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CATHERINE EDMAN, CPA
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TOWN OF NORTH ELBA

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TOWN COURT OFFICE
523-2141
RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES February 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
Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

Mr. Hurley opens the meeting at 5:31 PM.

Lake Placid Chalet, LLC (Case #1055) – Notice to Neighbors/Conditional Use

Matthew Norfolk present as applicant's representative.

Mr. Norfolk: there is no new information. I have just received copies of two public comments. Awaiting any other requirements from the Board.

Mr. Hurley: the proposed change of use is from a single-family residence to a boarding house. Asks if notices were sent and Coordinator confirms 15 notices were sent and 11 receipts were received. Reads the definition of a Rooming/Boarding House from the Code (Sec. 10). Notes there are no meals being offered. The proposed use offers four suites for rent – two 4-bedroom and two 2-bedroom.

Addresses parking requirements per Code. The Board requires a full plan showing number of parking spaces, location, and setback information per Code specifications. Warns about parking spaces placed in such a way as to require strangers to move their vehicles to provide entry/egress. ADA parking is not a Board concern.

Mr. Norfolk: has advised his client of concerns regarding mingling permanent residents or family with strangers with regard to use of the kitchen.

Mr. Hurley: the Code does not specify if there is a requirement for a live-in manager. Refers to a previous assertion the client wanted to improve their business model and asks how this proposal does that.

Mr. Norfolk: unaware of the business model.

A discussion ensues about what defines commercial use of a property. Mr. Norfolk argues specifically defined uses, such a rooming house, are not commercial use of a property. Mr. Hurley notes a Hotel/Motel is specifically defined but is also a commercial use. Mr. Smith notes commercial use is a catch-all term that defines uses commercial in nature which are not specifically defined in the Code (e.g., Hotel/Motel). The classification of short-term rentals is raised. Per Mr. Smith, the current definition of a single-family dwelling does not change if used as a short-term rental.

Mr. Thompson: asks about the quit claim deed for Yacht Club Way.

Mr. Norfolk: has just received word of the quit claim and will review the deed to determine if there is any impact on use of Yacht Club Way to access parking in the rear of the property. Has discussed customer access with the applicant.

Public comment opens at 5:46 PM.

Mr. Hurley explains applicant's representative can respond to public comment tonight or at a later date.

Two public comments received – Mr. William Hafner and Mr. James Brooks as representative of four neighbors.

Ms. Sarah Kane: expresses concerns regarding noise, which has been an issue at this property and other properties in the neighborhood. Biggest concern is safety due to the absence of sidewalks on Victor Herbert Rd, Seneca Trail, or Signal Hill. People in dark clothing are hard to see. Also concerned about use of drones by renters.

Mr. James Brooks: represents four neighbors within 200' – Stracks, McGraws, Urfirers, and Saunders. Submitted a letter to the Building Department earlier today arguing the change of use is not justified. Parking could be an issue due to the uncertainty of non-neighbor Right-of-Way/Easement access to the rear of the property. Applicant's deed does not address specific access to Yacht Club Way. The title search seems incomplete and requires confirmation. Another

argument against approval is the inaccurate description of past use. Mr. Will Stevens did not rent his property.

Mr. Hurley: does past use matter in this case?

Mr. Smith: No.

Mr. Brooks: the proposed use as a rooming house does not match the definition in the Code. A dwelling unit is defined as providing complete household facilities for use by a single family. The four rental units do not have kitchens. A variance could be granted for this use but it would be decided by a different board (i.e., ZBA). Also, Mr. Norfolk states there have been no noise complaints but the neighbors state otherwise. Residents expect and are entitled to the quiet enjoyment of their neighborhood.

Mr. Norfolk: disputes the need for a kitchen in each rental unit. The Code does not specify a requirement beyond access to kitchen facilities. Mr. Brooks' argument would kill any rental without a dedicated kitchen and compares definitions to a Bed & Breakfast business. A kitchen is available to all renters and satisfies the use requirement. As for noise, the presence of separate renters would self-regulate noise levels. Proposed leases will severely restrict noise but enforcement can be addressed further.

Mr. Hurley: it is up to the Board, with Board attorney input, to decide if the definitions require individual facilities or access to a single facility. Notes renters could be individual groups or all one group.

