

ROBERT T. POLITI  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK / TAX COLLECTOR  
523-2162  
COUNCIL  
BOB MILLER  
JAY I. RAND  
DEREK DOTY  
JACK FAVRO  
LARRY C. STRAIGHT  
SUPT. OF HIGHWAYS  
523-9081  
CATHERINE EDMAN, CPA  
BUDGET OFFICER  
TEL: 523-9517  
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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



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

### REVIEW BOARD MEETING MINUTES November 20, 2019

#### MEMBERS PRESENT

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

#### MEMBERS ABSENT

#### ALSO PRESENT

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

Ms. Kilburn departs before this case is heard.

#### Lamb, Joseph/Lamb Properties, LLC (Case #754) – Major Subdivision Revision

Mr. Lamb present as applicant.

Mr. Lamb is proposing a change in the designated affordable housing lots from Lot #4 to Lot #2. Mr. Lamb is also requesting a lot line adjustment for Lots #7 and #11. The adjustment will move 0.05 acres from Lot #11 to Lot #7; resulting in new lot sizes of 0.61 acres and 0.56 acres, respectively.

Mr. Hurley reviews the proposals and states he can sign off on the lot line adjustment. Asks if the Board has any questions or concerns about switching the affordable lot designation.

The Board has no questions or concerns.

Mr. Lamb expresses concerns with the affordable (income based) housing provisions as stated in paragraph 5.6 of the Code. He supports the attempt to provide home ownership opportunities for low and moderate incomes but states the reality of property and building costs is beyond affordability for

people in these economic categories. He would like to discuss this Code provision in greater detail at another time.

Mr. Hurley makes a motion to approve the redesignation of affordable lots.

Mr. Bissell seconds the motion.

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

***Coordinator's Note:*** subsequent review of the case file found the affordable property designation of Lot #4 had already been changed to Lot #17 during the Review Board meeting on November 4, 2015 (see attached).

Case closed.

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These minutes were reviewed by the Board on 12/04/2019. Mr. Bissell made a motion to approve the minutes as written. All present Board members voted in favor (Mr. Walton absent). The motion passed 6-0.



Emily Kilburn, Vice Chairwoman

<b>RECEIVED</b>	
Date	12/18/19
Town Clerk	Jane Ants Judler
Date	12/20/19
Village Clerk	Amber A. Esty

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#### MEMBERS ABSENT

#### ALSO PRESENT

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

Mr. Hurley opens the meeting at 5:30 PM.

#### Genito, David (Case #1049) – Notice to Neighbors/Site Visit Recap/Conditional Use

David Genito present as applicant.

Mr. Hurley reviewed the site visit conducted on November 13. All members were present, with Mr. Walton arriving late. The Board observed stakes outlining the 75' x 200' storage area and the proposed location of a 40'-long storage container. The Board noted the site meets lot line setback requirements but is close to, and clearly visible from, the backyard of a residential property (10 Scarface Mountain Lane). The Board agreed to requiring the storage container be placed at the eastern end of the storage lot and perpendicular to the neighbor's fence.

Notice to Neighbors opened at 5:33 PM.

Kyli Pelkey and Mark Meeks, residents at 10 Scarface Mtn Ln, present. They expressed their concern the site could become an eyesore easily seen from their backyard.

Mr. Hurley confirmed the container was sited to be screened.

Mr. Genito confirmed spools of cabling would be no larger than 7' in diameter and there are no plans for lighting or an office. Use of the property will consist of pick-up of material in the morning, material deliveries during the day and material drop-off at the end of the day. No work will be conducted at the storage site.

Notice to Neighbors closed at 5:37 PM.

Mr. Smith states the project is Type II for SEQR and no Board action is required.

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

- a. The storage container will be placed as shown in the photograph on page 2 of Mr. Genito's email dated 11/13/2019.
- b. 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.

Mr. Walton seconds the motion.

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

Case #1049 closed.

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These minutes were reviewed by the Board on 12/04/2019. Mr. Bissell made a motion to approve the minutes as written. All present Board members voted in favor (Mr. Walton absent). The motion passed 6-0.



Emily Kilburn, Vice Chairwoman

<b>RECEIVED</b>	
Date	12/18/19
Town Clerk	Lauren Curtis Judley
Date	12/20/19
Village Clerk	Amita G. Esty

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#### MEMBERS PRESENT

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

#### MEMBERS ABSENT

#### ALSO PRESENT

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

#### Curtis Lumber (Case #1051) – Architectural Review/Viewshed Overlay

Richard Hanpeter present as applicant's authorized representative.

