

JAY RAND
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
JACK FAVRO
DEREK DOTY
RICHARD CUMMINGS
EMILY KILBURN POLITI
TOWN COUNCIL
KENNETH PORTER
SUPT. OF HIGHWAYS
523-9081
CATHERINE EDMAN
BUDGET OFFICER
523-9517

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
MIKE ORTICELLE
DARCI LAFAVE
CODE ENFORCEMENT OFFICIALS
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 May 20, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

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

Present – all Board members, Mr. Orticelle, and Mr. Tubridy. All Board members, except Mr. Smith, present via GoToMeeting video conferencing. Mr. Smith present by telephone.

Massimino, Andrew (Case #1066)

Mr. Andrew Massimino and surveyor Mr. Robert Marvin, Jr., present.

Mr. Rosenthal: recaps the site visit conducted at Mr. Massimino's lake camp on 5/5/20. All Board members, except Messrs. Hurley and Walton, were present. The property is located next to Ms. Laura Auster's camp and looks south/southeast. The property has a steep slope down to the lake shore. A few trees located near the shore will need to be removed. A retaining wall will be placed against the hillside on the backside of the house. A septic field will be located on a small plateau approximately 300 ft uphill from the house site.

Mr. Marvin: three notices were sent to neighbors within 200 ft and one green receipt was returned (NY State). Stormwater and septic plans have also been submitted to the Building Department.

Mr. Hurley: notes no comments were received from the public. Asks if any there are any question from the Board. SEQR is not a concern as the project is under 4,000 sqft.

The Board has no questions or comments.

Mr. Bissell makes a motion to approve the proposal as presented, subject to the following conditions:

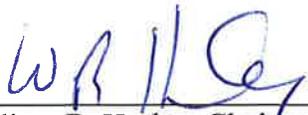
- a. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- b. The Review Board will retain continuing jurisdiction over 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. Thompson seconds the motion.

All members vote in favor. The motion is approved 7-0.

Case #1066 closed.

These minutes were reviewed by the Review Board on June 3, 2020. Mr. Rosenthal moved to approve the minutes as amended to add conditions of approval for Case #1066. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman
Review Board

RECEIVED	
Date	6-24-2020
Town Clerk	Paula Curtis Hudley
Date	6/24/2020
Village Clerk	Christa A. Esch

JAY RAND
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REVIEW BOARD MEETING MINUTES May 20, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

White Horse Placid, LLC (Case #1070)

Applicants Ms. Tamara & Mr. Patrick White, and Mr. Mike Coon (AEDA) present.

Mr. Hurley: reviews new site design submittal. The new design includes fencing, landscaping, and a new layout for the two outside car vacuums. Asks applicants for the status of confirmation of electric and sewer services, and the status of coordination with NYSDOT (DOT) for the property curb cut.

Mr. White: we have written confirmation of adequate electric service from the Village and Mr. Hathaway (Village DPW) has promised to provide a letter confirming adequate sewer and water services are available. Mr. Coon is preparing a submittal to DOT regarding the curb cut.

Mr. Hurley: refers to the privacy fence shown on the new site diagram.

Mr. White: confirms the east side fencing, alongside the Maple Leaf Motel, will be installed from the front edge of the building to the backside of the exterior vacuums. Rear screening will include some landscaping and additional fencing to ensure fencing exists along the entire rear lot line. Three-sided fencing will be installed around the vacuums.

Mr. Hurley: requests spacing of the fencing around the vacuums be such that a person can easily clean debris from the sides and rear of each unit. Also notes DOT and the Board will review and approve signage along Route 86.

Mr. White: our plan is to submit sign information separately from this design application.

Mr. Rosenthal: assumes the fence along the rear is in response to a neighbor's request.

Mr. White: that is correct.

Mr. Hurley: has there been any discussion with the Maple Leaf Motel?

Mr. White: the only concern was the possibility of a vehicle with a noisy muffler; particularly in the morning. Also notes the extensive landscaping along the side lot lines will mitigate the location of neighboring buildings on, or immediately next to, our property lot lines.

Mr. Hurley: are your suggested plantings native to the Adirondacks?

Mr. Coon: the plants are all species we regularly use in this area but have not cross-referenced with what is native to the Adirondacks.

Mr. Hurley: we have a list of native species in our Code and it would be preferable to use plants from that list. We will maintain jurisdiction for one year after the project is completed to ensure plantings are sufficient.