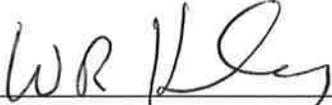
Ms. Kane: large groups equal large noise.

Public comment closed at 6:04 PM. Written comment is accepted as long as the case is open.

Mr. Thompson: asks for the total occupancy. Estimates a possible total of 32 individuals and up to 19 cars. Concerned about the parking.

Mr. Hurley: your biggest issue is the parking plan. Discussion is adjourned until a plan is submitted.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.



William R. Hurley, Chairman

RECEIVED	
Date	<u>2/27/20</u>
Town Clerk	<u>Jane Ant...</u>
Date	<u>3/4/20</u>
Village Clerk	<u>Amelia...</u>

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John Rosenthal
Bill Walton
Jackie Kelly
Bob Rafferty
Rick Thompson

MEMBERS ABSENT

ALSO PRESENT

Tim Smith, Board Attorney
Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

Boublil, Benjamin (Case #1059) – Notice to Neighbors/Architectural Review/Shoreland Overlay

Thomas LaBombard present as applicant's representative.

Mr. LaBombard: received a letter from M. Miller in response to the Notice to Neighbors. Has met with Mr. Hathaway, Village DPW, regarding water service connection via Mill Pond Dr. Specific engineering details under discussion.

Mr. Hurley: the Board needs letters from the DPW and Electric departments confirming service to the property.

Mr. LaBombard: the sewer connection design is likely to include a low-pressure pump system. More details to be provided as they are available.

Public comment opens at 6:11 PM.

Richard Smith: has no objections to the project but is concerned about the sewer connection. Believes a "forced main" system is required to connect at Mill Pond Dr. Discloses hazardous waste history of adjoining property. Site was contaminated with PCBs, anti-freeze, and other hazardous chemicals. Expresses concern with the road from Smith Lane to the property. Asks who is going to plow in the winter and if the Village will do anything about the dirt road?

Mr. LaBombard: states a tie-in to the existing 4" water main is not feasible due to size constraints. There is an option to drill a well on the property. Will now urge the Bublil's use Village water in light of the hazardous waste history next door. States electric service will be installed underground, and separate conduit will be installed for phone/data service. He will discuss the road situation with the Village DPW.

Public comment closed at 6:18 PM.

Mr. Smith: this is Type II for SEQR.

Mr. LaBombard: the APA has jurisdiction (wetlands).

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

- a. Applicant shall provide the Building Department with copies of correspondence requesting water and sewer service and road access analysis from the Village of Lake Placid Department of Public Works.
- b. Applicant shall provide the Building Department with copies of correspondence requesting electric service from the Village Electric Department.
- c. 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.
- d. 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.
- e. 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.
- f. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- g. 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.

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

Mr. Bissell seconds the motion.

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

Case #1059 closed.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.



William R. Hurley, Chairman

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Town Clerk	<u>James Paul Dudley</u>
Date	<u>3/4/20</u>
Village Clerk	<u>Amrita A. Esty</u>

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Bob Rafferty
Rick Thompson

MEMBERS ABSENT

Tim Smith

ALSO PRESENT

Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

78 Blodgett Way, LLC (Case #1060) – Notice to Neighbors/Architectural Review/Shoreland Overlay

Mr. Smith recuses himself.

Rich Hanpeter present as applicant's representative.

Mr. Hanpeter: Sent 10 notices, postmarked 24 January, to neighbors and received 8 receipts. Submitted a detailed stormwater plan and reviewed with the Building Inspectors. Also received email from John Randall stating he did not receive his notice until 3 February. Provides postal tracking information indicating the first delivery was attempted on 1 February.

Mr. Hurley: acknowledges receipt of forwarded emails from Randall and Henry Marcy. Reviews concerns about stormwater runoff, possible commercial use, and increased use of Blodgett Way.

Mr. Rosenthal: cites the Code about aesthetic and functional compatibility with the surrounding environment. Not concerned about aesthetics but this project is functionally different than any other building around the lake.

Mr. Hanpeter: there are barns and other larger scale structures in the area. The key point with this project is it is almost completely hidden in the trees. The flat roof will be visible but will not appear larger than the existing tennis court. There are minimal sight lines and the building will not be visible from the water. The architectural features are minimal due to the building's height of 18'.

Mr. Rosenthal: what about the functional appropriateness?

