

ROBERT T. POLITI  
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LAURIE C. DUDLEY  
TOWN CLERK / TAX COLLECTOR  
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COUNCIL  
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DEREK DOTY  
JACK FAVRO  
LARRY C. STRAIGHT  
SUPT. OF HIGHWAYS  
523-9081  
CATHERINE EDMAN, CPA  
BUDGET OFFICER  
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## TOWN OF NORTH ELBA

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



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

### REVIEW BOARD MEETING MINUTES February 19, 2020

#### MEMBERS PRESENT

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

#### MEMBERS ABSENT

Jackie Kelly

#### ALSO PRESENT

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

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

#### 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. Hurley: Reviews the site visit. All members were present. Project site had corners of the proposed building marked, the height of the building was marked, and the Board discussed the location of the retaining wall and proposed stormwater management with Mr. Hanpeter. Project was viewed from various points on the property, to include from a boathouse. Noted the project site could not be seen from the boathouse as it was blocked by numerous large mature trees. Attempts to view the tennis court from Blodgett Way were also unsuccessful. Noted drone video was also taken from a distance off the shore.

No other comments from the Board regarding the site visit. For the record, still photographs were taken from the Holmes property, by Mr. Thompson and Mr. Tubridy, looking up the hill. Nothing was visible through the trees.

Mr. Hanpeter: Replies to concerns raised in letters from Mr. Kenneth Holmes; next door neighbor. Mr. Hanpeter noted he misstated the total size of the project. A letter from Mr. Holmes was correct in stating the size as 9200 sqft. Exterior lights originally shown facing the Holmes property have been removed from new plan drawings. There are no windows facing the Holmes property. Windows shown in the plans are actually painted plywood (gable and window features are false-front architectural features added to break up the building exterior's appearance). The building will be constructed on the existing tennis court and there will be no excavation on the nearby slope. The proposed retaining wall is part of the stormwater management plan and is not a part of the building. Final details of the retaining wall will be determined when ground absorption rates are confirmed in the spring. Wet land on the Holmes property is not due to any runoff from 78 Blodgett Way.

Mr. Hurley: The mechanical equipment on the roof needs to be muted in some manner.

Mr. Hanpeter: There is no mechanical equipment planned on the roof. All equipment will be fully enclosed in the proposed building add-on.

Mr. Hurley: Notes the storage facility environmental system will be museum quality but it will not be open to the public.

Mr. Hanpeter: future use of the property is controlled by the Review Board and it will always be a private residence.

Mr. Hurley: A previous public comment stated this proposal is the largest project on the lake. Presents the Donnelly boathouses on Moose Island as an example of other large projects. The boathouses are three stories high, have a footprint of approximately 6600 sqft, and are fully visible on the shore. This project will not be seen from the water.

Mr. Rosenthal: Believes this accessory structure overwhelms the principal building.

Mr. Bissell: The neighbor (Holmes) will see only a corner of the proposed building.

Mr. Hurley: The impact on the Holmes property is minimal. You will have to look up the hill to see the new building.

Mr. Hanpeter: The owner has submitted a Jurisdictional Inquiry Form to the APA.

Mr. Hurley: Concerned about SEQR responsibility. Comfortable with making a decision from the Board's perspective.

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

Mr. Bissell seconds the motion.

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

Mr. Bissell makes a motion to approve Case #1060 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 Review Board will retain continuing jurisdiction over the exterior lighting plan and the wattage and shielding of lights, until one year after the improvements have been completed, and during this one-year period the Review Board may prescribe modifications if it sees fit to mitigate adverse impacts from the project's lighting.
- c. The Review Board will retain continuing jurisdiction over the planting plan aspects of the project, until one year after all plantings have been completed, and during this one-year period the Review Board may prescribe additional plantings if it sees fit to mitigate visual impacts. Plantings which do not survive shall be replaced in kind, whether before or after the one-year period.
- d. The premises shall not be used for access to any other parcel of land fronting on Lake Placid, except to a single parcel which is or is to be improved only by a one-family residence and accessory structures thereto.
- e. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- f. This approval does not address or make any findings regarding applicable deed restrictions, covenants, or other title conditions. This approval does not excuse the applicant from obtaining all other necessary governmental approvals, including but not limited to the New York State Building Code, Adirondack Park Agency, New York State Department of Environmental Conservation, New York State Department of Health, and/or Army Corps of Engineers.
- g. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- h. NO construction may commence without construction documents signed by the Code Enforcement Official.

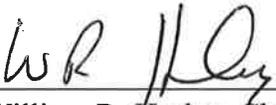
Mr. Walton seconds the motion.

All present members except Mr. Rosenthal vote in favor. Mr. Rosenthal votes NO. The motion is approved 5-1.

Case #1060 closed.

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These minutes were reviewed by the Board on 3/4/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All Board members, except Ms. Kelly (abstained), voted in favor. The motion passed 6-0.

