

ROBERT T. POLITI  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK / TAX COLLECTOR  
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COUNCIL  
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JAY I. RAND  
DEREK DOTY  
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SUPT. OF HIGHWAYS  
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CATHERINE EDMAN, CPA  
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## TOWN OF NORTH ELBA

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RONALD J. BRIGGS  
ATTORNEY FOR THE TOWN

### REVIEW BOARD MEETING MINUTES September 18, 2019

#### **MEMBERS PRESENT**

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

#### **MEMBERS ABSENT**

Bill Hurley

#### **ALSO PRESENT**

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

#### **Dual Development/Quality Inn (Case #967) – Architectural Review/Viewshed Overlay**

Kirk Gagnier present as applicant's representative. Also present are Bhavik Jariwala (applicant), Aaron Ovios (RMS, P.C.), Ryan Williams (hbt Architects), and Charles Dumas (attorney).

Mr. Gagnier: introduces team members. Reviews the request from the Board for additional information. Provides the following project recap:

- 181 new rooms
- 10 rooms to remain in lower building
- APA has issued a non-jurisdictional ruling
- A traffic analysis was performed using 200 rooms as the baseline

Mr. Ovios reviews the project as follows:

- The site configuration footprint is unchanged from the original submission that was denied an area variance for building height. Building height has been reduced to 35 ft.
- Plan to demolish the existing main hotel and build all new.
- Square footage of the new building almost the same as the current building.
- The new building configuration will allow 360-degree traffic flow.
- Plans for landscaping, lighting and stormwater management have been submitted.
- Lighting will be Dark Sky-compliant and light levels should be near zero at the property boundaries.
- Landscaping will add natural vegetation along the water and road sides.
- There is an approximate 2% increase in impervious surfaces.
- The current stormwater runoff is uncontrolled. The new management plan will use underground catchment basins for slow absorption into the ground. The design will be in accordance with DEC regulations.
- The Village Water Dept. has provided a letter certifying their ability to support the expected water load.
- A traffic study used counters to measure peak and non-peak traffic during the weekends and weekdays. The study was based on full occupancy for 200 rooms and determined only a minimal increase in traffic delays – approximately 4-6 seconds of additional wait times for turns onto Saranac Ave. Traffic studies grade intersections in descending order from A through E. Most of the nearby intersections are graded A and B, with only a few graded as C.
- Sidewalks in front of the current hotel are non-contiguous and do not extend across the entry/exit driveway. The project will add sidewalks across the driveway as a safety measure indicating pedestrian traffic.

Ms. Kelly: asks about use of the lower units by Saranac Ave. States summer traffic is heavy and asks if this increase in rooms will create problems. Can passing lanes be added to allow for continuous traffic flow along Saranac Ave. while hotel guests are waiting to enter the road?

Mr. Ovios: Nine units in the lower building will be retired from use as rooms. NYS DOT does not like passing lanes as through traffic is generally not alert to vehicles entering the road.

Mr. Ovios: reviews the demolition plan for the Quality Inn. Work will occur from 7 AM to 5 PM on Monday through Friday. Debris will be transferred to Malone or Plattsburgh and is expected to require 4-5 trucks per day.

Mr. Orticelle: trucks need to avoid Main Street and Victor Herbert Road.

Ms. Kilburn: how much will the exterior lighting increase?

Mr. Ovios: cannot answer that at this time but lumens will be kept to a minimum.

Mr. Williams: reviews the building plans. States the design is appropriate to the area. Long straight building lines were broken with bump-outs and extended roof lines over the bump-outs. Colored panels have been further subdued and restricted to the northwest part of the new structure (Tru brand). Presents design to hide mechanical equipment placed on roof. Intent is to

hide equipment from vantage points along Fawn Ridge and from higher elevations along Saranac Avenue to the west. Presents renderings and photographs showing current and proposed views from the lake and from Peninsula Way. Additional landscape plantings will be added along the parking lot perimeter. Further notes the lower building by Saranac Ave. and the buildings by the lake are not in the scope of this project.

