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TOWN CLERK / TAX COLLECTOR
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SUPT. OF HIGHWAYS
523-9081
CATHERINE EDMAN, CPA
BUDGET OFFICER
TEL: 523-9517
FAX: 523-2599

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



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

**REVIEW BOARD
MEETING MINUTES
August 21, 2019**

MEMBERS PRESENT

Emily Kilburn
Chip Bissell
John Rosenthal
Andrew Thompson
Bill Walton

MEMBERS ABSENT

Bill Hurley
Jackie Kelly
Tim Smith (Board Attorney)
Bill Kissel (Board Attorney)

ALSO PRESENT

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

Ms. Kilburn opens the meeting at 5:30 PM

MWH LLC/Hurley Bros (Case #1007) – Conditional Use/Progress Update

Mr. Hurley and Mr. Smith recuse themselves. Bill Kissel, Board Attorney for this case, absent. No representative present.

Ms. Kilburn: As authorized by the Board on 7/17/19, I have signed an agreement with Mr. Tom Heslop to serve as a consultant to the Review Board with regard to this case. Mr. Heslop has agreed to review the application and conduct a full fire safety analysis in accordance with NFPA-58 (Liquified Petroleum Gas Code). Mr. Heslop will also review the reports submitted by MWH LLC and The Balsams at Lake Placid Homeowners Association, Inc. This agreement is at no cost to the Review Board [Agreement attached].

The Board is advised the Essex County Department of Public Works has received the required road safety analysis information from MWH LLC and has referred it to their engineer for final analysis. No date is given regarding when the report will be available.

Ms. Kilburn: We hope to have both Mr. Heslop's report and the County road report at the next Board meeting on 9/4/2019. The meeting will not be a public hearing and the public will not be allowed to speak.

End of discussion.

These minutes were reviewed by the Board on 9/4/2019. Ms. Kilburn made a motion to approve the minutes as written. Mr. Rosenthal seconded the motion. Messrs. Hurley and Walton absent. All present members voted in favor. The motion passed 5-0.



Emily Kilburn, Vice Chairman
Review Board

RECEIVED

Date 9/20/19

Town Clerk Jayne A. Cant Sudley

Date 9/20/19

Village Clerk Christa A. Eddy

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Jackie Kelly

ALSO PRESENT

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

7-ELEVEN (Case #1041) – Sign Review

Mr. Mike Cosley, Northeastern Sign Corp., present as representative for 7-ELEVEN.

7-ELEVEN is proposing to rebrand/replace signs at the Sunoco gas station on the corner of Main St. and Sentinel Rd (formerly owned by Nice 'n Easy).

Mr. Hurley: There are no new signs. Existing signs are being replaced to reflect 7-ELEVEN.

Mr. Cosley: Most of the signs are made of aluminum composite material (ACM). The main sign will be a high-density urethane with a sandblasted wood grain. The price boards will use wood lettering on a wood background for the top and the pricing information will be on an ACM background. The pricing lettering is manually changeable. The Car Wash sign, with 7 ELEVEN and Sunoco signs, will be flat ACM. [See revised sign plan, dated 8/16/2019]

Mr. Hurley: All white backgrounds must be a matte off-white.

Mr. Cosley: The Sunoco yellow color will remain the same. Only existing lighting will be used.

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

- a. Sign design plans, dated 8/16/19, are approved as submitted with the requirement that the color white will be an off-white in matte finish. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval.

Mr. Walton seconds the motion.

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

Case #1041 closed.

These minutes were reviewed by the Board on 9/4/2019. Ms. Kilburn made a motion to approve the minutes as written. Mr. Rosenthal seconded the motion. Messrs. Hurley and Walton absent. All present members voted in favor. The motion passed 5-0.



Emily Kilburn, Vice Chairman
Review Board

RECEIVED	
Date	<u>9/20/19</u>
Town Clerk	<u>Paula Cant. Shelley</u>
Date	<u>9/20/19</u>
Village Clerk	<u>Amber L. Gist</u>

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REVIEW BOARD MEETING MINUTES August 21, 2019

MEMBERS PRESENT

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

MEMBERS ABSENT

Jackie Kelly

ALSO PRESENT

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

Harper, Eric & Sunida (Case #1042) – Sketch Plan Review/Viewshed Overlay

Mr. Eric Harper present.