Mr. Hurley: my final concern is your proposed year-round operating hours of 7:00 AM to 9:00 PM.

Mr. White: that is correct but there is a programmable cold weather point at which the car wash will automatically close down. Everything is programmed to prevent operation of any part of the car wash once shut down for the night or weather.

Mr. Thompson: concerned about a 7:00 AM start. It is a little early given the motel and audiology neighbors. I believe 8:00 AM is more appropriate.

Ms. Kelly, Mr. Rafferty, and Mr. Bissell agree. Mr. Rosenthal and Mr. Walton not concerned about a 7:00 AM start.

Mr. Hurley: I also believe 9:00 PM closing in the winter-time is a little late. Generally feels a start time of 8:00 AM on Monday through Saturday, with an unspecified later opening on Sundays, is more appropriate. Asks the Board for their opinions.

Mr. Rosenthal: the car wash is not a very noisy business.

Mr. Walton: no problem with the proposed hours.

Mr. Smith: Type II for SEQR.

Mr. Walton: can the Board retain jurisdiction over the operating hours? Asks the applicant how they determined a 7:00 AM start time.

Mr. Hurley: we generally do not dictate operating hours for retail businesses. But the Board can retain jurisdiction to change the hours if there is sufficient public complaint. Not sure if the Board wants to get into overseeing hours of operation.

Mr. White: most automated car washes operate 24 hours. Not many cars are expected during the first and last hours. The impact is minimal, we are within the noise ordinance limits, and road traffic noise will be louder. Also, other work, such as demolition, is allowed to begin at 7:00 AM and the car wash will be quieter.

Ms. Kelly makes a motion to approve the proposed project, subject to the following conditions:

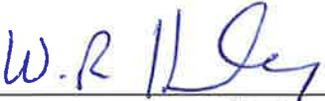
- a. Operation of the car wash shall not be earlier than 8:00 AM.
- b. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- 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. 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.
- 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. Rafferty seconds the motion.

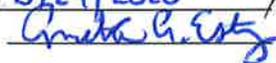
All members except Mr. Hurley vote in favor. Mr. Walton is opposed. The motion is approved 6-1.

Case #1070 closed.

These minutes were reviewed by the Review Board on June 3, 2020. Mr. Rosenthal moved to approve the minutes as amended to add conditions of approval for Case #1066. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman
Review Board

RECEIVED	
Date:	6-24-2020
Town Clerk:	
Date:	6/24/2020
Village Clerk:	

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REVIEW BOARD MEETING MINUTES May 20, 2020

MEMBERS PRESENT

Bill Hurley
John Rosenthal
Chip Bissell
Jackie Kelly
Bob Rafferty
Rick Thompson

MEMBERS ABSENT

Bill Walton

ALSO PRESENT

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

Walton & Doering/Experience Outdoors (Case #1073)

Mr. Marc Doering present as applicant. Co-applicant, and Board member, Mr. Bill Walton recuses himself.

Mr. Hurley: recaps the site visit conducted at Experience Outdoors on 5/12/20. All Board members, except Mr. Walton, were present. The Board toured the route of the proposed ropes courses. All ropes will be laid out under existing zip line pathways. No route will be any closer to the side lot lines. The Board next looked at the expanded parking area. The area is not visible from the road. Does not think the ropes course will generate as much noise as the zip lines.

No additional Board comments.

Mr. Doering: nothing new to add.

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

- i. 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.

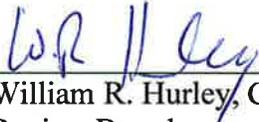
- j. This approval does not address or make any findings regarding applicable deed restrictions, covenants, or other title conditions. This approval does not excuse the applicant from obtaining all other necessary governmental approvals, including but not limited to the New York State Building Code, Adirondack Park Agency, New York State Department of Environmental Conservation, New York State Department of Health, and/or Army Corps of Engineers.
- k. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- l. **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 is approved 6-0.

Case #1073 closed.

These minutes were reviewed by the Review Board on June 3, 2020. Mr. Rosenthal moved to approve the minutes as amended to add conditions of approval for Case #1066. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman
Review Board

RECEIVED

Date: 6-24-2020
Town Clerk: Lauren Ann Dudley
Date: 6/24/20
Village Clerk: Amelia R. Kelly

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REVIEW BOARD MEETING MINUTES May 20, 2020

MEMBERS PRESENT

Bill Hurley
Chip Bissell
Bill Walton
Jackie Kelly
Bob Rafferty
Rick Thompson

MEMBERS ABSENT

John Rosenthal

ALSO PRESENT

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

Kryger, Cindy & Michael (Case #1075)

Mr. Rosenthal recuses himself.

