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KENNETH PORTER  
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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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TOWN COURT OFFICE  
523-2141  
MARK SCHACHNER  
ATTORNEY FOR THE TOWN

### REVIEW BOARD MEETING MINUTES 6 April, 2022

#### MEMBERS PRESENT

Rick Thompson  
Chip Bissell  
Bob Rafferty  
Dave Genito  
Peter Aliferis  
Laura Yerkovich

#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

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

#### Grand Adirondack Hotel (Case #1044)

Jason Goins (construction manager) and Adam Wakulenko (sign representative) present.

A master sign plan for the hotel has been proposed for approval.

Mr. Wakulenko: presents the proposed signage for all sides of the hotel exterior and the new design for the current freestanding sign.

Awning, window, and door signs are not addressed in the presentation. The Board expresses their overall approval of the signage but wants all signs presented for consideration of a master sign plan.

Mr. Thompson: directs applicant to return to the Board with all sign designs. Also states a master sign plan gives the Board the latitude to work outside the number and size constraints outlined in Section 6 of the Code.

End of discussion for Case #1044.

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These minutes were reviewed by the Board on 4/20/2022. Ms. Yerkovich recommended two grammar corrections. Mr. Thompson made a motion to accept the corrected minutes. Mr. Bissell seconded the motion. Mr. Genito absent and Mr. Walton abstained. All other present members voted in favor. The motion was approved 5-0-1.



Richard Thompson, Chairman  
Review Board

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

#### 78 Blodgett Way, LLC (Case #1060)

Richard Hanpeter (Architect) and Reed Abbott (Contractor) present as applicant's representatives.

Applicant is proposing to change a prior approval for construction of a single storage building to construction of two storage buildings with a smaller total square footage.

Mr. Thompson: reviews the previous approval for a single large storage building on the site of a former tennis court.

Mr. Hanpeter: the buildings are still for storage but the overall size is 1,616 sqft. less than the single approved building. The larger building will be reduced but remain at the tennis court and the smaller size will allow for more exterior parking. The smaller building will be Materials will change from wood to metal but the overall design remains unchanged. Some architectural details, such as false dormers and windows, are eliminated. Colors remain the same. The second building will be located in a previous building site. An APA permit did not address the number of buildings.

The Board agrees the new design is significant but is mostly concerned with the corner of the tennis court building closest to a neighbor. Applicant confirms there are no windows or exterior lights facing the neighbor and the corner is in the same place as the current approval.

Mr. Thompson makes a motion to accept the modification, 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. All other conditions of approval listed in the Building Department approval letter of February 20, 2020, remain in effect.

Mr. Bissell seconds the motion.

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

Case #1060 closed.

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These minutes were reviewed by the Board on 4/20/2022. Ms. Yerkovich recommended two grammar corrections. Mr. Thompson made a motion to accept the corrected minutes. Mr. Bissell seconded the motion. Mr. Genito absent and Mr. Walton abstained. All other present members voted in favor. The motion was approved 5-0-1.



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Richard Thompson, Chairman  
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### MEMBERS ABSENT

Bill Walton

### ALSO PRESENT

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

### Cecunjanin, Zufer (Cases #922 & 1076)

Zufer Cecunjanin present.

Applicant has purchased a corner lot adjacent to his recently constructed single-family residence and restaurant. Applicant proposes to modify the new construction with a single-story 16'x56' addition.

Mr. Cecunjanin: describes the purchase of a lot on the corner of Morningside Dr and Wilmington Ave and the demolition of a building on the lot. The plan is to construct an addition on the north side of the new single-family residence and future restaurant.

Mr. Thompson: asks if the lots will be combined.

Mr. Cecunjanin: working with an attorney to combine the two lots into one.

Mr. Thompson: requests a full site plan for both lots, showing the addition, landscaping plan, and parking plan. Asks if there will be a restaurant sign on the corner lot.

Mr. Cecunjanin: the corner lot will not have a sign and its use will be limited to parking. Asks if the Board will provide approval for foundation work.

Mr. Bissell makes a motion to allow the Board Chairman to approve foundation work once the Board attorney confirms the applicant is in the process of combining the two lots.

Mr. Aliferis seconds the motion.

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

End of discussion for Case #s 922 & 1076.

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Bill Walton

#### ALSO PRESENT

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

#### Miller, Marcy (Case #1183)

Marcy Miller and Laura Walker (sign representative) present.

Ms. Miller confirms there have been no changes to the project since 3/16/2022.