Applicant is proposing to build a detached 3-car garage at 272 Mill Pond Dr.

Mr. Hurley: Notes the property is in a Shoreline Overlay, vice Viewshed Overlay, District. Reviews the plans and confirms the garage will be pre-fabricated and the exterior colors will match the existing house. A survey has been provided showing the rough location of the garage. Confirms the garage will not extend beyond setback boundaries. Discusses the engineered stormwater management report and confirms all water runoff will be absorbed on the property without the need of additional retention systems.

Ms. Kilburn: Our only concern is the view from the water [Chubb River].

Mr. Harper: A view from the water is provided in the stormwater management report.

Mr. Hurley: You will not see much as it is not on the shoreline. Asks the Board if a site visit or notice to the neighbors.

Ms. Kilburn states the view impact is minimal and neither a site visit or notice to neighbors is necessary. Other Board members agree.

Mr. Smith: An accessory structure is a Type II action and no action is required. I have a memo coming to the Board addressing changes to the SEQR process. We will be conducting far fewer SEQR evaluations.

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 Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- 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. Thompson seconds the motion.

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

Case #1042 closed.

These minutes were reviewed by the Board on 9/4/2019. Ms. Kilburn made a motion to approve the minutes as written. Mr. Rosenthal seconded the motion. Messrs. Hurley and Walton absent. All present members voted in favor. The motion passed 5-0.



Emily Kilburn, Vice Chairman
Review Board

RECEIVED	
Date	<u>9/20/19</u>
Town Clerk	<u>Ann Marie Bradley</u>
Date	<u>9/20/19</u>
Village Clerk	<u>Ann Marie Bradley</u>

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REVIEW BOARD MEETING MINUTES August 21, 2019

MEMBERS PRESENT

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

MEMBERS ABSENT

Jackie Kelly

ALSO PRESENT

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

Forsyth, James/Tri Lakes Marine (Case #1043) – Sketch Plan Review/Viewshed Overlay

Mr. James Forsyth and his representative, Mr. Skip Outcalt, present.

Applicant is proposing to build two boat storage buildings on his property at 889 NYS Rte 86 in Ray Brook.

Mr. Outcalt: Presents an addition to the application. The buildings are smaller than originally proposed. Displays a photographic aerial map of the site. The front portion of the property has two existing buildings – the main building and an accessory building. The main building is the business office and the accessory building, previously approved as a BBQ restaurant, is unused at this time.

The back portion of the property is separated from the front by a drainage swale. Another culvert and drainage swale are pre-existing. Discusses the terrain contour and shows the high point is 1624 ft. and comes down to 1600 ft. at the drainage swale. There is a cleared area behind the buildings and the back portion of this area is considerably lower than the front portion.

Describes the vegetation and notes the soil is mostly loamy clay.

The character of the immediate area is "Developed" and consists of Adirondack Storage, U.S. Post Office, Dock Doctors, Rabideau Construction business office, state land and a few old residences.

Describes the proposed construction of two metal boat storage buildings. The building to the front will be 80' x 120' and the rear building will be 50' x 80'. There is no water or sewage facilities planned for either building. Electricity will be provided and exterior lighting will be downlighting located by the entryways/exits. The existing drainage patterns will be used on site. Silt fencing will be installed for erosion/runoff control during construction. A French drain system will be installed around the perimeters of both buildings and feed into a settling basin before draining into the existing swales.

Building colors will be dark brown (sides) and dark green (roofs).

Ms. Kilburn: Asks if the stormwater drainage is engineered.

Mr. Hurley: An engineered stormwater plan is required. Directs Mr. Outcalt to Mr. Orticelle for detailed requirements. Are there any eaves on the buildings?

Mr. Forsyth: The building has no eaves and has vertical corrugated-style siding [commonly referred to as a Butler building].

