Viewshed Overlay

John Napier present as applicant.

Ms. Kilburn: recaps the site visit conducted on 9/30/19 at 87 Bobsled Run Lane. All members, except Messrs. Hurley and Thompson, were present. Confirms proposed garage falls under Review Board jurisdiction due to elevation above 2,000 ft. The Board observed the corners of the garage/apartment (garage) as shown by ground stakes. The proposed structure appears to be very large and is placed at the front of the property. Refers to a plot plan, provided as part of a stormwater management plan, showing the garage to be much larger than the principal structure (house). There was concern about the apartment's square footage as compared to the house. The Code states an accessory dwelling's living space can be no larger than 50% of the living space in

the main house. Mr. Napier could not confirm the square footage of the house. The site has been substantially cleared to the east side property line and to the rear. The Board discussed moving the garage further back (south) and a planting plan along the front of the property. Plantings would include trees and shrubs.

Mr. Hurley: asks what constitutes habitable space.

Ms. Kilburn: notes habitable space is not a defined term in the code. A Google search defines habitable space as any space used for living, eating, and/or sleeping. Another concern is the Code states an accessory dwelling cannot be in the front yard. The current Code requires a 100-ft front setback and the current house and proposed garage are 50 ft. from the front property line.

Mr. Napier: the current house is nonconforming as the front setback was 50 ft at the time the house was built. The house is set at 60 ft.

Ms. Kilburn: believes the garage must meet the current code and be set back 100 ft. This requires the structure to be moved back approximately another 40 ft.

Mr. Napier: there is room to do that but more site clearing would be required. Does not think it is necessary and believes moving it back would not be visually aesthetic with the natural view of the road.

Ms. Kilburn: the Code requires an accessory dwelling to be secondary to the house. This new garage is larger than the house and I believe pushing the garage back gives it the appearance of being a secondary structure. However, I am just one person on the Board.

The Board discusses moving the garage back less than 40 ft. Mr. Hurley asks what is considered the front yard as the Code requires accessory structures meet the front setback. Is the front yard the current Code of 100 ft. or is it the yard as defined by the front edge of the current house?

Mr. Smith: the Code states an accessory structure cannot be in the front yard vice front setback. The wording is not entirely clear but it does prohibit location in the front yard. The Code defines Front Setback but does not define front yard. There may be some options for the Board in this case.

Mr. Napier: 40 ft is too much and would require additional lot clearing.

Mr. Bissell: notes the lot is already significantly cleared.

Ms. Kilburn opens the Notice to Neighbors hearing at 6:41 PM.
Four notices sent and four green return cards delivered to Mr. Tubridy.
No neighbors present and no written comments received.
Notice to Neighbors hearing closed at 6:42 PM.

Ms. Kilburn: applicant needs to provide a site plan with tabular summary data, property setbacks, proposed new siting of the garage (at least 20 ft back from 50-ft setback), and a planting plan.

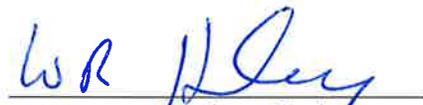
Mr. Hurley: the planting plan should include maple trees, other deciduous trees, and natural groundcover to match the surrounding area.

Mr. Orticelle: do not change the septic plan when moving the house.

Mr. Napier: exterior lighting will be limited to two fixtures.

End of discussion.

These minutes were reviewed by the Board on 10/02/2019. Mr. Hurley requested a vote to approve the minutes as written. All present members voted in favor (Ms. Kilburn absent). The motion passed 6-0.



William R. Hurley, Chairman
Review Board

RECEIVED	
Date	<u>10/25/19</u>
Town Clerk	<u>Chelsie Keeler</u>
Date	<u>10/30/19</u>
Village Clerk	<u>Amal A. Eddy</u>

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REVIEW BOARD MEETING MINUTES October 2, 2019

MEMBERS PRESENT

Bill Hurley
Emily Kilburn
Chip Bissell
John Rosenthal
Andrew Thompson
Jackie Kelly
Bill Walton

MEMBERS ABSENT

ALSO PRESENT

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

Klabin, Justin & Colleen (Case #1047) – Site Visit Recap/Notice to Neighbors/Architectural Review/Viewshed Overlay

Justin Klabin present as applicant.

Ms. Kilburn recaps the site visit conducted on 9/23/19 at 220 Algonquin Dr. All Board members, except Mr. Hurley, and Christian Hartmann (builder) were present. The driveway and house corners were staked out. The property lot lines were not marked. Members noted the driveway stakes did not match the site drawing. Mr. Klabin stated the HOA had requested the driveway be moved so as not to provide a direct view from the road. The Board discussed screening and a "No Cut" line, shown as 70 on the site plan, at a small plateau located just below the proposed deck location.

Notice to Neighbors hearing opened at 5:53 PM.

11 notices sent but no green return cards were delivered. Proof of mailing was sent via email.

Peter Newcomb: next door neighbor at 214 Algonquin Dr. Refers to letter received by the Bldg. Dept. on 9/30/19. Subject letter expressed a primary concern that applicant complies with APA Permit 87-28 and not build within 20 ft. of what the APA notes as an abrupt change in slope. Also concerned about building height measurement per the APA and questioned why the driveway layout differed between the site plan and the site rendering. He wants the applicant to follow the same rules he was required to follow.

Howard Gordon: neighbor at 207 Algonquin Dr. No problem with what he has seen. Asks if this is a normal procedure for anyone else building here. Other houses were built in this area and I have never received notice in the past. Also, if solar panels are installed will they match the roof angle?