Mr. Ovios confirms building height was measured from average grade to average roof.

Mr. Bissell notes it would be nice if the other buildings could be upgraded to match their exterior colors with the colors of the new hotel.

Ms. Kilburn asks which nine units are slated for retirement.

Mr. Jariwala: no decision has been made as to which specific units will be retired. We can repaint the other buildings to match the new hotel.

Mr. Gagnier: reuse of retired units would be the subject of a new application to the Board for approval. Approval of this current application can include conditions regarding the other three buildings.

Ms. Kilburn: the applicant has requested a public hearing as soon as possible. The public hearing scheduled for Wednesday, October 16, 2019.

Mr. Smith: states he will analyze SEQR requirements and advise the Board at the next meeting. No delays are expected.

End of discussion.

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These minutes were reviewed by the Board on 10/2/2019. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present members, except Mr. Hurley (abstained due to absence), voted in favor. The motion passed 6-0.



Emily Kilburn, Vice Chairman  
Review Board

<b>RECEIVED</b>	
Date	<u>10/9/19</u>
Town Clerk	<u>Chelsie Deesler</u>
Date	<u>10/9/19</u>
Village Clerk	<u>Amber G. Esty</u>

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Emily Kilburn  
John Rosenthal  
Andrew Thompson  
Jackie Kelly  
Bill Walton

#### **MEMBERS ABSENT**

Bill Hurley  
Chip Bissell  
Tim Smith

#### **ALSO PRESENT**

Mike Orticelle, Code Enforcement Officer  
Terry Tubridy, Planning & Zoning Coordinator  
Mark Schachner, Board Attorney

Ms. Kilburn opens the meeting at 5:30 PM

#### **MWH LLC/Hurley Bros (Case #1007) – Conditional Use/Viewshed Overlay**

Messrs. Bissell and Smith recused. Mr. Schachner serving as Board attorney for this case.

Mike Hurley present as applicant.

Ms. Kilburn: addresses the SEQRA process. Refers to Board attorney.

Mr. Schachner: advises the proposed project is Type II for SEQR and is not subject to review. No action is required by the Board.

Ms. Kilburn: per Sections 5.1A, 5.1C and 8.1.1 of the Land Use Code, the Board still has a responsibility to consider a project's impact on the community/neighborhood. Asks the other Board members if information received at the 9/4/19 meeting warrants another public hearing.

Mr. Schachner: the Review Board needs to take reasonable steps to ensure any decision is not open to a legal challenge due to lack of public input. That includes giving the public a full and open opportunity to comment. Recommends another public hearing. Ms. Kilburn agrees.

Mr. M. Hurley: presents two new site maps showing a relocated curb cut and two options for storage tank placement. These site maps are based on feedback from Essex County DPW as part of MWH LLC's traffic analysis application. Maps will not be final until the formal analysis is completed by the County.

Mr. Walton asks if the Board should wait for the County traffic analysis before holding a public hearing.

Mr. Schachner advises the Board can hold the public hearing and keep it open for subsequent board meetings if expected information is unavailable.

Mr. M. Hurley asks if the public hearing can be delayed until the traffic analysis is received. Mr. Schachner advises him the hearing can wait until he is ready.

Mr. Schachner: provides the following recommendations for holding the public hearing –

- Set a time limit for speakers
- No time donation to other speakers
- No preference given to private or professional speakers
- Anyone may speak
- The Board can try to limit the scope of public comment
- Speakers should identify themselves or, as a minimum, identify where they live (town, village, etc.)
- There is no NY law providing guidance on time limits for public comment

Ms. Kilburn: recommends speakers have a 3-minute time limit, sign-up to speak, and identify their place of residence. There will be no personal attacks, all persons must exercise civil conduct, and all comments will be directed to the Review Board Vice Chair.

Mr. Rosenthal: can the Board respond to comments?

