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RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES December 18, 2019

MEMBERS PRESENT

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

MEMBERS ABSENT

Bill Hurley

ALSO PRESENT

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

Ms. Kilburn opens the meeting at 5:31 PM. Announces Case #967 will be the last case discussed for tonight's meeting.

Auster, Laura Smith (Case #1052) – Notice to Neighbors/Shoreland Overlay

Mr. William Kaufman present as applicant's representative.

Mr. Kaufman: affirms the boathouse design has been reduced approximately 1'-9" to meet the 32-ft limit for extension into the water from the shoreline. Describes the removal of a balcony projection and a roof overhang to conform with the Code. Presents new drawings reflecting changes.

Ms. Kilburn opens the Notice to Neighbors at 5:35 PM.

Mr. Tubridy: describes a telephone call from Mr. Thomas Beddard, the adjacent property owner on the northeast side of Ms. Auster. Mr. Beddard had just received the applicant's notice and was concerned about the project. Mr. Tubridy explained the boathouse was for Ms. Auster on

property which currently had only a dock for water access. The project was further explained as being within Code and colors and material were consistent with the lake environment.

Ms. Georgia Jones: smaller projects than this have required a site visit. She does not think a boathouse should be approved without a Board site visit. Concerned about exterior lighting as a neighboring boathouse has a bright beacon-style light on the roof shining across the lake. Asks how far the boathouse is from the house.

Ms. Kilburn: a Board concern is limiting the amount of disturbance along the shoreline. Asks Mr. Kaufman to explain work along the shoreline.

Mr. Kaufman: the boathouse will be sited in a naturally cleared area and requires the removal of dead trees only. Refers to site photographs included with the plans showing the open area. Re-siting the boathouse would require significant removal of vegetation/trees. The APA has reviewed the project – paying particular attention to a small stream on the property. The DEC has reviewed this project and review by the Army Corps of Engineers is in progress. No environmental concerns have been found. There will be no beacon-style light, such as that on the boathouse next door. All proposed lights are shielded.

Mr. Bissell: asks about natural vegetation in the open area by the proposed boathouse site and within 10 ft. of the shoreline.

Mr. Kaufman: the open area is mostly grass and no mature trees.

Ms. Kelly: asks if site visits are usually performed for new boathouses.

Ms. Kilburn: recalls the Board usually visits if there is going to be clearing of vegetation/trees along the shoreline.

Mr. Bissell: this is an opportunity to ensure the area along the shore is not landscaped into a lawn and natural vegetation is allowed to grow.

Mr. Smith: a condition of approval can cite Section 3.6 of the Code dictating vegetation restrictions along a shoreline (Pg 36). Specifically, paragraph 3.6.2.

Ms. Jones: concerned about how many paths lead between the house and the proposed boathouse. There are restrictions on how many paths are allowed.

Mr. Kaufman: there is currently only one path leading from the house to the shore and no others are planned.

Mr. Smith: this is Type II for SEQR – no action required.

Ms. Kilburn 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 applicant shall adhere to standards set forth in Section 3.6 (Shoreland Overlay) of the Land Use Code.
- c. The applicant must submit and receive separate approval for an exterior lighting plan.
- 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 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.
- g. The Review Board will retain continuing jurisdiction over stormwater management aspects of the project, until one year after improvements have been completed.
- h. 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.
- i. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- j. **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 #1052 closed.

These minutes were reviewed by the Board on 1/22/20. Mr. Rosenthal made a motion to approve the minutes as amended. Mr. Hurley seconded the motion. All Board members, except Messrs. Walton, Rafferty and Thompson (abstained), voted in favor. The motion passed 4-0.



 William R. Hurley, Chairman

RECEIVED	
Date	<u>1/29/2020</u>
Town Clerk	<u>Chelsie Lester</u>
Date	<u>1/30/2020</u>
Village Clerk	<u>Amika A. Esty</u>

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REVIEW BOARD MEETING MINUTES December 18, 2019

MEMBERS PRESENT

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Jackie Kelly

MEMBERS ABSENT

Bill Hurley

ALSO PRESENT

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

Peacock, MarieLine (Case #1056) – Architectural Review/Historic Overlay

Applicant, Ms. Peacock, and a representative, Mr. Huffman, present.

Mr. Huffman describes the exterior paint plan. Presents a picture of the current peach coloring around the first-floor trim and points to features to be painted green or peach (samples provided). Explains the entry door trim will be a muted yellow color (no sample provided) and existing copper flashing will remain.

Ms. Kilburn states the proposed colors will be an improvement.