Messrs. Andrew Chary and Michael Laramee, architects, present as applicant's representatives.

Mr. Hurley: recaps the site visit conducted at 292 Mirror Lake Dr. on 5/12/20. All Board members, except for Mr. Walton, were present. The footprint of the proposed house, and the side lot lines, were marked for observation. The east side lot line is defined by a large stand of older trees and the west side lot line is a staggered stand of 2-4 year-old tree plantings. The house extends from side setback to side setback. Mr. Chary advised the Board of issues with the original footprint and presented a new design onsite.

Mr. Chary: refers to an aerial overlay and drone photographs of the site sent to the Building Dept. on 5/18/20. The orange circle on the photos indicates west side lot buffer plants requiring replacement when construction is completed. The east side of the lot has a small stand of cedar trees and a birch tree that will also require removal (shown in purple). Removal of the birch clears the area for the garage and removal of the cedars allows a 10 ft clearance for construction vehicles to travel from street side to lakeside of the house. Two other trees in the garage area will also be removed.

Mr. Bissell: notes the odd placement of the westside tree line along the side lot. Asks how that happens.

Mr. Chary & Mr. Marvin: discuss the history of ownership by the same owner for the Kryger property and the property on the west side

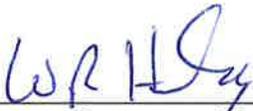
Mr. Hurley: any question about the property line layouts is between property owners.

Mr. Chary: the Krygers closed on the property yesterday (5/19/20). Also the design on the lake side of the house will now use more wood siding and less stone veneer.

Mr. Hurley: directs applicants to send a project proposal notice to neighbors within 200 ft. The Building Dept. will provide the required information for noticing neighbors. Notices must be mailed by 5/22/20 to hold a hearing on 6/3/20.

End of discussion.

These minutes were reviewed by the Review Board on June 3, 2020. Mr. Rosenthal moved to approve the minutes as amended to add conditions of approval for Case #1066. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman
Review Board

RECEIVED

Date: 6-24-2020
Town Clerk: Lauren Cole Hedley
Date: 6/24/20
Village Clerk: Christina G. Eszy

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REVIEW BOARD MEETING MINUTES May 20, 2020

MEMBERS PRESENT

Bill Hurley
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Jackie Kelly
Bob Rafferty
Rick Thompson

MEMBERS ABSENT

ALSO PRESENT

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

Netter & Dunn (Case #1078)

Mr. Smith recuses himself.

Mr. Brian Netter present as applicant.

Mr. Hurley: reviews the proposal to build a garage and boathouse at 185 Ruisseaumont Way. The property was previously approved for a home on vacant land, which is currently under construction. The site has a steep slope and is covered with rock. A large amount of rock blasting was needed for the house foundation. States the proposed boathouse design initially appears to extend into the lake beyond the Code limit of 32 ft. Further research showed the site map includes a large boulder as part of the mean high water mark (MHWM). This boulder touches the shoreline and sits at the base of a cliff along the shore.

Mr. Netter: a large boulder sits below the cliff line and is considered part of the MHWM for the property's shoreline. Due to deed restrictions, the boulder location is the only buildable area for a boathouse. Per the Code, the boathouse measures 32 ft out into the lake from the boulder. A 19-ft foot access ramp extends from the second story of the boathouse to the top of the cliff.

Mr. Hurley: asks how the MHWL was determined. Notes it will probably make sense when viewed during a site visit.

Mr. Thompson: asks if the boathouse touches the boulder.

Mr. Netter: answers yes and notes regulatory agencies will not allow removal of the boulder.

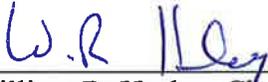
The Board has no comments regarding the architecture.

Mr. Hurley: schedules a site visit for 5/26/20 at 4:30 PM. Requests the corners of the garage, and at least one corner of the boathouse be staked for the visit. Asks the Board if a notice to neighbors should be scheduled now or after the site visit.

The Board agrees to notifying the neighbors now. The Building Dept. will provide the required information for notifying neighbors. Notices must be mailed by 5/22/20 to hold a hearing on 6/3/20.

End of discussion.

