

DEREK DOTY
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
RICHARD CUMMINGS
EMILY KILBURN POLITI
JASON LEON
RICHARD PRESTON
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 WHITNEY
CODE ENFORCEMENT OFFICIALS
523-9518
TODD ANTHONY
ASSESSOR
TEL: 523-1975
FAX: 523-9821
TOWN COURT OFFICE
523-2141
MARK SCHACHNER
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES 4 May, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

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 (Stay at Lina COO) and Bob Marvin (representative) present.

Mr. Thompson: recaps the discussion at the last meeting on 4/20/2022.

Mr. Marvin: repeats applicants plan to clean out the existing stormwater management system. The system had worked in the past but has become overrun and clogged with debris. Presents a landscaping plan which includes improvements and enlargement to the existing roadside island, and cleanup and improvement of plantings on the west and north sides of the structures. The overall appearance of all six lots in this project will be improved.

Ms. Yerkovich: asks if there will be sufficient visibility for pedestrian traffic, Sentinel Rd traffic, and traffic entering/exiting the property.

Mr. Marvin: the roadside island will be expanded northward toward building #1. There should be no visibility issues. The property entrances have been approved by NY DOT.

Ms. Yerkovich: asks if the townhouses will be individual lots for future sales.

Mr. Marvin: the townhouses will be separate parcels.

Mr. Rafferty: asks if fencing is still planned in the rear (north) of the property.

Mr. Marvin: a 6' fence is planned for screening between neighbors and the property.

Mr. Spoor (neighbor): restates his previous concerns regarding drainage on his property.

Mr. Genito: confirms the Board had previously stated its preference for the dark color option for the exterior (Option B in the application). However, the Board has not seen specific information on the exterior materials and colors.

Mr. Thompson 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. Applicant must provide materials and color samples/lists for Review Board approval before issuance of a building permit.
- 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 Department of Transportation, 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.

Ms. Yerkovich seconds the motion.
All members vote in favor. The motion is approved 7-0.

Case #1184 pending final approval of colors and materials.

These minutes were reviewed by the Board on 5/18/2022. Mr. Thompson moved to approve the minutes as written. Mr. Aliferis seconded the motion. All members voted in favor. The motion was approved 7-0.


Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	5/23/2022
Town Clerk	Janna Anttila
Date:	5/25/2022
Village Clerk	Anita G. Goff

DEREK DOTY
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
RICHARD CUMMINGS
EMILY KILBURN POLITI
JASON LEON
RICHARD PRESTON
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 WHITNEY
CODE ENFORCEMENT OFFICIALS
523-9518
TODD ANTHONY
ASSESSOR
TEL: 523-1975
FAX: 523-9821
TOWN COURT OFFICE
523-2141
MARK SCHACHNER
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES 4 May, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

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 (Stay at Lina COO) and Bob Marvin (representative) present.

Mr. Thompson: recaps previous discussion from meeting on 4/20/2022.

5:50 PM – Public hearing reopened.

Mr. Lowell Bailey: notes the Board discussion focuses on the application as construction of a single-family residence. Asks for the legal definition and basis for the definition. Claims New York State legal opinions address the definition of a single family and the Board should determine if the Land Use Code (LUC) definition matches State guidance. Changes should be made to the LUC if the definitions do not match. States the LUC definition for a single-family residence is defined as a detached dwelling unit designed for seasonal or year-round occupancy by one family only. Claims current standards require seasonal or year-round occupancy for structures in a Rural Countryside District. Asks who has jurisdiction in determining the LUC definition. The LUC permits construction of single and two-family residences but he disagrees with the proposed project's characterization as design and use as a single-family residence. Further claims the stated short-term rental (STR) use of the residence does not meet the intent of North Elba's comprehensive land use plan and asks if this is what is wanted for the Town. Believes this project sets a precedent.

Ms. Kathleen Mitchell: states the proposed increase of the front setback to 88 ft does not meet the LUC standards for Rural Countryside. Also questions the allowable height.