Mr. Thompson concurs but is concerned the peach and yellow stand out too much. He would like to see a full rendition of the building with all proposed colors.

Ms. Kilburn states peach is her only color of concern and sees no need for a full rendition showing all colors. All others, except Mr. Thompson, concur.

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

- a. Architectural and site design plans for building exterior colors 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 a color sample of the front door trim to the Building Department.
- c. 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.
- 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 present members, except Mr. Thompson, vote in favor. Mr. Thompson votes against. The motion passes 5-1.

Case #1056 closed.

These minutes were reviewed by the Board on 1/22/20. Mr. Rosenthal made a motion to approve the minutes as amended. Mr. Hurley seconded the motion. All Board members, except Messrs. Walton, Rafferty and Thompson (abstained), voted in favor. The motion passed 4-0.



William R. Hurley, Chairman

RECEIVED	
Date	<u>1/29/2020</u>
Town Clerk	<u>Chelsea Jester</u>
Date	<u>1/30/2020</u>
Village Clerk	<u>Amata A. Cobby</u>

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REVIEW BOARD MEETING MINUTES December 18, 2019

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Chip Bissell
John Rosenthal
Andrew Thompson
Bill Walton
Jackie Kelly

MEMBERS ABSENT

Bill Hurley

ALSO PRESENT

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

Clark, Barbara (Case #1057) – Boundary Line Adjustment

Neither applicant nor representative present. Case tabled pending rescheduling.

These minutes were reviewed by the Board on 1/22/20. Mr. Rosenthal made a motion to approve the minutes as amended. Mr. Hurley seconded the motion. All Board members, except Messrs. Walton, Rafferty and Thompson (abstained), voted in favor. The motion passed 4-0.



William R. Hurley, Chairman

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REVIEW BOARD MEETING MINUTES December 18, 2019

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Jackie Kelly

MEMBERS ABSENT

Bill Hurley

ALSO PRESENT

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

Dual Development/Quality Inn Hotel (Case #967) – Site Visit Recap/Architectural Review

The following representatives for Dual Development are present: Bhavik Jariwala (Dual Dev), Charles Dumas (Dual Dev), Kirk Gagnier (local attorney), Aaron Ovios (Robert Sutherland), Ryan Williams (hbt Architects), and Brent Kosoc (BBL Const.).

Mr. Gagnier: expresses the desire for a negative declaration for SEQR and possibly a decision on the project. Describes the project as a design that fits the community. Applicant has addressed rock crushing, blasting, lighting and current/future stormwater runoff issues. Parking and landscaping have also been addressed. Architectural and site plan changes have been made and a traffic study has been submitted. Mr. Jariwala has convinced Hilton to allow changes to colors, height and other brand issues to meet Adirondack styles. The site visit should have provided enough information to address SEQR.

Ms. Kilburn: recaps the site visit of 11 December (Mr. Bissell absent). The Board walked the property along the east side, paying attention to the blasting area. Discussed the proposed grade changes. Answered one question regarding support of remaining dirt when rock has been

removed – natural rock will remain after blasting and dirt retention is not a problem (i.e., a retaining wall will not be required when blasting is completed). Does not feel there are any environmental concerns regarding the amount of rock to be blasted. Board concurs. Asks if applicant wishes to respond to a public comment expressing concern the blasting was to allow hotel construction to extend below ground.

Mr. Ovios: blasting will level the land on the east side to provide space for parking and vehicle travel around the building.

Ms. Kilburn: please describe your stormwater plan for the existing runoff.

Mr. Ovios: a new stormwater plan was submitted before the site visit. The new plan addresses runoff coming down the existing eastside and westside roadways up to the main hotel. Collection points will use Vortechs separation basins to catch debris and chemicals before sending water, via hard piping, to basins at Saranac Ave. A berm with bio-screening will also be installed on the east side to treat water running off the hill and towards Wildwood on the Lake Motel.

Ms. Kilburn: the Maine Blasting representative (Mr. Mike Stone) was helpful in answering questions regarding the potential impacts on neighboring properties. Is there anything else?

Mr. Ovios: referred to the outline of the blasting area. A 250-ft radius around the blast area was mapped to identify buildings/properties which could be adversely affected. These sites will be photographically and video recorded and physically inspected to confirm pre-blast conditions. Seismograph instruments will monitor blast vibrations. Post-blast inspections will be conducted to ensure blasting has not damaged properties. Maine Blasting & Drilling, Inc., is licensed, carries \$10 million dollars in insurance, and is a very good company. I have worked with the company for over 25 years. Blasting is a quiet safe operation that no longer showers debris all over the area, as in the past. 99.9% of the public will never know what is happening.