Mr. Bissell: notes the Fawn Ridge development initially fell under the previous land use code and the Review Board did not have jurisdiction.

Mr. Napier: solar panels will be installed flat on the roof surface. Not sure if panels will actually be installed.

Notice to Neighbors closed at 5:56 PM.

Ms. Kilburn: asks about the driveway and the landscaping plan.

Mr. Klabin: the HOA wanted the driveway further to the right. However, the neighbor's driveway encroaches onto his property and he did not want two driveways side-by-side looking like a landing strip. The HOA agreed to a layout starting from the left and angling toward a curve into the house. The plan will be updated to reflect this. The landscaping plan shows the proposed location of new trees.

Ms. Kilburn: asks about the phrasing of no cutting.

Mr. Klabin: I plan to cut very little outside the footprint of the house. I have shown a no cut line and I will abide by the APA permit allowing for creation of a screened view toward Whiteface Mt. There are a lot of dead trees I will be clearing. Someone caused multiple trees to die by cutting them partially with a chainsaw.

Ms. Kilburn: asks about status with the APA.

Mr. Klabin: I was advised to submit an inquiry with the APA but all the restrictions are included in HOA documents and I did not feel I needed to apply. A Jurisdictional Inquiry Form has been submitted to the APA.

Mr. Hurley: asks about the house architecture.

Mr. Klabin: the HOA wanted a more natural look. I am keeping much of the originally proposed gray-painted lap siding but I will use cedar shakes for the garage.

Mr. Hurley: the roof is not similar to what is in the area. The roof next door is similar but has more roof lines.

The Board generally approves of the roof design.

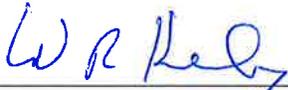
Ms. Kilburn: please provide a site map, with tabular summary, with the final location of the house and driveway.

Mr. Hurley: use actual elevations for contour lines and show height measurement according to our Code (average grade to average roof height). Building Height does not define shed roofs but it will be treated as a gable roof. Prefers a 1" = 20' scale.

Mr. Orticelle: states a building permit will not be issued without receipt of the APA's jurisdictional decision.

End of discussion.

These minutes were reviewed by the Board on 10/02/2019. Mr. Hurley requested a vote to approve the minutes as written. All present members voted in favor (Ms. Kilburn absent). The motion passed 6-0.



William R. Hurley, Chairman
Review Board

RECEIVED	
Date	<u>10/25/19</u>
Town Clerk	<u>Cheesie Keesler</u>
Date	<u>10/30/19</u>
Village Clerk	<u>Amata A. Estling</u>

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REVIEW BOARD MEETING MINUTES October 2, 2019

MEMBERS PRESENT

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Chip Bissell
John Rosenthal
Andrew Thompson
Jackie Kelly
Bill Walton

MEMBERS ABSENT

ALSO PRESENT

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

Pittman, Matthew (Case #1048) – Site Visit Recap/Conditional Use

Applicant not required to be present.

Ms. Kilburn: recaps the site visit conducted on 9/23/19. All members, except Bill Hurley, and the applicant were present. Mr. Pittman requested to change the fence color to white. The Board denied the request and stated the fence must be a shade of brown. Ground stakes were placed to show the fence perimeter. Mr. Thompson stated the fence would look best if the top was maintained at the same level, from corner to corner, across the front.

Mr. Hurley: notes the fence will be solid (i.e., no spacing between vertical boards) and does not look attractive.

Mr. Bissell: notes a line of trees and bushes runs alongside the left-side property line down to the sidewalk.

The Board accepts the brown color shown on a sample fence board provided by the applicant.

The Board discussed which side of the fence should face the street and decided the fence posts and horizontal rails should face toward the house. The top of the fence should also run level from corner to corner along the front.

Ms. Kilburn makes a motion to approve the fence, subject to the following conditions:

- a. The fence color, as shown on a sample board, shall be dark brown.
- b. Fence posts and horizontal fence rails shall be installed facing the house.
- c. The front fence section shall be installed such that the top runs level from corner to corner.
- d. 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.

Mr. Rosenthal seconds the motion.

All members, except Mr. Hurley (abstains), vote in favor. The motion passes 6-0.

Case closed.

These minutes were reviewed by the Board on 10/02/2019. Mr. Hurley requested a vote to approve the minutes as written. All present members voted in favor (Ms. Kilburn absent). The motion passed 6-0.

W R Hurley

William R. Hurley, Chairman
Review Board

RECEIVED	
Date	<u>10/25/19</u>
Town Clerk	<u>Chelsea Lesser</u>
Date	<u>10/30/19</u>
Village Clerk	<u>Amrita R. Kelly</u>

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REVIEW BOARD MEETING MINUTES October 2, 2019

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Jackie Kelly
Bill Walton

MEMBERS ABSENT

ALSO PRESENT

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

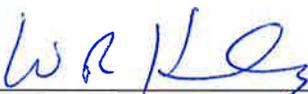
Board Business

Minutes of 9/18/2019

Mr. Rosenthal makes a motion to approve the minutes as written.
Mr. Walton seconds the motion.
All members, except Mr. Hurley (abstains), vote in favor. The motion passes 6-0.

Meeting adjourned at 6:21 PM

These minutes were reviewed by the Board on 10/02/2019. Mr. Hurley requested a vote to approve the minutes as written. All present members voted in favor (Ms. Kilburn absent). The motion passed 6-0.


William R. Hurley, Chairman
Review Board

RECEIVED	
Date	<u>10/25/19</u>
Town Clerk	<u>Chelsea Keener</u>
Date	<u>10/30/19</u>
Village Clerk	<u>Antonia C. Esty</u>