Mr. Hurley: Will any dirt be removed from the site? Please provide an estimate of truck traffic and the need for any traffic control and road cleaning.

Mr. Outcalt: All cutting and filling should balance out. There should be no removal of dirt from the site. Entry to the property will be via the existing curb cut along the road.

Mr. Hurley: The height of the buildings, as measured by the Land Use Code, is required. Notes that accessory buildings can only be 18 ft in height or no taller than the principal structure, whichever is shorter. Site clearing does not permit work to be performed on boats at the front of the property.

The following information is required for the next meeting:

- Building heights as measured per our Code.
- Estimate of truck traffic on public roads and procedures for traffic control and clean-up.
- A sample or picture of the building material.

Ms. Kilburn: Are these buildings accessory structures whose heights are limited to 18 ft?

Mr. Smith: Asks if there is a contrary argument that the structures are not accessory and what are the ramifications of that argument?

Mr. Outcalt: The buildings are taller than the current primary structure. Are these considered accessory?

Mr. Smith: Boat storage is the heart of the business. We will have to see what the applicant wants to argue.

Mr. Hurley: We will schedule a site visit for Wednesday, 28 August, at 4:45 PM. Please have the corners staked out.

Mr. Hurley: A notice to neighbors is also required. Your next meeting will be determined by the date you mail the notices (at least 11 days before the meeting). Details of the contents of the notice are provided by the Bldg. Dept. A condition of project approval will include a requirement to perform all boat work in the rear of the property. No work will be done at the front of the property.

End of discussion.

These minutes were reviewed by the Board on 9/4/2019. Ms. Kilburn made a motion to approve the minutes as written. Mr. Rosenthal seconded the motion. Messrs. Hurley and Walton absent. All present members voted in favor. The motion passed 5-0.



Emily Kilburn, Vice Chairman
Review Board

RECEIVED

Date 9/20/19

Town Clerk Lauren Antle Badley

Date 9/20/19

Village Clerk Amelia A. Esty

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REVIEW BOARD MEETING MINUTES August 21, 2019

MEMBERS PRESENT

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John Rosenthal
Andrew Thompson
Bill Walton

MEMBERS ABSENT

Jackie Kelly

ALSO PRESENT

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

Board Business

Accessory Building Discussion

Discussion continues regarding accessory structures.

Ms. Kilburn: Can there be only one principal structure?

Mr. Smith: Reads the Code definition of Accessory Structure and/or Building (Section 10). I do not think the buildings proposed in Case #1043 fall neatly under that description. The buildings are major buildings of the boat business and I do not believe the accessory height restriction applies. I believe, for certain uses, there can be more than one principal building.

Ms. Kilburn: Why did Eric Harper's garage have to be an accessory structure vice a second principal structure.

Mr. Hurley: A garage, by definition, is subordinate to a residence and is an accessory structure.

Ms. Kilburn: What about a second house? Would that not create two principal structures?

Mr. Orticelle: No. By the Code, a second house would be subordinate to the other house and, provided there is sufficient lot width, can only be 50% of the square footage of the principal house. The second house would be an accessory structure and could not be higher than 18 ft.

Minutes of 8/7/19

Ms. Kilburn makes a motion to approve the minutes of 8/7/19.

Mr. Hurley requests the agenda for 8/7/19 be included with the minutes.

Ms. Kilburn amends her motion to include the agenda with the minutes.

Mr. Thompson seconds the motion.

All present members vote in favor. The motion is approved 6-0 for all minutes except Board Business. Mr. Hurley abstains from voting on Board Business. All other present members approve Board Business with a vote of 5-0.

Meeting adjourned at 6:12 PM

These minutes were reviewed by the Board on 9/4/2019. Ms. Kilburn made a motion to approve the minutes as written. Mr. Rosenthal seconded the motion. Messrs. Hurley and Walton absent. All present members voted in favor. The motion passed 5-0.



Emily Kilburn, Vice Chairman
Review Board

RECEIVED	
Date	<u>9/20/19</u>
Town Clerk	<u>James L. Doolittle</u>
Date	<u>9/20/19</u>
Village Clerk	<u>Amelia G. Casey</u>