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

<b>RECEIVED</b>	
Date	3/12/20
Town Clerk	Chelise Keesler
Date	3/25/20
Village Clerk	Aminda Kelly

ROBERT T. POLITI  
SUPERVISOR  
LAURIE C. DUDLEY  
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#### MEMBERS PRESENT

Bill Hurley  
Chip Bissell  
John Rosenthal  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Bill Walton  
Jackie Kelly

#### ALSO PRESENT

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

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

Mr. Walton recuses himself.

Ms. Phoebe Burns present as applicant.

Applicant is proposing to redesign and enclose the west side entrance and to build an outside seating deck off the southwest (front left) corner of the restaurant.

Mr. Hurley: Reviews the proposal as presented at the Board meeting on 2/5/20. Confirms there are no changes to the proposal. The intent of this second meeting was to give the public the opportunity to respond. No public comments received.

Mr. Hurley 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 planting plan aspects of the project, until one year after all plantings have been completed, and during this one-year period the Review Board may prescribe additional plantings if it sees fit to mitigate visual impacts. Plantings which do not survive shall be replaced in kind, whether before or after the one-year period.
- d. 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.

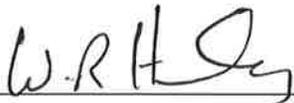
Mr. Rosenthal seconds the motion.

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

Case #1063 closed.

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These minutes were reviewed by the Board on 3/4/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All Board members, except Ms. Kelly (abstained), voted in favor. The motion passed 6-0.



William R. Hurley, Chairman

<b>RECEIVED</b>	
Date	<u>3/12/20</u>
Town Clerk	<u>Chelsea Foster</u>
Date	<u>3/25/20</u>
Village Clerk	<u>Amber A. Esty</u>

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John Rosenthal  
Bill Walton  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Jackie Kelly

#### ALSO PRESENT

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

#### Brown, Zoe/the studio upstate (Case #1067) – Sign Review

Ms. Laura Walker present as applicant's representative.

Applicant wishes to place new signs for her business at 2663 Main St (above the current Japanese restaurant).

Mr. Hurley: Reviews the proposed design.

Ms. Walker: There is no border on the sign but the letters for "the studio upstate" are raised.

Mr. Hurley: addresses the proposed artwork – called a mandala by Ms. Walker. Notes there is no wording or other information, such as a business logo, present in the artwork.

Mr. Walton makes a motion to approve the sign design as proposed, subject to the following conditions:

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

Mr. Rafferty seconds the motion.  
All present members vote in favor. The motion passes 6-0.  
Case #1067 closed.

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These minutes were reviewed by the Board on 3/4/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All Board members, except Ms. Kelly (abstained), voted in favor. The motion passed 6-0.

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

<b>RECEIVED</b>	
Date	<u>3/12/20</u>
Town Clerk	<u>Chelsea Seester</u>
Date	<u>3/25/20</u>
Village Clerk	<u>Amelia G. Esty</u>

JAY RAND  
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#### MEMBERS ABSENT

Jackie Kelly

#### ALSO PRESENT

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

#### Eichelberger, Harry/Camp Solitude (Case #1068) – Sketch Plan Review/Shoreland Overlay

Mr. Eichelberger present, as well as representatives Peter and Sean Torrance.

Applicant is proposing to remodel an existing boathouse, remodel the rear of the existing house, rebuild a two-story attached octagon porch which previously existed prior to 1973, and build a new boathouse on the adjacent lot.

Sean Torrance: Describes the project, starting with the existing boathouse. The boathouse will be raised/supported to allow installation of new support cribbing. A deck is proposed in place of an existing roof, and one boat slip will be enlarged at the expense of the adjacent storage area. There is no change in the boathouse footprint.

Board members ask about the existing beacon-style light on top of the boathouse.

Mr. Eichelberger: I have asked the neighbors and they are fine with keeping the light.

Mr. S. Torrance: The new boathouse will have two slips. The design for the proposed side dormers is being eliminated. The proposed dimensions are 30' deep by 40' wide.

Mr. Hurley: The plans need to show the design change removing the dormers, more information on the boat slip doors, and the shoreline width measurement. A jurisdictional decision must also be obtained from the APA. The boathouse meets Code for dimensions but previous decisions by the APA have required construction off the shore.

Mr. Hurley: Addresses the house remodeling proposals.

- Notes the original octagon porch was removed before 1973 and will likely require APA approval. The Board can review and approve the new design if the porch remains inside the 50' setback from the shore. It may be acceptable if the new porch is proven to be further from the shore than the stairs of the existing porch. Applicant needs to provide the distance from the shore (MHWL) to the stairs, the distance the octagon porch will extend into the 50' shoreline setback, and information regarding the existence and usability of the old octagon porch foundation.
- Confirms the design on the back of the house involves removing and replacing a workshop, between the house and an ice house, with a covered walkway. The house's kitchen will also be extended. All materials and colors to match existing structures.