Mr. Thompson confirms the sign application meets the Code specifications.

Public hearing for change of use opens at 5:32 PM.

No written or oral comments.

Public hearing closed at 5:34 PM.

Mr. Smith: Type II for SEQR as reuse of an existing building.

Ms. Yerkovich 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. 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.
- c. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- 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 Department of Transportation, 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. Rafferty seconds the motion.

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

The Board has no questions regarding the proposed freestanding sign.

Mr. Rafferty makes a motion to approve the sign, subject to the following condition:

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

Mr. Bissell seconds the motion.

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

Case #1183 closed.

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These minutes were reviewed by the Board on 4/20/2022. Ms. Yerkovich recommended two grammar corrections. Mr. Thompson made a motion to accept the corrected minutes. Mr. Bissell seconded the motion. Mr. Genito absent and Mr. Walton abstained. All other present members voted in favor. The motion was approved 5-0-1.

  
 Richard Thompson, Chairman  
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### MEMBERS ABSENT

Bill Walton

### ALSO PRESENT

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

### Stay at Lina/6163 Sentinel Rd (Case #1184)

Frank Hax (COO) and Bob Marvin (representative) present.

Mr. Marvin confirms there have been no changes to the proposal since the meeting on 3/2/2022.

Mr. Genito: recaps the site visit conducted on 3/22/2022. All members present except Mr. Walton and Ms. Yerkovich. Describes the existing two structures as dilapidated and notes the ground upheaval in several areas of the existing paved surfaces. Both will need a lot of work to repair/remodel.

Mr. Thompson: the Board also observed water runoff coming down the hill behind the old Nice 'N Easy building. Also notes the proposed addition is within the setback boundaries.

Mr. Rafferty: notes there has been some hillside collapse behind the Nice 'N Easy building.

Mr. Marvin: states the previous stormwater design will not change but does need to be repaired.

Mr. Thompson: notes the plans show 18 parking spaces and the Code requires only 9.

The Board expresses its preference for the darker color version of the building design.

Mr. Thompson: the proposal is a change of use and a public hearing was announced at the first meeting on 3/2/2022.

Public hearing opens at 5:41 PM.

Mr. G. Spoor: the proposed project is an improvement and the property needs to be cleaned up. Requests a fence between the new owners and himself. Would prefer long-term renters to short-term renters.

Ms. Yerkovich: notes New York State does not currently classify short-term rentals as commercial businesses.

Mr. S. Ayers: the project is a condominium/hotel and claims the proposal was not properly noticed for a public hearing. The project does not meet the need for affordable work-force housing and there is no need for more short-term rental units. States stormwater runoff from the property onto the sidewalk/street is dangerous. The past winter saw excessive amounts of ice buildup on public property which required extra salt treatments which ultimately affect the Chubb River.

Mr. Thompson: states the project was not submitted as affordable work-force housing. Also notes the hearing was properly noticed in the Adirondack Daily Enterprise and a copy of the notice was properly displayed on the lot.

Public hearing closed at 5:53 PM.

Mr. Marvin: the application is not for a hotel or motel. The stormwater drainage will be cleaned and repaired to prevent runoff onto other private or public properties.

Mr. Rafferty: likes the suggestion of a fence between adjoining neighbors.

The Board agrees they would also like to see a landscape plan and fencing plan before making a decision to approve/not approve.

End of discussion for Case #1184.

These minutes were reviewed by the Board on 4/20/2022. Ms. Yerkovich recommended two grammar corrections. Mr. Thompson made a motion to accept the corrected minutes. Mr. Bissell seconded the motion. Mr. Genito absent and Mr. Walton abstained. All other present members voted in favor. The motion was approved 5-0-1.



Richard Thompson, Chairman  
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#### MEMBERS ABSENT

Bill Walton

#### ALSO PRESENT

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

#### Stay at Lina/5184 Cascade Rd (Case #1185)

Frank Hax (COO) and Bob Marvin (representative) present.

Mr. Marvin: confirms no changes to proposal since 3/2/2022.

Mr. Rafferty: recaps a site visit conducted on 3/22/2022. All Board members present except Mr. Walton and Ms. Yerkovich. Board observed the exterior of the existing steel storage building, the property lines, and the terrain. Noted the approximate location of the portion of the building slated for removal. No apparent surface water drainage issues.