Mr. Hanpeter describes the original permit issued for then-Gregory Supply. Curtis Lumber is now proposing to move the fence on the west side of the lumber yard 20' closer to Rte 86. The intent is to bring material and trash bins currently outside the fence into the yard and out of sight. The fence will remain as chain link with the same gates. Curtis Lumber's corporate office noted the unsightly appearance of the current material located outside the fence.

Mr. Hurley notes the new fence location does not impact customer/employee parking.

Mr. Hanpeter notes the movement of the fence will not be readily noticed by traffic traveling on Rte 86.

Mr. Hurley notes the existence of two islands of greenery in front of the fence – one located between the gates and one located at the right-hand (west) corner of the fence.

Mr. Hanpeter states the islands can be shifted forward to provide screening. He states an alternative would be colored slats weaved into the chain links.

Mr. Hurley states chain link fence slats easily crack/break and are unsightly. Suggests a mesh fabric windscreen be used (known as tennis fencing). Believes retention of the green space is a better choice over the slats.

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

- a. Landscaping currently in front of the existing fence must be relocated to the corresponding front of the new fence. New landscaping should be approximately 5 ft in depth, approximately the same width as the existing plantings, and protected from parking and plowing by a curb. Plants species should be such as to screen the fence from the roadway and be at least the same height as the fence. Landscaping must be planted in the spring (2020).
- b. 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.
- c. 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. 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.

Ms. Kilburn seconds the motion.

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

Case #1051 closed.

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These minutes were reviewed by the Board on 12/04/2019. Mr. Bissell made a motion to approve the minutes as written. All present Board members voted in favor (Mr. Walton absent). The motion passed 6-0.



Emily Kilburn, Vice Chairwoman

<b>RECEIVED</b>	
Date	<u>12/18/19</u>
Town Clerk	<u>Samuel Juell</u>
Date	<u>12/20/19</u>
Village Clerk	<u>Christa A. Lutz</u>

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

#### MEMBERS ABSENT

#### ALSO PRESENT

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

#### Board Business

#### Minutes of 11/06/2019

Ms. Kilburn makes a motion to approve the minutes as written. All members, except Mr. Thompson (abstained due to absence on 11/6/19), vote in favor. The motion passes 6-0.

Mr. Thompson raised concerns about the appearance of the North East Irrigation display at Weekend Furniture in Ray Brook. Notes a trailer on premises, parked at an angle with fake stone mounted on plywood, and considers it unsightly. Mr. Hurley had not noticed but was satisfied with the appearance during the summer.

The Board engaged in a general discussion regarding review of the 2011 Land Use Code. Ms. Kelly asked if it was time to review the Code and update or correct it as necessary. Mr. Rosenthal noted the Code has been amended to incorporate corrections. Mr. Hurley notes minor changes would be a simple process whereas any substantial Code changes would require a lengthy process involving a committee. Ms. Kilburn asked who would originate changes. Mr. Hurley states the Review Board would submit

recommendations to the Town and Village boards for review and public comment. He will not convene a working group to review the Code but will accept any recommended changes for review.

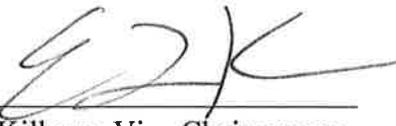
The Board further discussed short term rental effects on housing and affordable housing requirements as addressed in the Code. Mr. Hurley states today's market and local building costs – 40% materials and 60% labor – lead builders to ignore low cost projects which would provide affordable housing. To date, affordable housing initiatives have failed due to these market factors.

End of discussion.

Meeting adjourned at 6:35 PM.

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These minutes were reviewed by the Board on 12/04/2019. Mr. Bissell made a motion to approve the minutes as written. All present Board members voted in favor (Mr. Walton absent). The motion passed 6-0.

  
\_\_\_\_\_  
Emily Kilburn, Vice Chairwoman

<b>RECEIVED</b>	
Date	<u>12/18/19</u>
Town Clerk	<u>Laura Ruth Bradley</u>
Date	<u>12/20/19</u>
Village Clerk	<u>Amata G. Esty</u>