Mr. Walton: can you estimate how many blast events will occur?

Mr. Ovios: blasting will occur over 7 to 10 days with 2-3 events per day (confirmed by Mr. Kosoc). The location of the site dictates the use of small blasts to reduce noise and vibrations. Property owners will need to give us access to conduct thorough pre-blast inspections. These inspections protect both parties – property owners and us.

Ms. Kilburn: how often is the seismic data monitored and what is the number (vibration measurement) that would cause concern?

Mr. Ovios: the seismic data is checked after every shot. I do not have the specific number that would cause concern.

The seismic discussion inter-mingled noise levels with seismic levels. Noise data was provided but no specific seismic data was available.

Mr. Ovios: discusses noise levels. Blasting lasts milliseconds per event. On-site rock crushing was determined to be a better option than having multiple trucks using local roads to bring the blast debris to an off-site location. The blast debris can be crushed and reused on site as needed. Estimates the rock crushing level to be around 65 dB (lawnmower) at approximately 500-600 ft away from the machine. The crusher will be located by the tennis courts and most of the noise will be directed skyward.

Mr. Thompson: how long will the crusher be used.

Mr. Ovios: approximately the same time as the blasting. Sound issues will be mitigated by the cold season with windows being closed. Rock crushing will occur only from Monday through Friday and is scheduled from 8 AM to 3 PM each day. Our intent is to keep noise disruptions as low as possible. Other noise reducing actions include placing a muffler on the rock crusher and replacing loud vehicle back-up signals with lower volume signals or flashing lights.

Ms. Kilburn: asks the Board if it is better to have more trucks on the road or to use the rock crusher.

The Board prefers truck traffic to be minimal and accepts there will be increased noise levels for 10 days.

Ms. Kilburn: should we consider limiting blasting over the holiday season?

Mr. Ovios: it should not be a problem to restrict blasting during the Christmas and New Year's weeks.

Mr. Gagnier: we are really looking at the period between Thanksgiving and Christmas.

Ms. Kilburn: it should be acceptable to stop blasting during the Christmas and New Year's weeks if delays force you into January (2021). Asks the Board if all questions have been answered and if there is any other information needed.

The Board is satisfied and feels there is no need for additional information.

Ms. Kilburn asks if the Board is prepared to go forward with the SEQR assessment. The Board answers yes.

Mr. Smith: labels this project as an "Unlisted Action" per NYSDEC guidelines. Explains the Board's responsibility to address the 11 questions in Part 2 of the SEAF form (Impact Assessment). Any Board answers (votes) of Moderate to Large impact must be fully discussed and explained in Part 3 of the SEAF. A "YES" to any Moderate to Large impact questions may still result in a Negative Declaration if mitigating information provided in Part 3 determines any impact has been addressed and/or lessened by the applicant. The Board is ready to begin deliberating on the project's environmental impact.

Ms. Kilburn begins and Board votes as follows:

- Question #1: Proposed project is an authorized Conditional Use in our current Code. All vote No/Small impact (6-0).
- Question #2: Mr. Rosenthal and Ms. Kelly vote Moderate/Large impact due to doubling the size of the hotel (i.e., number of rooms). Mr. Bissell states the overall impact is small due to more careful deliberation for Board approval. Board votes No/Small impact (4-2).
- Question #3: Property is already a large hotel. All vote No/Small impact (6-0).
- Question #4: N/A – no CEA's on this site.
- Question #5: Ms. Kelly votes Moderate/Large impact on traffic. Board votes No/Small impact (5-1).
- Question #6: Mr. Orticelle explains the NYS adoption of the 2015 Energy Code for all new construction. Energy efficiency of the new/larger hotel is expected to be better than the current hotel. The Board does not see an opportunity for use of alternative energy sources. All vote No/Small impact (6-0).
- Question #7: Village has certified current infrastructure can handle increased use of water and sewer. All vote No/Small impact for both parts of the question (6-0).
- Question #8: Mr. Thompson concerned about this and other recent building designs moving away from the Adirondack look. Mr. Smith states the question infers impairment of existing conditions. Mr. Bissell states the new design is an improvement over the current design. The Board is not entirely happy with the design but the applicant has made requested changes and meets the guidelines of the Code. All vote No/Small impact (6-0).
- Question #9: Ms. Kilburn notes the applicant has presented a detailed design for stormwater runoff that addresses future runoff and improvements in existing stormwater runoff. Ms. Kelly asks if blasting can be considered as it changes the landscape. Mr. Smith states noise does not impact the examples listed in this question. Ms. Kilburn notes outside agencies (APA and DEC) have reviewed this project and has not raised any concerns. Mr. Ovios notes NYS has a general permit for stormwater management. Applicants can file a "Notice of Intent" for a project if they certify they have met the specifications of the general permit. Accordingly, a SPDES application is not required unless a DEC review finds fault with the certification. Mr. Bissell notes the Board retains oversight of stormwater runoff for a period of one year after completion of the project. Mr. Ovios reminds the Board of the APA's non-jurisdictional decision. Mr. Thompson notes the impact on flora/fauna is small in relation to the very small increase in impervious surface area. All vote No/Small impact (6-0).
- Question #10: Ms. Kilburn notes the proposed stormwater runoff plan protects from erosion or flooding and improves drainage. Mr. Ovios notes NYS requires stormwater plans to address expected runoff after construction is completed. Ms. Kelly questions how the applicant will know the volume of runoff after blasting is completed. Mr. Ovios notes NYS recognizes software that uses historical rainfall data and site characteristics to determine stormwater design. Mr. Orticelle states applicant is responsible for stormwater runoff management before, during and after construction. There is no expiration on responsibility for managing runoff. No/Small impact (6-0).