These minutes were reviewed by the Review Board on June 3, 2020. Mr. Rosenthal moved to approve the minutes as amended to add conditions of approval for Case #1066. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman
Review Board

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Date: 6-24-2020
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Date: 6/24/20
Village Clerk: Michael A. Kelly

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REVIEW BOARD MEETING MINUTES May 20, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

ADK or Bust Trust/DeHaan, Susan (Case #1079)

Applicants Jason and Susan DeHaan. Architect Michael Tuck and engineers Dennis MacElroy and Brandon Ferguson also present.

Applicants are proposing to demolish and rebuild a house and garage, with apartment, on property located at 10 Grace Way (shore of Mirror Lake below Main St & behind Emma's Creamery). The lot was previously two lots which were recently combined into one lot. The house is pre-existing and non-conforming to the current Code requirement to be 50 ft. back from the shore. There is also a third structure formerly used as an ice house that will not be modified.

Mr. Hurley: reviews the application. Notes the house is a pre-existing non-conforming structure and procedures for review are found on page 43 of the Code (Sec 4.2.2B). Asks the applicants, or their representatives, to provide a verbal overview of their proposal, starting with the garage and apartment.

Mr. DeHaan: the garage and cottage (house) will be rebuilt close to as existing. The garage will include an attached guest house and the residents will be in the cottage. The ice house will be preserved and used as an outbuilding.

Mr. Hurley: asks if the new garage will use the same footprint and existing foundation or if it will be a smaller or larger structure.

Mr. Tuck: the entire garage and foundation will be removed. The southern boundary of the garage will be similar to the existing but the garage interior depth will be enlarged from 17 ft. deep to a standard 23 ft. deep. Three parking spaces will be available outside the garage. The existing garage has apartments on the second floor but the intent now is to build a 2-story attached guest house on the lake side of the garage. The entire structure is outside the 50-ft shoreline setback.

Mr. Ferguson: the garage/apartment has an approximate footprint of 1800 sqft.

Mr. Tuck: the apartment will have two bedrooms.

Mr. Hurley: asks if the ice house will be removed, saved, or remain the same.

Mr. Tuck: the only change to the ice house building is to condition the space. This will require applying 10 in. of insulation to the top of the existing roof. The plans show the changes to the roof perimeter.

Mr. Rafferty: asks for the square footage of the existing buildings.

Mr. MacElroy: the cottage is a total of 1900 sqft, with 1400 sqft inside the 50-ft. shoreline setback. The garage is 1178 sqft and the ice house is 820 sqft.

Mr. Hurley: discusses pre-existing non-conformities. Notes the Code states a non-conformity cannot be increased. Reads Sec. 4.2.2B of the Code regarding the requirement to meet the current Code if the existing foundation is removed.

Mr. Smith: confirms non-conformities cannot be increased. Setback requirements for the Village Center district are 0 ft. or 10 ft. Any other setback would be non-compliant. Also confirms the requirement to meet current Code setbacks if a structure's foundation is removed.

Mr. Hurley: what is the proposal for the cottage.

Mr. DeHaan: the existing cottage currently overhangs the north property line. Our proposal includes shifting the house to the south to bring the roof line within the property boundary.

Mr. Hurley: states removal of the foundation and movement of the cottage poses a problem for this Board as we cannot allow you to do that. There is a process to obtain approval (Zoning Board) but this Board cannot grant that approval.

Mr. Tuck: asks what the non-conformity is.

Mr. Hurley: there are multiple non-conformities. One is the side setback which must be 0 ft. or 10 ft., and the other is the 50-ft. shoreline setback.

Mr. Smith: the Board should address this proposal in pieces. Refers to the second paragraph 4.2.2B(3) and states retention of some part of the foundation gives this Board the leeway to approve the new cottage design without referral to the Zoning Board. Mr. Hurley is correct about the 0 ft. or 10 ft. setback but the

Board should study this situation further before deciding if this issue should be referred to the Zoning Board. Advises the Board the 0 or 10 ft. Village Center side setback was intended more for the buildings fronting Main St. to avoid inaccessible/unusable spaces between buildings.

Mr. Tuck: asks if only a portion of a structure is required to touch the lot line to meet the 0 ft. side setback requirement. The new cottage design includes a basement-level egress window well that will abut the property line.

Mr. Hurley: that issue should be addressed further in a letter to the Board. Notes the narrative identifies an increase of approximately 400 sqft outside the shoreline setback. Asks if there is a drawing showing the old and new footprints of the cottage.