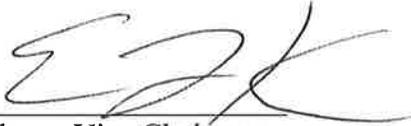
Mr. Schachner: the Board can respond to public comments but should wait until after all public comments are finished. Reminds the Board a public hearing gives the public the opportunity to ask questions and/or make comments but there is no requirement for the Board to respond. Written comments may also be submitted but a deadline should be set.

Mr. M. Hurley: submits a response to Mr. James Brooks letter of 9/12/2019 (attorney for the United Hebrew Community of Lake Placid Cemetery Corp.). He also requests the Board refer to Review Board Case #441 - Hyde Fuel's approved project for a similar propane storage tank site.

End of discussion.

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These minutes were reviewed by the Board on 10/2/2019. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present members, except Messrs. Hurley & Bissell (abstained due to absence), voted in favor. The motion passed 5-0.



Emily Kilburn, Vice Chairman  
Review Board

<b>RECEIVED</b>	
Date	<u>10/9/19</u>
Town Clerk	<u>Chelsea Deuster</u>
Date	<u>10/9/19</u>
Village Clerk	<u>Anita A. Catley</u>

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### REVIEW BOARD MEETING MINUTES September 18, 2019

#### MEMBERS PRESENT

Emily Kilburn  
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Andrew Thompson  
Jackie Kelly  
Bill Walton

#### MEMBERS ABSENT

Bill Hurley

#### ALSO PRESENT

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

#### Lake Placid Hotel Partners, LLC/Hotel North Woods – Sketch Plan Review

Jason Goins present as applicant (Wright Investments, Inc.).

Wright Investments, Inc., as Lake Placid Hotel Partners, LLC, is proposing to remodel the Hotel North Woods. Key elements of the proposed project include adding a rooftop bar and elevator, improvement of the exterior aesthetics (façade), and a two-level parking garage or expanded surface parking area.

Mr. Goins: this is a very preliminary meeting. The new façade is a Grand Adirondack Hotel design by Marriott. We combined two parcels into one. The hotel structure cannot support the weight of real brick but it will be remodeled with a new façade using a lightweight insulated

brick finishing system from the 2<sup>nd</sup> story to the roof. The first floor will retain the original limestone (see Hotel Marcy) and existing cornices will be repaired. A new door will be installed for the main entry and awnings will be used along the 1<sup>st</sup> story.

The building is an existing non-conforming structure with regard to the Land Use Code as the height is 50 ft. A new elevator will be installed along the existing stairwell on the north side of the hotel. Restrooms and a storage space will be added at the roof level. The elevator structure does not extend beyond the stairwell face. The roof will also be remodeled to permit use by guests. The roof trusses require redesign to handle the expected load. A new railing will also be installed.

A two-level parking garage was originally planned for the rear of the hotel. However, soil samples have determined a significant amount of excavation may be required to reach a load-bearing base. Acknowledges a garage also involves design challenges for ensuring right-of-way access to property at 2514 Main St. An alternate plan is to expand the surface area of the parking lot and install new retaining walls to provide expanded uncovered parking spaces. This plan would increase the amount of impervious surface area.

Provides an updated topographic site map.

Ms. Kilburn: notes the current Code allows for an increase in mass of non-conforming structures as long as the increase does not go beyond the current building perimeter. Also asks about rights-of-way for properties on both sides of the hotel (Ruppert Holdings, Inc./2538 Main St. and Gregory Peacock/2514 Main St).

Mr. Goins: confirms there are existing rights-of-way for both properties. Also notes the property deeds of the hotel give them the use of the parking area behind 2538 Main St. Notes the expansion of the surface parking benefits the hotel and Ruppert Holdings.

Additional upgrades will include a full sprinkler system, other fire safety improvements and interior infrastructure upgrades.