Mr. Peter Hunkens: states the project should be considered a commercial use as opposed to a single-family use. States the property will be owned by an absentee owner and is clearly for commercial use. Also asks if an Environmental Assessment Form (EAF) was completed for SEQR.

Mr. Thompson: refers to the definition of "Single-Family Residential" in Section 10 and permitted uses in all Town/Village districts in Section 2 of the LUC. Neither section addresses STR use. Per Section 3.4 of the LUC (Viewshed Overlay), the Board is limited to addressing viewshed impact only.

Mr. Orticelle: municipalities can enact their own regulations in accordance with state laws. State-level opinions are not binding. This application is before the Board for viewshed impact only. A single-family residence is a permitted use and is outside the Board's decision-making process. Furthermore, use as a STR property is not a given at this time and STRs are not currently defined as a commercial use. The project qualifies as a single-family residence per the proposed construction with one kitchen facility.

Mr. Bissell: notes the front yard setback is 100 ft for Rural Countryside and the proposed increase to 88 ft is insufficient. Believes any change in setback should have to meet the 100 ft standard.

Mr. Orticelle: the current property contains a pre-existing non-conforming structure with regard to the front yard setback. The proposed project uses the existing foundation but also increases the setback. This is allowed by the LUC.

Mr. Thompson: reads the definition of a pre-existing nonconformity (LUC Sec 4.2.2(B)).

Ms. Yerkovich: asks if a dirt floor meets the definition of an existing foundation. Claims the building negatively impacts the viewshed.

Mr. Orticelle: the property is a lot of record under state law and the owner has the right to construct a building.

Mr. Smith: Board jurisdiction is limited to viewshed impact and not by the nonconformity. The LUC allows expansion of a structure if it does not increase, or worsen, an existing nonconformity and meets all other aspects of the LUC. No EAF is required as the project is Type II for SEQR as reuse of an existing structure, design as a single-family residence, and subject to jurisdiction by the APA. LUC terminology addresses single-family construction design only and does not address future use. With regard to a single-family residence, the definition does not say designed and used for seasonal or year-round occupancy and does not require seasonal or year-round occupancy. By definition, the proposed structure is designed as a single-family residence. The Board has approved dozens of single-family residences over the years and has never imposed a condition addressing STR use. STRs may be subject to future legislative review but the Board must apply the existing LUC in deciding this project.

Ms. Yerkovich: claims the house is not designed for a single family. There is no garage and the parking spaces are designed for more than one family. The design will create impacts beyond that of a single family. Claims all Rural Countryside District permitted uses under the LUC require occupation of a structure. Believes the viewshed impact of the new structure is inconsistent with the current viewshed.

Mr. Smith: use characterization of an application is determined by the Building Department but the Board may recharacterize the use in accordance with the LUC. However, there is no known instance of the Board ever taking such action.

Mr. Bissell: refers to previous approval of an application for the old Steven's House where use was clearly not for single-family use. The actual use beyond that of a single family was obvious to the public.

Mr. Thompson: the question is where in the LUC is the Board given the authority to address situations like this. Until changes, there is nothing currently in the LUC to address this type of project.

Mr. Genito: asks for the exterior colors and materials of the proposed structure.

Mr. Walton: requests redesign of the proposed landscape plan. Desire more natural plantings.

Mr. Thompson: any planting plan is directed to use native species per the LUC. Reads a letter from Robert Marvin outlining the updated landscaping plan for the project. Asks Mr. Marvin for exterior colors and materials, a revised planting plan for additional evergreen screening between the neighbors to the rear, additional natural planting in the front yard, and depiction of the revised parking layout. Asks Mr. Smith for an opinion on the purpose of the LUC.

Mr. Smith: the LUC defines the parameters of building construction and land development for North Elba and Lake Placid. The Town and Village can amend the LUC but the Review Board must abide by the current approved and filed code.


6:41 PM – Public hearing closed.

