

DEREK DOTY  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK/ TAX COLLECTOR  
523-2162  
RICHARD CUMMINGS  
EMILY KILBURN POLITI  
JASON LEON  
RICK PRESTON  
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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MARK SCHACHNER  
ATTORNEY FOR THE TOWN

### Review Board Meeting Minutes December 7, 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 5:32pm.

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

#### River Bend Town Homes (Case #698) – Sign Review

The applicant wishes to remove the existing freestanding sign that displays the “River Bend Town Homes” name and a realtor company. They are requesting to replace the existing freestanding sign with a new sign depicting “River Bend” and wish to mount it on a preexisting rock that is behind the old sign.

Patrick Ledger is present as the applicant.

Mr. Thompson introduces the case and asks the applicant to tell the Board what they wish to do.

Mr. Ledger explains his application. States that he wishes to remove the existing sign and install a new sign that displays a name for the neighborhood.

Mr. Ledger further explains that he wishes to install landscape lighting that will mostly shine on the bushes around the sign and states that the lights only stick up a few inches from the ground.

Mr. Thompson states that the proposed sign is smaller than the existing sign.

Mr. Rafferty states his opinion of it being a good-looking sign.

Mr. Thompson asks if the Building Department has an objection to the sign being mounted on a rock.

There is no objection from the Building Department.

Mr. Aliferis states that he has a question about the photos that were provided. States that he wants to be clear on what the sign is. States that one photo shows just black lettering on a rock and another shows the lettering on what looks like cardboard.

Mr. Ledger states that he took a photo while the sign was still in the shipping material and took one with his wife holding the sign in front of the rock.

Mr. Thompson states that given the location of the rock the sign will only be visible from a single direction facing Station St.

Mr. Thompson confirms that the sign will be mounted on pins and will stand a few inches out from the rock.

Mr. Thompson further expresses a request that the Code Enforcement Officer confirms the lighting complies with the Dark Sky Initiative.

Mr. Smith states that the Review Board often reserves jurisdiction over lighting.

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

Ms. Yerkovich states that she is happy the Code Enforcement Officers will verify the lighting complies.

Mr. Thompson asks Mr. Ledger how far from the roadway the sign will be.

Mr. Ledger states that it sits farther away from the roadway than the existing sign does and will be 10-15ft from the roadway.

There is a brief Board discussion on sign placement.

Mr. Rafferty motions to approve with the condition that The Code Enforcement Officers review the lighting and confirm it complies with the Dark Sky Initiative and subject to the following conditions:

- 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.
- 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. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- d. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Bissell seconds the motions.  
All members present vote in favor. The motion is approved 6-0.

Case #698 is closed.

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These minutes were reviewed by the Review Board on December 21, 2022. Mr. Thompson moved to approve the minutes with one minor typo correction. Mr. Genito seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman  
Review Board

<b>RECEIVED</b>	
Date:	<u>1/5/2023</u>
Town Clerk:	<u>Jane C. Dooly</u>
Date:	<u>1/17/2023</u>
Village Clerk:	<u>Amelia A. Ertz</u>

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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

#### **Otters Lodge LLC (Case #1209) – Conditional Use/Architectural Review**

The applicants have submitted updated plans to continue the application process for approval to build a Bed and Breakfast on Stagecoach Way.

Michael and Stacia Takach are present as the applicants.

A letter from Bob Marvin was received on December 6<sup>th</sup> and a copy was given to the Board members and applicants on December 7<sup>th</sup>.

Mr. Thompson introduces the updated case and reminds the Board of the case and asks Mr. Takach to go over the updated application.

Mr. Takach states that they have produced new plans for a single-family home/Bed and Breakfast, they have changed the site plan, and states that they have provided all the required documents for a preliminary and final review.

Mr. Thompson states that it is up to the Board to determine if all the required documents are provided.

Mr. Thompson states that he is looking at a site plan and it does not show the setback dimensions on it. States it should be on a tabular summary.