Mr. Hanpeter: the building is for boat storage. Its function is not determined by its size.

Mr. Hurley: refers to Mr. Marcy's assertion the building violates Section 4.4.2D of the Code. There is no such paragraph but Section 4.3.5D appears to address Mr. Marcy's concern. There is no violation this portion of the Code.

Mr. Thompson: concerned the tennis court is twice the size of a normal court size.

Mr. Hanpeter: the court is 60'x120' inside the fence.

Mr. Hurley: the mailing deadlines for notices to neighbors was properly met. Delivery delays are not the applicant's fault and Mr. Randall will need to submit any detailed comment as soon as possible.

Mr. Hurley: notes his familiarity with this property. Workers currently park on the tennis court. The tennis court is extremely hard to see at this time with foliage at its minimum. You will have to look for this building to see it.

Mr. Rosenthal: states the building is too big and should be smaller. Bigger than it needs to be. Does not believe it meets Code (Section 5) because it is incompatible with the surroundings.

Mr. Hanpeter: function is not defined by size. The footprint is the same as the tennis court. No excavating will be performed other than stormwater management.

Mr. Hurley: the use (function) of the building is appropriate for the area. It is a private storage facility. The Board weighs the applicant's rights versus the impact on the general public/neighborhood. What is the general impact on the neighbors of a garage built on the side of a hill? What is the impact on Mr. Randall? The building meets all the dimensional criteria of the Code. This project is before us solely due to its location in a Shoreland Overlay district.

Mr. Bissell: it meets the Code. I would be concerned if it was visible from the lake. Stormwater is the only concern.

Mr. Hanpeter: a reinforced concrete retaining wall will be installed on the steepest part of the hill. No vegetation larger than a juniper bush will be removed. A few trees will be removed for boat access to the storage building.

Public comment opened at 6:42 PM.

Ms. Rebecca Holmes (52 Blodgett Way): my property is on the south boundary of 78 Blodgett Way and my home is directly downhill from the proposed building location. My family has owned our property for over 40 years while 78 Blodgett Way has changed hands multiple times. Claims the project is a disappointment and is out of character with the peaceful, naturally forested, shoreline neighborhood. States the proposed building will be 2,000 sqft larger than the tennis court. The structure is half the width and half the length of a football field. It will be uphill and directly behind our home. It will be highly visible from our kitchen and bedroom. Lights will shine into our house. The existing chain link fence is not a concern but a building will be seen. Runoff is also a concern and should be professionally reviewed by a town-designated engineer. Another concern is chemical runoff from boat cleaning solutions. Believe boat washing will be conducted inside the building. Questions the necessity of the structure for boat structure. Can use other businesses in town. Questions if construction is permissible under the Code. Believes the slope of the terrain is too steep for construction; particularly for a 9,000 sqft building. Believes the proposed structure could be a potential dwelling unit. As such, it would exceed the 50% limit when compared to the principal dwelling unit. Asks if there is any precedent for a 9,000 sqft private garage anywhere in the Shoreland Overlay district, Town of N. Elba, or the Park. It would be quite a precedent if you allow this. A future owner may decide to use the facility for commercial purposes. Invites the Board to visit her property to picture what it will look like.

Mr. Hanpeter: we are building on the tennis court, not the slope. Using existing roads for access. Lighting will be on the entry side (overhead doors) of the building. The 8800 sqft building can never be use for commercial purposes without a zoning variance. The owner has a lot of boats. The building exceeds the required setbacks whereas your house is encroaching on a side yard setback. There will be no servicing or washing of boats. There is no potential for chemical or fuel runoff.

Ms. Sybil Quayle: the project is bizarrely huge. Out of place and unprecedented. I will not see it but I think it is ridiculous. The total footprint will be larger than a tennis court with the additional office space. Believes it will be visible from the lake. Pleased with the stormwater management plan but concerned it will not be enough. Also believes the easement for use of Blodgett Way addresses only current structures. The notice to neighbors do not provide sufficient time for response.

Mr. Hanpeter: the stormwater plan addresses runoff. Explains some of the design features.

Ms. Georgia Jones: the agenda should have listed Shoreland Overlay for this case. Concerned about water accumulation along the shore from runoff. Claims it will be the largest residential project on the lake. Expresses environmental concerns. The Board needs to conduct a site visit to determine if the building will be seen from the lake. Thinks a 9,000+ sqft building is too big.