Mr. Tuck: refers to drawings included in their jurisdictional submittal to the APA [Note: no APA documents have been received by the Bldg. Dept Coordinator]

Mr. MacElroy: refers to page 2 of 8 in the plans submitted to the Board. Describes the use of dashed and solid lines to depict current and future structure footprints. The diagram shows the increase in the cottage size is outside the 50-ft shoreline setback.

Mr. Hurley: attempts to clarify the lines depicted on the diagram.

Mr. Ferguson: there is a lighter dashed line showing the portion of the cottage closes to the shore.

Mr. Thompson: enlarging the diagram reveals the double dashed line but also appears to show the new design increases the non-conformity.

Mr. Hurley: the diagram is too small to comfortably view the old and new footprints. Requests a new diagram clearly showing these footprints. Advises applicants that any design moving the cottage closer to the shore cannot be allowed by this Board.

Mr. Ferguson: refers to page 3 of 8 for further footprint information.

Mr. Hurley: asks if there is any limitation on the number of accessory buildings on a lot.

Mr. Smith: states this project does not exceed the Code for property density.

Mr. Hurley: addresses height requirements for accessory buildings. Asks if the Board has any comments/questions regarding the architecture of the buildings.

Mr. Bissell and Ms. Kelly express their satisfaction with the architectural design.

Mr. Hurley: requests elevation drawings depict building height measurement per the Code (midpoint of grade to midpoint of roof between tallest ridge and eave) from each direction; as opposed to the current measurements from ground to ridge line. Notes accessory buildings cannot be higher than 18 ft. Asks about the space above the garage parking.

Mr. Tuck: the space above the garage will be an attic.

Mr. Smith: corrects his earlier statement regarding property density and states there is a minimum lot acreage but no density limit for Village Center District properties. The issue of the number of allowable accessory buildings dims in importance in light of a lack of a density standard.

Mr. Hurley: asks for clarification of the proposed setback along the north lot line.

Mr. Tuck: there is a retaining wall along the north side of the house. Asks if the retaining wall can be considered part of the building for setback purposes.

Mr. Hurley: a retaining wall is not part of a building.

Mr. Ferguson: what if the retaining wall is part of the foundation? That is, poured at the same time and connected.

Mr. Hurley: you can propose that and the Board will review it.

Mr. DeHaan: we would like to be clear on the issues.

Mr. Hurley: the issue is the north side of the cottage must have a side setback of 0 or 10 ft and whether a shift to the south is allowable. The Board cannot approve a different side setback and will have to look at the new design before approving a shift to the south.

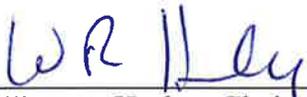
Mr. MacElroy: is the side setback measured from the cottage wall or from the roof eave.

Mr. Hurley: the roof eave.

A site visit is scheduled for 5/26/20, immediately following the site visit for Netter & Dunn. All proposed building corners and side lot lines must be marked for viewing.

End of discussion.

These minutes were reviewed by the Review Board on June 3, 2020. Mr. Rosenthal moved to approve the minutes as amended to add conditions of approval for Case #1066. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman
Review Board

RECEIVED

Date: 6-24-2020

Town Clerk: Lauren A. Dudley

Date: 6/24/20

Village Clerk: Amelia R. Coby

JAY RAND
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
JACK FAVRO
DEREK DOTY
RICHARD CUMMINGS
EMILY KILBURN POLITI
TOWN COUNCIL
KENNETH PORTER
SUPT. OF HIGHWAYS
523-9081
CATHERINE EDMAN
BUDGET OFFICER
523-9517

TOWN OF NORTH ELBA

2693 MAIN STREET
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phone: (518) 523-9516 fax: (518) 523-9569
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EUGENE MARTIN
PARK DIST. MGR.
523-2591
MIKE ORTICELLE
DARCI LAFAVE
CODE ENFORCEMENT OFFICIALS
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 May 20, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

Amoriell, Stuart/The Pickled Pig (Case #1080)

Mr. Amoriell present as applicant.

Mr. Amoriell is proposing to build a 1,957 sqft ground-level deck on top of an existing paved surface, previously used as parking for the Pickled Pig, for additional outdoor seating, a small deck at the rear of the property for utility purposes, and a pergola in the rear area of an existing deck. The restaurant and paved parking area are situated on two adjoining lots owned by the Schachenmayr's; who have given permission for this proposal.