Mr. Hurley: Requests plans show the footprints of the existing and proposed kitchen. With Board concurrence, the new boathouse will not be reviewed until the APA has made a jurisdictional determination. Requests applicant submit a letter revising the proposal to address only the existing boathouse work and the work on the back of the house.

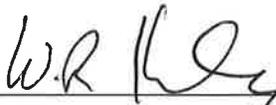
Mr. Hurley: The next step is a Notice to Neighbors. It is the applicant's choice to either wait on APA determinations for the porch and new boathouse or to revise the proposal and have the Board begin the architectural review of work not requiring APA review.

Mr. Eichelberger: Desires to have both boathouses approved at the same time to avoid any delays or extra construction costs.

Mr. Orticelle: Advises applicant to contact the APA as soon as possible.

End of discussion.

These minutes were reviewed by the Board on 3/4/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All Board members, except Ms. Kelly (abstained), voted in favor. The motion passed 6-0.

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

<b>RECEIVED</b>	
Date	<u>3/12/20</u>
Town Clerk	<u>Chelsea [Signature]</u>
Date	<u>3/25/20</u>
Village Clerk	<u>Anita [Signature]</u>

JAY RAND  
SUPERVISOR  
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Chip Bissell  
John Rosenthal  
Bill Walton  
Bob Rafferty  
Rick Thompson

#### MEMBERS ABSENT

Jackie Kelly

#### ALSO PRESENT

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

#### Adk Properties, LLC/Takach, Michael (Case #1069) – Conditional Use

Applicant Mr. Michael Takach present.

Applicant is proposing to change the use of a single-family residence at 16 Stage Coach Way to a rooming house.

Mr. Hurley: Reviews the proposal. Confirms the location of the house. Identified as the previous 2-bedroom residence for Mr. & Mrs. Takach. Notes applicant has identified five parking spaces when Code requires only one per room for a rooming house.

Mr. Takach: Intends to limit parking to one vehicle per room. Will manage the rooming house from the Stagecoach Inn.

Mr. Hurley: Reads the parking requirements listed in Section 5.3.1 (Pp 79 & 80) of the Code. Asks if parking will need to be relocated from the front of the house to behind the line of the front of the house to conform with the Code.

Mr. Rafferty: Asks if there is any impact on this change of use with the pending new law addressing short term rentals (STR).

Mr. Hurley: The Board can place conditions on approval of a conditional use.

The Board agrees to a Notice to Neighbors.

Mr. Takach: Asks if the new STR law will eliminate rooming houses or if approval prior to the law's passage would be grandfathered. Asks if he should go forward with this application in light of possible forthcoming legislative action.

Mr. Smith: A general discussion ensued regarding this application, the proposed STR law and its legal effects on existing rooming houses. The timing of the application, and any approval, and the approval date of a new law matter. Any law passed by the Town or Village requires review and approval by Essex County and the State prior to taking effect. This Board reviews cases only under existing law. Unsure if a vested right exists if approved prior to a new law. Further analysis is required.

Mr. Takach: Ask if this application process stops if the law changes in the middle of this process.

Mr. Bissell: Asks if the property is owned by the same LLC as the Stagecoach Inn and if the properties can be combined into one lot.

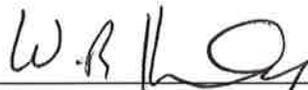
Mr. Takach: We are not trying to get around the law and will follow the regulations that are in place. This was our former residence but we now reside in the Stagecoach Inn. The home has been previously used as a rental. Will not rent the house to different groups. One group rental at a time. Notes the Code is not clear on the definition of a rooming house.

Mr. Hurley: Historically, boarding houses are large houses with multiple bedrooms and a manager/owner is on site. Food service is not required. Admits the Code does not clearly define a rooming house.

End of discussion.

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These minutes were reviewed by the Board on 3/4/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All Board members, except Ms. Kelly (abstained), voted in favor. The motion passed 6-0.

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

<b>RECEIVED</b>	
Date	<u>3/12/20</u>
Town Clerk	<u>Chelsea Lester</u>
Date	<u>3/25/20</u>
Village Clerk	<u>Amata B. [Signature]</u>

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Rick Thompson

### MEMBERS ABSENT

Jackie Kelly

### ALSO PRESENT

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

### Board Business

### Minutes of 2/05/2020

Mr. Hurley makes a motion to approve the minutes as written.  
Mr. Walton seconds the motion.  
All present members vote in favor. The motion passes 6-0.

Meeting adjourned at 6:40 PM.

These minutes were reviewed by the Board on 3/4/20. Mr. Hurley made a motion to approve the minutes as written. Mr. Walton seconded the motion. All Board members, except Ms. Kelly (abstained), voted in favor. The motion passed 6-0.

William R. Hurley, Chairman

<b>RECEIVED</b>	
Date	<u>3/12/20</u>
Town Clerk	<u>Chelsea Deesler</u>
Date	<u>3/25/20</u>
Village Clerk	<u>Amata Orticelle</u>