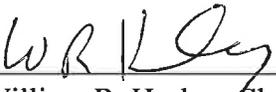
Mr. Michael Bird: Perry Youngwall has a significantly sized garage on his property.

Mr. Hanpeter: the shoreline is naturally marshy because there is currently no stormwater management. Many homes on the lake are 8800 sqft in size, or larger, and are multistoried. The mass of these houses has greater impact than this project. A legal finding has determined there is no limit on the number of accessory/ancillary buildings. Also, the building will be 220' from the shoreline.

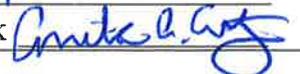
The Board agrees to conduct a site visit on Tuesday, 11 February, at 4:15 PM. The Board requests stakes and representation of the building height.

End of discussion.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.



William R. Hurley, Chairman

RECEIVED	
Date	2-29-20
Town Clerk	
Date	3/4/20
Village Clerk	

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Chip Bissell
John Rosenthal
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Bob Rafferty
Rick Thompson

MEMBERS ABSENT

ALSO PRESENT

Tim Smith, Board Attorney
Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

Sargeant, Jardeen/Canoes Juice (Case #1061) – Sign Review

Jardeen Sargeant present as applicant.

Mr. Hurley: reviews the design.

Mr. Thompson: the sign is larger (8.25 sqft) than the Code specification of no more than 20% of the window size (27.4 sqft).

Ms. LaFave: asks for the lettering font size.

Ms. Sargeant: does not know the font size.

Mr. Hurley: the sign must meet the requirement to be no larger than 20% (5.4 sqft) of the window area.

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

- j. Sign design plans are approved for a maximum size of 5.48 sqft. 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. Walton seconds the motion.

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

Case #1061 closed.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.



William R. Hurley, Chairman

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Date	<u>3/4/20</u>
Village Clerk	<u>Amithal Esty</u>

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Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

Cecunjanin, Esad/Ere's Pizza (Case #1062) – Sketch Plan Review/Shoreland Overlay

Esad Cecunjanin present as applicant.

Applicant is requesting to rebuild a deck above his business for outside customer use. Entry/Exit will be via a stairwell built on the back of the building. The new deck will replace a current decorative architectural deck with no access.

Mr. Hurley: notes this project was previously seen by the Board under Board Business. Applicant was advised to obtain APA approval due to the proposed stairs being closer than 50' to the shoreline of Mirror Lake. Reviews the proposed design and asks if there is APA approval.

Mr. Cecunjanin: states he has APA approval.

Mr. Hurley: asks for the distance from the proposed stairs to the shoreline. Notes the proposed stairs will be no further from the shoreline than an existing ground-level enclosed space, at the same location as the stairs, and an existing fire escape on the rear right of the building. Explains our Code allows for

increases in a non-conforming building as long as the increase does not expand the overall non-conformity [shoreline setback in this case – see Section 4.2.2(B)(6)].

Mr. Smith: confirms the Code interpretation for non-conformities.

Mr. Thompson: is there any other entry/egress?

Mr. Hurley: there is none and the stairs meet the Building Code (confirmed by Ms. LaFave). Notes there is very little change to the existing building with regard to architecture. Asks if there will be any umbrellas.

Mr. Cecunjanin: there may be an awning.

Mr. Hurley: awnings or umbrellas may have striped design but no wording or logos are allowed. These features would constitute signs and Ere's Pizza has existing principal and accessory signs. You are also facing Mid's Park.

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

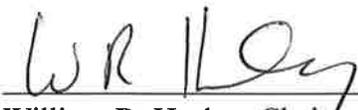
- a. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- b. No graphics, wording or logos are allowed on awnings or umbrellas.
- c. The applicant must submit and receive separate approval for an exterior lighting plan.
- 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.

Mr. Walton seconds the motion.

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

Case #1062 closed.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.


William R. Hurley, Chairman

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Village Clerk <u>Amelia A.</u>

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Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

Eat Simply, LLC (Case #1063) – Sketch Plan Review/Viewshed Overlay

Mr. Walton recuses himself.

Michael Bird present as applicant's representative.