Mr. Amoriell: refers to a color rendition of existing and proposed outdoor seating and to site photos delivered to the Building Dept. NOTE: This information was not posted to the Review Board website and could not be viewed by Board members. Copies were provided to Mr. Hurley. The proposed deck will provide a level platform for existing picnic tables currently on a slight grade. An existing split-rail fence along the sidewalk satisfies liquor authority requirements. The utility deck is primarily for firewood storage. The new deck will not be any closer to the hotel in the rear (Best Western).

Mr. Hurley: notes the existing deck crosses the property line between the two lots. Refers to a letter from Mr. Smith addressing the previous approval for the restaurant and parking requirements. Asks if the newly proposed deck, or platform, is required to meet setback requirements for the Village District.

Mr. Smith: we have already treated these two lots as a consolidated parcel for setback purposes. The previously approved existing deck straddles the property line between the two parcels and the Board should continue to treat these overall 0.31-acre parcels as a single parcel.

Mr. Bissell: asks if the setback of zero feet matters for this proposal.

Mr. Smith: states a setback of zero feet negates any concern due to both parcels being owned by the same party.

Mr. Hurley: the deck/platform is not a structure. There would be more concern if a building was involved.

The Board concurs there is no concern regarding setback.

Mr. Amoriell: normal hours of operation are 11:00 AM to 8:00 PM for the deck.

Mr. Hurley: that would be a condition of approval as the only concern is noise at night.

Mr. Amoriell: there are speakers on the existing deck but no speakers are planned for the new deck.

Mr. Thompson: asks if the new deck will increase restaurant seating.

Mr. Amoriell: seating capacity will not increase as picnic tables are already in use in the proposed deck area. The current COVID situation requires us to provide more spacing between patrons and the new deck will allow us to seat more people outside and allow us to operate profitably. Indoor seating will not be allowed for the near future. We anticipate providing 6-7 tables on each of the decks. Current state guidance suggests we will not be able to seat more than 25% of our capacity.

Mr. Thompson: asks what the seating capacity will be post-COVID.

Mr. Amoriell: the picnic tables have added 60-80 seats in addition to the current deck and indoor seating capacity. We are drafting a plan in an attempt to allow us the flexibility to meet the current and future situations. Food will be ordered and picked up at a kiosk by customers. Customers will not initially be allowed inside the restaurant.

Mr. Thompson: when was a decision made that parking was not required?

Mr. Amoriell: the original restaurant application decision determined onsite parking was not required. I attempted to use the lot for employee parking but the area is too small and several minor accidents have led me to close the lot for parking.

Mr. Hurley: the Board consensus is to approve the proposed decks and approve the color proposal at a later date. There is also no increase in impermeability as the proposed deck/platform is located over asphalt paving.

Mr. Hurley makes a motion to approve the proposal, except for the deck color, 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. Approval for the proposed paint color for the deck rails and pergola will be decided at a later date.
- c. The applicant must submit and receive separate approval for an exterior lighting plan, if applicable.
- d. 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.
- e. 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.
- f. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- g. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Walton seconds the motion.

These minutes were reviewed by the Review Board on June 3, 2020. Mr. Rosenthal moved to approve the minutes as amended to add conditions of approval for Case #1066. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.

William R. Hurley, Chairman
Review Board

RECEIVED	
Date:	6-24-2020
Town Clerk:	<i>James Andrew Dudley</i>
Date:	6/24/20
Village Clerk:	<i>Amelia A. [unclear]</i>

JAY RAND
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
JACK FAVRO
DEREK DOTY
RICHARD CUMMINGS
EMILY KILBURN POLITI
TOWN COUNCIL
KENNETH PORTER
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RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES May 20, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

Board Business

Minutes of 5/6/2020

Mr. Bissell makes a motion to approve the minutes as written.
Mr. Rosenthal seconds the motion.
All members vote in favor. The motion is approved 7-0.

Miscellaneous

- Mr. Hurley announces village plans to create a one-way lane on Main St. to allow for sidewalk dining on the lake side of the street. Mr. Orticelle states he does not think the decision is final.
- Mr. Walton announces he will be out of town for another two weeks.

Meeting adjourned at 7:56 PM.

These minutes were reviewed by the Review Board on June 3, 2020. Mr. Rosenthal moved to approve the minutes as amended to add conditions of approval for Case #1066. Mr. Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



William R. Hurley, Chairman
Review Board

RECEIVED	
Date	<u>6-24-2020</u>
Town Clerk	<u>Paune Cust. Sudley</u>
Date	<u>6/24/20</u>
Village Clerk	<u>Amber C. Ely</u>