Mr. Takach states a tabular summary is provide and it is in the application.

Mr. Thompson states that the tabular summary needs to be on the plans.

Mr. Takach states that the Code example shows it on a separate page and not on the plans. Further states that he provided it on a separate page.

It is determined the tabular summary did not print and was not in the packets that were provided to the to the Review Board members by the Building Department.

Mr. Thompson asks Mr. Wright to provide the tabular summary for Case #1209 to the Board before the next meeting.

Mr. Thompson states that he needs the setback dimensions on the plans. States that he has the total acreage of .54 acres is shown on the "Existing Conditions" plan page.

Mr. Thompson also confirms that the plans show the parking space dimensions of 10x20ft.

Ms. Whitney states that 9x18ft is the minimum required space needed.

Mr. Thompson states that he has notes based on information from the code that he read through that states the applicant needs to provide letters from the Village Electric Department, Village Water Department, and the Adirondack Park Agency (APA).

Mr. Thompson states that he believes there is a letter from the APA already provided.

Mr. Takach states that he called the APA, and they told him they did not know why he was calling them.

Mr. Thompson states that Mr. Takach needs to file a jurisdictional application with the APA, get a letter stating water/sewar and electric can access the property, and needs to get a letter from the Fire Department stating what they will need to access the property.

Mr. Thompson also states that he needs the width of Stagecoach Way to be on the site plans and any waste management to be locations to be shown on the site plans.

Mr. Takach states that he had no plans for waste management as it is a single-family residents.

Mr. Thompson states that it is conditioned as a bed and breakfast.

Mr. Takach states that the code considers a bed and breakfast a single-family residents but he will put a location for any trash cans on the site plans.

Mr. Thompson states that he would like to see the total coverage of the impervious area of the lot.

Mr. Takach states it is in the tabular summery.

Mr. Thompson states that is fine and he will see it when the tabular summery is provided to him by Mr. Wright.

Mr. Thompson further states that he wants to know how far from the road the front of the building is for the front setback.

Ms. Whitney states that in a Village Residential district the front setback is an average of front yards of structures on both sides of the street within 250ft and a minimum of 20ft.

Mr. Thompson asks if there is a requirement on parking for a bed and breakfast.

Ms. Whitney states that bed and breakfast require two spaces for the resident, one space per lodging room and one space per on resident employee.

Mr. Takach states that they have exceeded the code requirements by one space.

Mr. Thompson asks if any Board members have any questions.

Mr. Aliferis has a question on the provided elevation plans. States that there seems to be a discrepancy between the interior plans and the exterior plans.

Mr. Aliferis states that there is a building plan of the west view and east view.

Mr. Takach states that is correct. The plans are labelled based on the direction they would be viewed from and that there are four views provided.

Mr. Aliferis states that the interior plans for the second floor show that on the interior plans for the second floor there are seven windows on one side and five on the other side, however, on the exterior view both sides of the building show seven windows on the second floor.

Mr. Thompson agrees that both the west and east drawings show seven windows on the second floor for the exterior elevations. Also asks for the height to be shown on the building plans.

Mr. Takach states that he can't show that graphically because you have to show the average from the eve to the ridge line to the average of the grade.

Mr. Thompson states that the Building Department can assist with that if needed and there should be a line showing what the height is.

Mr. Genito asks if the west side of the building is front facing.

Mr. Thompson states that the porch becomes the portion that faces the road.

Mr. Thompson asks Mr. Takach to double check the windows on the elevation plans.

Mr. Genito states that what is given on the plans is 24ft in height for the roof and would like to know the pitch of the roof.

Mr. Thompson reiterates needing Village Water and APA documents.

Mr. Rafferty asks if there is a County Road Cut.

Mr. Takach states that the private road is considered a driveway and not a road and would not have a road cut.

Mr. Genito states that they are not expanding the roadway.

Mr. Thompson states that if the Village water access is on the other side of Old Military Road, then a county permit would be needed to cut the road. Also asks if there is a need for a drainage plan.