Applicant is proposing to build an enclosed entry, with handicapped access, on the west side of the 'Dack Shack/Simply Gourment restaurant building. Also proposing a deck on the front left of the building and to eliminate the driveway running in between the front of the building and their freestanding sign.

Mr. Hurley: reviews the proposal. Confirms there will be no awning over the deck and the west side addition will project into the parking area. Notes the front deck will wrap around the west corner and extend to the front wall of the addition.

Mr. Rafferty: are you losing any parking?

Mr. Bird: no. We are gaining parking by eliminating the driveway across the front of the building.

Mr. Thompson: what is the parking capacity on the west side of the building? Is the east side parking sufficient for customers eating at Simply Gourmet? Concerned about customers reentering Saranac Avenue to park on the east side for access to Simply Gourmet. Customers will have to use Saranac Avenue to park on the other side if one side is full.

Mr. Bird: we have far more than the minimum required for parking spaces. It does not matter which side customers park on as the restaurant is open to both dining areas from the inside. We are improving the overall appearance of the site and reducing the impervious area by 437 sqft. The parking lots will also be repaved. Parking will be reconfigured once the lots are repaved.

Mr. Hurley: the addition is not a major impact on the overall building architecture, the pervious surface area is being increased, and inside seating area is not increasing.

The Board agrees no public hearing or notice to neighbors is required. The Board further agrees to wait until the next meeting to make a decision to give the public a chance to submit comments.

End of discussion.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.



William R. Hurley, Chairman

RECEIVED	
Date	<u>2-27-20</u>
Town Clerk	<u>June Ann Judley</u>
Date	<u>3/4/20</u>
Village Clerk	<u>Amelia G. Gist</u>

ROBERT T. POLITI
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK / TAX COLLECTOR
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COUNCIL
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DEREK DOTY
JACK FAVRO
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TOWN COURT OFFICE
523-2141
RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES February 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
Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

McMillin, John & Ellen (Case #1064) – Sketch Plan Review/Shoreland Overlay

Michael Bird present as applicant's representative.

Applicant is proposing to increase living space by bumping out a living room onto the existing lakeside deck. A screened porch on the deck will also be expanded over the footprint of stairs currently leading to/from the lake side (north) of the deck. The footprint of the house is not changing.

Mr. Hurley: reviews the existing and proposed construction.

Mr. Bird: inside living space increases by 30 sqft. The picture window will match the window to the right of the deck. The screened porch expansion results in the removal of one set of stairs but there is no increase in the house footprint. Describes the new roof design and pitch. Discusses the setback distances from the side lot lines and the shoreline. All architecture features remain the same.

Mr. Hurley: notes there is a very minimal impact on the view from the lake.

Mr. Thompson: asks about the building code for structural support.

Ms. LaFave: the design professional will submit engineering details with the building permit.

Mr. Hurley: there should be no need for a site visit in view of no footprint expansion and no changes in the architecture. Suggests waiting until the next Board meeting to approve.

Mr. Rosenthal makes a motion to approve the project as proposed, 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 applicant must submit and receive separate approval for an exterior lighting plan.
- c. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- 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.

Mr. Bissell seconds the motion.

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

Case #1064 closed.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.



William R. Hurley, Chairman

RECEIVED

Date 2-27-20

Town Clerk Passia Ann Buckley

Date 3/4/20

Village Clerk Anita R. Ely

ROBERT T. POLITI
SUPERVISOR
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523-2141
RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES February 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
Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

153 Victor Herbert, LLC (Case #1065) – Sketch Plan Review/Shoreland Overlay

Michael Bird present as applicant's representative.

Applicant is proposing to build a raised deck on the northwest (lake side) corner of the house and to replace a solarium on the southeast side of the house with standard stick-built construction.

Mr. Bird: the removal of the solarium will allow for redesign of the kitchen layout to remove a step and better integrate with the house.

Mr. Hurley: the only reason this is before the Board is because the property is in a Shoreland Overlay district. The solarium change is of no concern as it is on the Victor Herbert Rd side and is inside the existing building footprint. Also notes it is almost impossible to see the solarium from the road.

Mr. Bird: the owners want to build a deck connecting to the porch on the lake side of the house.

Mr. Hurley: this side of the house cannot be seen from Victor Herbert Rd. and does not expand the footprint closer to the shore. The house is 221' from the shoreline with a big boathouse sitting on the shore. Confirms the raised deck will be built over grass.