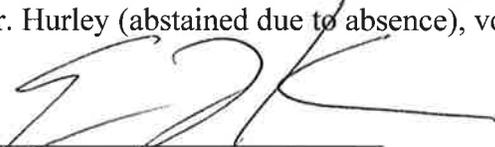
Identifies October of 2020 as the planned start date for construction, with a completion date of April or May of 2021.

The Board and Mr. Goins agree to a site visit on Monday, 30 September, at 4:30 PM.

End of discussion.

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These minutes were reviewed by the Board on 10/2/2019. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present members, except Mr. Hurley (abstained due to absence), voted in favor. The motion passed 6-0.

  
Emily Kilburn, Vice Chairman  
Review Board

<b>RECEIVED</b>	
Date	<u>10/9/19</u>
Town Clerk	<u>Chelsie Oberler</u>
Date	<u>10/9/19</u>
Village Clerk	<u>Christa A. Ely</u>

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Chip Bissell  
John Rosenthal  
Andrew Thompson  
Jackie Kelly  
Bill Walton

#### **MEMBERS ABSENT**

Bill Hurley

#### **ALSO PRESENT**

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

#### **Napier, John & Elizabeth (Case #1045) – Architectural Review/Viewshed Overlay**

Betsy Napier present as applicant.

Ms. Napier is proposing to build a new two-story detached garage with a second-story apartment.

Ms. Napier: reviews her proposed project. The apartment is intended for her son and will not be used for short-term rental.

Mr. Smith: the building would not be a guest cottage and it could be an accessory dwelling. An accessory dwelling cannot be used for short-term rental. The apartment also needs to be equal to or less than 50% of the principal house's living space.

Ms. Kilburn: the Board will treat the garage/apartment as an accessory dwelling unit. We will need to know the square footage of the principal dwelling's living space.

Ms. Napier: believes Jessica Hoffman designed the apartment to be 50% of her home but will provide the Board with her home's square footage.

Ms. Kilburn: as agreed to by the Board and Ms. Napier, a site visit will be conducted on Monday, 30 September, upon completion of the site visit at Hotel North Wood (approximately 5:30 PM). Also, a minor project stormwater plan is required and the Board will hold a Notice to Neighbors hearing. The hearing can be held on 2 October if notices are sent by Friday, 20 September, per directions from the Coordinator.

End of discussion.

---

These minutes were reviewed by the Board on 10/2/2019. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present members, except Mr. Hurley (abstained due to absence), voted in favor. The motion passed 6-0.



Emily Kilburn, Vice Chairman  
Review Board

<b>RECEIVED</b>	
Date	<u>10/9/19</u>
Town Clerk	<u>Chelsie Yeasler</u>
Date	<u>10/9/19</u>
Village Clerk	<u>Amelia G. Gatz</u>

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#### MEMBERS ABSENT

Bill Hurley

#### ALSO PRESENT

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

#### Fry, Mary & Allen/Adirondack Popcorn Co. (Case #1046) – Sign Review

Mary and Allen Fry present as applicants.

Mr. Fry: we just closed on the purchase of a new building. Existing signs have been removed and a new sign of 25 sqft is proposed. The sign will not have a raised border and existing lighting will be used.

Ms. Fry: asks if a black border, vice the proposed cream border, can be used. The Board says yes.

Mr. Bissell: would like to see a 1/2" raised border.

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

- a. The sign must have a 1/2" raised border and black may be used as an alternative color for the border.

- b. All other 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. Walton seconds the motion.  
All present members vote in favor. The motion passes 6-0.

Case closed

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These minutes were reviewed by the Board on 10/2/2019. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present members, except Mr. Hurley (abstained due to absence), voted in favor. The motion passed 6-0.



Emily Kilburn, Vice Chairman  
Review Board

<b>RECEIVED</b>	
Date	<u>10/9/19</u>
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Date	<u>10/9/19</u>
Village Clerk	<u>Amal P. Esty</u>

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Bill Hurley

#### ALSO PRESENT

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

#### Klabin, Justin & Colleen (Case #1047) – Architectural Review/Viewshed Overlay

Christian Hartmann present as applicant's representative.