Question #11: Ms. Kilburn sees no hazard to the environment or human health. All vote No/Small impact (6-0).

Mr. Smith: recommend the Board make a motion of a Negative Declaration of SEQR and request counsel include a description of the deliberations and considerations in Part 3 of the SEAF.

Mr. Rosenthal makes a motion to declare a Negative Declaration and to request counsel to describe the Board's deliberations in Part 3 of the SEAF.

Mr. Thompson seconds the motion.

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

Ms. Kilburn: requests counsel to generate a draft Findings of Fact and Conclusions of Law for Board review. Further requests inclusion of a condition to limit blasting and crushing dates and times.

Mr. Thompson: asks about snow removal and the impact on parking.

Mr. Ovios: there is sufficient green space on the property to handle snow removal without impacting parking.

Ms. Kilburn: suggests Dual Development consider employee housing. Current demographics point to a need for low-income housing and how the housing shortage negatively impacts employee availability in the area. States the current Code does not address this but it should be changed to make it a requirement.

End of discussion.

These minutes were reviewed by the Board on 1/22/20. Mr. Rosenthal made a motion to approve the minutes as amended. Mr. Hurley seconded the motion. All Board members, except Messrs. Walton, Rafferty and Thompson (abstained), voted in favor. The motion passed 4-0.



William R. Hurley, Chairman

RECEIVED

Date 1/29/2020

Town Clerk Chelsie Keeler

Date 1/30/2020

Village Clerk Armita Estling

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Terry Tubridy, Planning & Zoning Coordinator
Tim Smith, Board Attorney

Board Business

Meeting Minutes of 12/04/2019

The Board concurred with a proposed change submitted by Mr. Rosenthal. The recommended change clarified a sentence addressing blasting noise in the matter of Case #967 – Dual Development/Quality Inn.

Mr. Rosenthal makes a motion approving the minutes as amended.

Mr. Thompson seconds the motion.

Mr. Walton abstains due to his absence on 12/4/19.

Ms. Kelly arrived late and abstains from those portions of the meeting she missed.

All other present members vote in favor. The motion passes 4-0 for Cases #1046, #1054, and #1053. The motion passes 5-0 for Cases #1052, #967, and Board Business.

Miscellaneous

- Departing Board members, Ms. Emily Kilburn and Mr. Andrew Thompson, are thanked for their service. Ms. Kilburn will assume duties as a Town Council member on 1/1/2020. Mr. Thompson's term expires on 12/31/2019 but he states his willingness to remain on the Board until new members are approved by the Town and Village.
- Mr. Walton states he will be absent for the Board meeting on 8 January, 2020. A quorum of Board members is expected for the meeting.

Meeting adjourned at 7:08 PM.

These minutes were reviewed by the Board on 1/22/20. Mr. Rosenthal made a motion to approve the minutes as amended. Mr. Hurley seconded the motion. All Board members, except Messrs. Walton, Rafferty and Thompson (abstained), voted in favor. The motion passed 4-0.

William R. Hurley
William R. Hurley, Chairman

RECEIVED	
Date	<u>1/29/2020</u>
Town Clerk	<u>Chelsea Lester</u>
Date	<u>1/30/2020</u>
Village Clerk	<u>Christa A. Estling</u>