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## TOWN OF NORTH ELBA

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### Review Board Meeting Minutes November 16, 2022

#### **MEMBERS PRESENT**

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

#### **MEMBERS ABSENT**

Bill Walton

#### **ALSO PRESENT**

Tim Smith, Board Attorney  
Darci Whitney, Code Enforcement Officer  
David Wright, Code and Zoning Coordinator

Mr. Thompson opens the meeting at 5:30pm.

Mr. Aliferis and Ms. Yerkovich are both present via GoTo Meetings video call.

Mr. Smith recuses himself from the case.

#### **Sarandev, George (Case #1225) – Site Visit Recap/Notice to Neighbors/Shoreland Overlay**

Ryan Fisher of Fisher Engineering is present as a representative of the applicant.

Mr. Thompson asks the Board for a recap of the Site Visit conducted on Monday, November 7, 2022.

Mr. Thompson recaps the Site Visit. States that the driveway is very steep and will have to be mitigated to meet the Code requirements. Notes that the setback lines for each structure are met. Also notes that structure #1 will not be visible from the lake and structure #2 may be visible pending how much tree cutting is done.

Mr. Thompson continues his Site Visit recap by noting the possible grade issues on the proposed roadway. Confirms that Mr. Wright was asked to request further information from Mr. Fisher on the roadway design to make it meet the Land Use Code requirements.

Mr. Thompson states that there are Board concerns about what can be done on the waterfront portion of the property and the placement of a dock versus the lot line requirements. Also states that the proposed path to the water is fairly tight to the lot line, the pathway may be permissible as long as it is a permeable path.

Mr. Bissell asks Ms. Whitney if a driveway that long is required to be a specific size to allow firetrucks to travel on it.

Ms. Whitney states that would need to be confirmed with the Fire Department to determine what would be needed to get their trucks to the homes or if a hydrant would be required. States that the applicant would need to coordinate that with the Fire Department.

Mr. Bissell also states that the pathway to the lake seems to be straight down a steep bank and suggests requiring switchbacks to lessen the impacts of erosion.

Ms. Whitney states that the Land Use Code does state that in a Shoreland Overlay a footpath shall follow a curved or angled path so that there is not a straight view from the lake up to the structures on the lot.

Mr. Rafferty states that he has a concern on the proposed location of the driveway and how they plan to bring modular homes into the property through the woods. States he has a concern about cutting mature hardwoods along the driveway to get the homes into their locations.

Mr. Thompson confirms with Mr. Wright that a cutting plan was requested to be presented by Mr. Fisher.

Mr. Wright states that it was requested.

Mr. Thompson also notes that the grade of the driveway as it leaves the roadway has a specific requirement and the rest of the driveway also has a specific requirement.

Ms. Whitney states that those requirements are in the Land Use Code section 7.1.4-D7 page 129:

- Driveway access and grades shall conform in general to the terrain, but shall not exceed a 15 percent grade over 50-foot length, and shall not exceed three percent within 25 feet of the improved surface area of the roadway, as measured along the centerline of the driveway.

Mr. Thompson states that means to him to look similar to McKenzie overlook.

Mr. Bissell states that at the same time the modular home company needs to be talked to in order to find out what they need to get a flatbed into the property.

Mr. Thompson states that he could agree to a temporary driveway for delivery to get the structures into the property without disturbing the major foliage on the property.

Mr. Thompson moves on to the Notice to Neighbors and asks Mr. Wright if any written comments were received.

Mr. Wright states that there were no written comments received.

10 notices were sent, and 8 return receipts were received.

Mr. Thompson opens the floor to any members of the public that wish to comment.

Georgia Jones, a neighbor and representative of the Lake Placid Shore Owners Association, states that there has been milfoil found in the bay that the property is on and that it has taken a lot of time and money to remove the milfoil from the area. Ms. Jones also questions what kind of dredging would be done

for any docks that are installed and how many docks. States that with the proposed possibility of four homes will there be four docks.

Mr. Thompson states that they are only proposing one single dock.

Ms. Jones is concerned with the possibility of this creating a keyhole situation on the water.

Mr. Thompson asks Ms. Whitney if the Board has jurisdiction on dredging.

Ms. Whitney states that the New York State Department of Environmental Conservation (DEC) and Adirondack Park Agency (APA) have jurisdiction over dredging.

Mr. Bissell asks what the width of the lot on the water's edge is.

Mr. Thompson states that it is 49-feet.

Mr. Bissell states that they can only have nine feet of dock for four houses, and it would have to be non-motorized craft because the water is not very deep.

Mr. Rafferty states that it is almost a marsh in that bay.

Ms. Jones states that a bog or a marsh would be good as the APA is very concerned about those. Loons nest in that area. Any roads and paths built should have proper drainage.

Ms. Jones continues by stating there is question in mind about the buildings and the oversight of construction. States that there should be oversight over time and the timing of construction being done, what hours the construction may be done.

Mr. Thompson asks Ms. Whitney if there is any correspondence from the APA.

Ms. Whitney asks Mr. Fisher if an application was submitted to the APA or not.

Mr. Fisher states that they did not think it was necessary and did not submit anything to the APA.