Mr. Bird: the deck is roughly 21'x25'. There is encroachment on the side setback but the existing garage roof eave is over the property line.

Mr. Thompson: notes there is a structure on the plans to be placed under the deck.

Mr. Bird: The first floor along the deck will be expanded (bumped out) slightly to provide access to the deck. Nothing will be built under the deck. The red lines depict what is being removed in the interior.

Mr. Thompson makes a motion to approve the project as proposed, 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 applicant must submit and receive separate approval for an exterior lighting plan.
- c. 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.
- d. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- e. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Rosenthal seconds the motion.

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

Case #1065 closed.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.


William R. Hurley, Chairman

RECEIVED	
Date	2-27-20
Town Clerk	Pausa Cent 182-110
Date	3/4/20
Village Clerk	Amelia A. [Signature]

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ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES February 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
Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

Massimino, Andrew & Christine (Case #1066) – Sketch Plan Review/Shoreland Overlay

Bob Marvin present as applicant's representative.

Applicant is proposing to build a new house on currently empty land and to build a two-slip boathouse on the shore.

Mr. Hurley: the lot used to have a building but it has been removed. The property runs north from the lake from Moderate Intensity to Resource Management (per APA).

Mr. Marvin: the house side dimensions will be from side setback to side setback (20' off both side lot lines). The front of the house is 50' from the shore MHW. The previous A-frame house was closer than 50' from the shore.

Mr. Hurley: notes there will be some excavation required. Asks if there are any other structures on nearby properties.

Mr. Marvin: Laura Auster's property is next door and she has an existing house and a proposed boathouse. Camp Solitude is also nearby.

Mr. Hurley: the Board needs a color scheme, material samples, and height per the Code.

Mr. Marvin: design work is underway with regard to colors, lighting, stormwater, and a septic system.

Mr. Hurley: asks about the height measurement. Advises applicant to provide height measurements from midpoint of grade to midpoint of roof.

Mr. Marvin: design discussions are ongoing. The boathouse design is also undergoing revision. Excavation is required on the north (rear) of the building. Not sure what the sloped heavy black line, on Pg 10 of the plans, is representing.

Mr. Thompson: notes the proposed deck is inside the 50' shoreline setback.

Mr. Marvin: the drawing is showing the location of the old A-frame structure. It is gone and nothing is closer than 50' to the shore. An application has been submitted to the APA as the lot is within 1/8 of a mile from a Wilderness Area. Subject application identifies the proposal for the house, a boathouse, and minor tree cutting within 35' of the shore.

Mr. Hurley: reviews the boathouse design (30'x32'). Dimensions are to code. Asks if the APA is forcing the boathouse off the shore.

Mr. Smith: it is likely the APA will include the boathouse, along with the house, in their jurisdiction.

Mr. Hurley: explains recent Board experience where the APA has required boathouses be placed a specified distance off the shoreline to accommodate fish spawning. The Code currently limits boathouse depth to no more than 32' from the shore. The Board is in the process of changing the Code to state a boathouse can only be 32' deep, regardless of location on the shoreline or off shore. A variance will be required from the Zoning Board of Appeals if the APA requires the boathouse to be placed off shore and the Code is not changed.

Mr. Thompson: is a tree cutting plan required?

Mr. Hurley: the Board will address that, along with other design issues, during the site visit. A site visit will be required but it cannot be scheduled until the lake is free of ice. This meeting has identified initial information requirements.

End of discussion.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.


William R. Hurley, Chairman

RECEIVED	
Date	2-27-20
Town Clerk	Laura Cant/Dadley
Date	3/4/20
Village Clerk	Ande G. Ely

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RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES February 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
Darci LaFave, Code Enforcement Officer
Terry Tubridy, Planning & Zoning Coordinator

Board Business

Minutes of 1/22/2020

Mr. Hurley makes a motion to approve the minutes as written.
Mr. Walton seconds the motion.
All members vote in favor. The motion passes 7-0.

Meeting adjourned at 8:07 PM.

These minutes were reviewed by the Board on 2/19/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present Board members voted in favor. The motion passed 6-0.


William R. Hurley, Chairman

RECEIVED

Date 2/27/20

Town Clerk Laurie C. Dudley

Date 3/4/20

Village Clerk Amie G. G. G.