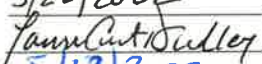
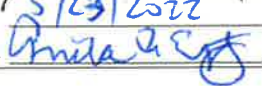
Ms. Yerkovich: reads Section 1 of the LUC and its intent with regard to community development. Expresses concern that approval of this case is precedent setting.

Mr. Bissell: argues the decision would not be precedent setting and points to the high number of rentals on Hillcrest Ave.

Mr. Thompson: tables the discussion for Case #1185 pending receipt of exterior colors and materials and revised landscaping and parking plans.

These minutes were reviewed by the Board on 5/18/2022. Mr. Thompson moved to approve the minutes as written. Mr. Aliferis seconded the motion. All members voted in favor. The motion was approved 7-0.


Richard Thompson, Chairman
Review Board

RECEIVED
Date: 5/23/2022
Town Clerk 
Date: 5/23/2022
Village Clerk 

DEREK DOTY
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
RICHARD CUMMINGS
EMILY KILBURN POLITI
JASON LEON
RICHARD PRESTON
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 WHITNEY
CODE ENFORCEMENT OFFICIALS
523-9518
TODD ANTHONY
ASSESSOR
TEL: 523-1975
FAX: 523-9821
TOWN COURT OFFICE
523-2141
MARK SCHACHNER
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES 4 May, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

Jubin, Arthur (Case #1187)

Arthur Jubin present.

Mr. Walton: recaps a site visit conducted on 26 April. All present except Ms. Yerkovich. The Board observed thick woods while walking down an existing drive path to a small clearing. The corners for the house and storage building were marked. Applicant stated the Jack Rabbit Trail will be rerouted to the edge of his property.

Mr. Thompson: states the structure will likely not be seen from Cascade Rd.

Mr. Bissell: concurs. The structures should be invisible from Cascade Rd.

Mr. Aliferis: asks who is responsible for clearing the new path for the Jack Rabbit Trail.

Mr. Jubin: does not know the answer but volunteers are always working on the trail.

Mr. Smith: the project is Type II for SEQ. No Board action required.

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


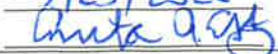
Mr. Walton seconds the motion.

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

Case #1187 closed.

These minutes were reviewed by the Board on 5/18/2022. Mr. Thompson moved to approve the minutes as written. Mr. Aliferis seconded the motion. All members voted in favor. The motion was approved 7-0.


 Richard Thompson, Chairman
 Review Board

RECEIVED	
Date:	5/23/2022
Town Clerk	
Date:	5/23/2022
Village Clerk	

DEREK DOTY
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
523-2162
RICHARD CUMMINGS
EMILY KILBURN POLITI
JASON LEON
RICHARD PRESTON
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 WHITNEY
CODE ENFORCEMENT OFFICIALS
523-9518
TODD ANTHONY
ASSESSOR
TEL: 523-1975
FAX: 523-9821
TOWN COURT OFFICE
523-2141
MARK SCHACHNER
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES 4 May, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

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

Board Business

2461 Main St

Allen and Mary Fry are seeking approval to repaint their building. Three Benjamin Moore paint color samples provided: Heritage Red (Primary), Fondant White (Trim), and Toucan Black (Accents). Board unanimously approves proposal.

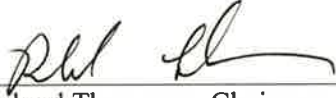
Minutes of 4/202022

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

Mr. Thompson makes a motion to approve the minutes with Ms. Yerkovich's corrections.
Mr. Rafferty seconds the motion.
Mr. Genito recuses himself due to absence from meeting.
All present members vote in favor. The motion is approved 6-0.

Meeting adjourns at 6:50 PM.

These minutes were reviewed by the Board on 5/18/2022. Mr. Thompson moved to approve the minutes as written. Mr. Aliferis seconded the motion. All members voted in favor. The motion was approved 7-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	5/23/2022
Town Clerk	Jeanne Cantor Dudley
Date:	5/23/2022
Village Clerk	Shirley A. Goff