Ms. Whitney recommends that Mr. Fisher and Mr. Sarandev submit a jurisdictional application with the APA.

Mr. Fisher agrees to do the application.

Marty Shubert, a neighbor, states that he is glad the Board is looking into the entrance into the property and is very concerned about runoff on the road. Hopes the Board addresses control of runoff.

Mary Shubert states that she has concerns about the utilities and where they would be coming from and how they would get there. Ms. Shubert also has concerns about any dock bubblers in the winter around the dock and any dredging possibility. Asks if keyhole development is allowed on Lake Placid.

Ms. Yerkovich asks what a keyhole development is.

Mr. Thompson states that it would be a narrow property at the water and larger inland.

Mr. Bissell continues that it would also serve multiple residents.

Mr. Thompson asks if there are any questions from the Board.

Mr. Aliferis states that in regard to Mr. Shubert's comment, he drives on Peninsula Way to walk his dog on the public trail and states that the road is an awful road to drive on. Agrees that runoff is something that should be considered.

Mr. Thompson states that he would believe any new entrances onto that road would have to be held to the same standards as any existing entrances.

Mr. Bissell states that all stormwater has to stay on the property and cannot run off into the road.

Mr. Thompson states that that is why the Board has asked for a stormwater management plan from Mr. Fisher and Mr. Sarandev.

Lee Fancher, a neighbor, states that she is curious about winter clearance and what chemicals will be used to clear snow from the driveway and their potential runoff into the lake.

Mr. Bissell states that all run off would go towards the roadway and not the lake. Further states that he believes the driveway/road won't be paved and the closest home is around 300-feet from the lake.

Mr. Thompson states that the closest home is on the same elevation and distance from the lake as the new hotel next door.

Mr. Bissell states that everything does have to stay on the property.

Ms. Yerkovich states that all the comments seem to be around the trickiness of the terrain and wonders if the owner can ask about gaining access to the property via the hotel's parking lot, which would allow the entrance to be more at the top of the property.

Mr. Thompson states that based on the additional information the Board is requesting from the applicant, it will be self-evident if they can make the grade requirements for the road/driveway happen to stay within Code and if they cannot make it happen, they will have to seek alternate entrances into the property.

Mr. Bissell states that there is a pretty steep grade change from the hotel to the proposed property as well.

Ms. Jones asks if they will have septic systems or not.

Mr. Thompson states that they are proposing a septic system at each home.

Ms. Jones states that she has a runoff concern and request the Board to not approve to cut more than needed for the path and suggests no hardened shoreline.

Mr. Thompson states that the Land Use Code does not permit any concrete or any hardening on the shoreline.

Mr. Thompson moves on to address the new information from Mr. Fisher that is presented to them about the colors the applicant has submitted for the vinyl siding and metal roof.

Mr. Fisher discusses the colors that Mr. Sarandev has chosen. Vinyl siding will be walnut color and a dark slate color metal roof.

Mr. Thompson asks what color the trim will be.

Mr. Fisher states that he does not know but guesses that the color would probably match the roof along the soffits.

Mr. Thompson states that he should bring the trim color to the next meeting.

End of Discussion on Case #1225.

These minutes were reviewed by the Review Board on December 7<sup>th</sup>, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman  
Review Board

**RECEIVED**

|                |             |
|----------------|-------------|
| Date:          | 1/5/2023    |
| Town Clerk:    | Ann O'Neil  |
| Date:          | 1/17/2023   |
| Village Clerk: | Amie R. Ely |

DEREK DOTY  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK/ TAX COLLECTOR  
523-2182  
RICHARD CUMMINGS  
EMILY KILBURN POLITI  
JASON LEON  
RICK PRESTON  
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Bill Walton

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Tim Smith, Board Attorney  
Darci Whitney, Code Enforcement Officer  
David Wright, Code and Zoning Coordinator

#### Board Business

Mr. Thompson makes a motion to approve the minutes of the November 2, 2022, meeting as presented.

Mr. Rafferty seconds the motion.  
All members vote in favor. The motion is approved 7-0.

Ms. Whitney addresses the second handout that was provided to the board. States that the River Bend Town Homes is requesting to remove their existing sign and replace it with a new one.

The existing sign was originally installed to advertise to sell townhomes while the new sign will simply identify the property. The new sign will be mounted to a boulder that is behind the existing sign and will be black metal lettering with a downward facing solar light.

Mr. Bissell states that he can see approving the letters but wants to see the proposed light before approval.

There is a brief Board discussion on sign design and placement.

Mr. Thompson asks if the Board needs to ack on this or if the Code Enforcement Office does.

Ms. Whitney states that it is a Review Board matter.

Mr. Thompson states that the Board would like a full application before approval is granted.

The meeting adjourns at 6:06pm.

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Rick Thompson, Chairman  
Review Board

|                 |                       |
|-----------------|-----------------------|
| <b>RECEIVED</b> |                       |
| Date:           | <u>1/5/23</u>         |
| Town Clerk:     | <u>Janet 18 udley</u> |
| Date:           | <u>1/17/23</u>        |
| Village Clerk:  | <u>Anita A. Esq</u>   |