Mr. Thompson: applicant plans to reuse and increase the size of a portion of the steel building. A patio will be installed in the rear of the property and parking will be to one side. The building sits at road level and backs up to elevated terrain at the rear lot line. The Board suggested some form of screening for the parking area. Reminds everyone the project is considered residential and is a permitted use for a Rural Countryside district.

Mr. Bissell: asks if water and sewer will be accessed from neighbors.

Mr. Marvin: the lot has rights to adjoining well and septic systems but the intent is to install new systems on the lot itself.

Mr. Genito: asks for the building color.

Mr. Marvin: dark gray.

Mr. Hax: siding will be horizontal.

The Board engages in a discussion of short-term rental (STR) use, whether it constitutes a conditional use, and the Board's authority with regard to STR use. The current Land Use Code does not regard STRs as commercial buildings or businesses and are currently not within the responsibility of the Board. Per Mr. Orticelle, NYS will need to change the definition of residential property used as STRs before local jurisdictions can make changes to zoning laws. The standards for a Rural Countryside district and viewshed overlay are reviewed, as well as the definition of a single-family residence, but they cannot supersede the State definitions.

Ms. Yerkovich: large numbers of people on the back patio will impact the area views.

Messrs. Thompson & Bissell: that is not a good argument as there is no limit on the number of people a family can have outside their homes (i.e., parties, reunions, etc.). This project cannot be held to a separate restriction than others.

Mr. Smith: reads the Code definition of a family and states STR usage may be outside that definition. Asks applicant if the project is subject to APA review.

Mr. Marvin: an APA jurisdictional application has been submitted.

Mr. Smith: this project will be Type II for the Board as APA has jurisdiction to require/not require a permit for the project.

Mr. Rafferty: refers to Section 3.4 of the Code and discusses the negative impact on the surrounding viewshed.

Notice to Neighbor hearing opened by the Chairman.

The Board has been provided with seven letters from neighbors citing their opposition to this project.

Ms. Kathleen Mitchell: unaware of any plans for onsite well and septic systems. Claims setbacks of 100' (front) and 50' (rear) are not being met. Claims lighting will be required for parking and asks if the project is APA-compliant.

No other oral comments.

Mr. Smith: refers to Section 4.2.2B of the Code regarding pre-existing non-conformities.

Note: a problem with the online broadcast of this meeting resulted in the public's inability to log into the meeting. A copy of the meeting's audio and video has been provided to two individuals and is available to any others wishing to view the meeting.

Mr. Thompson: closes all discussion and tables the case pending further Board review of the Code. The Notice to Neighbors hearing is to remain open for the next meeting.

See also the discussion in Board Business involving this case.

End of discussion for Case #1185.

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These minutes were reviewed by the Board on 4/20/2022. Ms. Yerkovich recommended two grammar corrections. Mr. Thompson made a motion to accept the corrected minutes. Mr. Bissell seconded the motion. Mr. Genito absent and Mr. Walton abstained. All other present members voted in favor. The motion was approved 5-0-1.



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

### Zarrin, Natasha (Case #1186)

Sean Torrance (contractor) present as applicant's representative.

Applicant is proposing to construct an addition to the front (streetside) of her existing single-family residence and add a second story. All construction will remain in the existing building footprint.

The Board briefly discusses the design.

Site visit scheduled for Tuesday, 5 April 2022, at 4 PM.

Notice to neighbors hearing scheduled for 20 April 2022.

End of discussion for Case #1186.

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Richard Thompson, Chairman  
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#### Board Business

##### 2413 Main St

Mr. Orticelle provides a courtesy brief of repair work to be performed on the lakeside of the building. The scope of work is to repair a failed lakeside deck structure and meet fire code regulations. No review is required by the Review Board or the Zoning Board of Appeals.

##### Stay at Lina

The Board discusses how to address review of Case #s 1184 and 1185. Presentations by the applicant created questions regarding lot subdivision, building maintenance, and possible future sales. Mr. Smith states he will study the applicant's proposals and provide an advisory recommendation.

##### Short-Term Rental Moratorium

Mr. Orticelle provides an update on Town and Village discussions of possible changes to the Short-Term Rental Law. The moratorium on new short-term rental permits is now approximately one month into a six-month period.

**Minutes of 3/16/2022**

Ms. Yerkovich recommends two corrections to the minutes for Case #1185 (Stay at Lina – Cascade Rd).

Mr. Bissell makes a motion to approve the minutes with Ms. Yerkovich's corrections.

Mr. Aliferis seconds the motion.

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

Meeting adjourns at 7:52 PM.

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