Mr. & Mrs. Klabin are proposing to build a house on undeveloped property on Algonquin Dr. in the Fawn Ridge Development.

Mr. Hartmann presents a letter from the neighborhood HOA's Architectural Review Committee approving the house design. The roof is designed to slope toward Algonquin Dr. and will be metal. Siding will be cedar wood. The house will be visible to next door neighbors.

Ms. Kilburn: notes the house may be visible from the proposed new hotel at 2125 Saranac Ave. Additional information is needed – a stormwater engineering plan, an exterior lighting plan, and a landscaping plan for screening and for hillside maintenance on the north side of the property.

The Board and Mr. Hartmann agree to a site visit on Monday, 23 September, at 4:30 PM.

Ms. Kilburn: a Notice to Neighbors hearing will be held at the next meeting, provided notices are mailed by Friday, 20 September.

End of discussion.

---

These minutes were reviewed by the Board on 10/2/2019. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present members, except Mr. Hurley (abstained due to absence), voted in favor. The motion passed 6-0.



Emily Kilburn, Vice Chairman  
Review Board

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Date	<u>10/9/19</u>
Village Clerk	<u>Amie A. G. G. G.</u>

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Bill Hurley

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

#### Pittman, Matthew (Case #1048) – Architectural Review

Matthew Pittman present as applicant.

Mr. Pittman proposes a 6 ft high fence for his front yard at 24 Cherry Lane. The proposed front location would be 13 ft. from where the grass meets the shoulder of the road. The property is in a Town Residential District where the front setback is the average of surrounding properties or at least 35 ft.

Mr. Pittman: wishes to close in his front yard. The neighbor on his right, Mr. Loomis of 20 Cherry Lane, expresses no objection based on specifications of 6 ft. and brown in color.

Ms. Kilburn asks about the front setback requirement. Setback confirmed as average of neighboring properties or no less than 35 ft.

Concern is expressed about interference with the road right-of-way.

Site visit scheduled for Monday, 23 September, immediately following the 4:30 PM site visit for RB Case #1047. Applicant requested to have the front corners of the fence staked. The Board further requests a photographic rendering or sample of the fencing with the proposed color.

End of discussion.

---

These minutes were reviewed by the Board on 10/2/2019. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present members, except Mr. Hurley (abstained due to absence), voted in favor. The motion passed 6-0.



Emily Kilburn, Vice Chairman  
Review Board

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Date	<u>10/9/19</u>
Village Clerk	<u>Amelia A. Gery</u>

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### REVIEW BOARD MEETING MINUTES September 18, 2019

#### MEMBERS PRESENT

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

#### MEMBERS ABSENT

Bill Hurley

#### ALSO PRESENT

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

#### Board Business

#### Minutes of 9/4/2019

Ms. Kilburn makes a motion to approve the MWH LLC minutes as written.

Mr. Thompson seconds the motion.

All present members, except Messrs. Bissell (recused) & Walton (absent on 9/4/19), vote in favor. The motion is approved 4-0.

Ms. Kilburn makes a motion to approve the remainder of the minutes as written.

Ms. Kelly second the motion.

All present members, except Mr. Walton (absent on 9/4/19), vote in favor. The motion is approved 5-0.

Meeting adjourned at 7:41 PM

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These minutes were reviewed by the Board on 10/2/2019. Mr. Rosenthal made a motion to approve the minutes as written. Mr. Walton seconded the motion. All present members, except Mr. Hurley (abstained due to absence), voted in favor. The motion passed 6-0.



Emily Kilburn, Vice Chairman  
Review Board

<b>RECEIVED</b>	
Date	<u>10/9/19</u>
Town Clerk	<u>Chelsie Goetsler</u>
Date	<u>10/9/19</u>
Village Clerk	<u>Anda A. Esler</u>