Mr. Takach states that drainage is provided on the site plan.

Ms. Whitney states that the Land Use Code states parking should not be located in any front yard or within five feet of any property line. Where parking areas need to remain in front of buildings, a 10-foot-wide planting area should be provided between the parking area and street right-of-way. (Section 5.3.1.C.3)

Mr. Bissell asks if that Code statement applies to private roads as well.

Mr. Smith states that he believes this applies to private roads.

Mr. Takach states that if he is understanding the Code correctly, he needs to cut down more trees to move to put a 10ft screening for parking spaces on his own property to screen them from a private road that he owns.

Mr. Thompson asks Mr. Smith if that is the applicable language.

Mr. Smith states that he is not sure that to be true.

Mr. Takach states that he petitioned the Review Board to consider Stagecoach Way a private road in the past and was denied at the behest of the property behind him because they did not want to pay for the upgrades to the road that were required for the fire department. Further states that the driveway does not meet the width requirements for the fire department.

Mr. Thompson states that was done before his time on this Board and that he is trying to lay out all the requirements that are needed now to alleviate any confusion in the future.

Mr. Takach states that if he is required to provide access to the fire department, he will withdraw the application. Stating that he will not widen the driveway.

There is a Board discussion on what other properties are on Stagecoach Way.

Mr. Thompson states that the other properties are considered residential, and they are now looking at a commercial Bed and Breakfast.

Mr. Takach states that a Bed and Breakfast is a conditional use not a commercial use as written in the Land Use Code.

Mr. Smith states that is correct.

Mr. Thompson states that there will need to be clarification for the fire department.

Mr. Bissell asks Mr. Smith how the subdivision behind Mr. Takach's property was approved without the fire department's approval.

Mr. Smith states that he would like to find the language from the fire department before answering that.

Mr. Thompson states that he agrees that there is some research that would need to be done here.

Mr. Smith states that the Land Use Code states "should" not "shall" for the 10ft vegetation buffer for parking, which gives the Board some leeway on requiring it.

Mr. Takach states that the placement of the proposed parking spaces is designed to take advantage of the existing parking area.

Mr. Thompson states that Mr. Takach might want to install some sort of signpost or curb to define the parking area.

Mr. Bissell states that the Board can take a look at it and might want to keep the parking where it is.

Mr. Thompson states that they will not push for a planting plan.

Mr. Takach states that the existing vegetation line is given on the plans and shows mature growth and indicates that the parking area is outside the area that is currently vegetated. The proposed plan shows only removing vegetation for the building itself and a meadow space for parking.

Mr. Thompson states that the vegetation lines are on both site plans, the existing vegetation, and the proposed vegetation plan.

Ms. Yerkovich points out that on the site plan the back stairs look like they encroach on the setback line.

Mr. Takach states that they are proposed basement stairs and is just a graphical error on the plans.

Mr. Genito states that he thought there were an egress for the second floor.

Mr. Takach states there is no proposed secondary egress for the second floor.

Mr. Thompson asks if there is a requirement for a second floor egress.

Ms. Whitney states that she will have to look in the Building Code to find out.

Ms. Whitney further states that there will be a need for a sprinkler system and that might have an impact on the water capabilities on Stagecoach Way.

Mr. Takach asks what the cut off for sprinkler requirements are.

Ms. Whitney states that the requirements are all single family dwellings larger than 5,000 sq. ft., all two-family or multiple-family dwellings, all three story structures. (LUC section 4.6.7.G)

Ms. Whitney further states that sprinkler systems are required in the Fire Safety Code for hotels/motels, multi residential units.

Mr. Takach states that per the Town of North Elba/Village of Lake Placid Land Use Code this is classified as a single family dwelling.

Mr. Smith states that it is being used as a Bed and Breakfast.

Mr. Thompson states that his concern is that the State Health Department may require it as well.

Mr. Takach states that under 11 guests does not require health department review. Further states that because of the way the application process has gone he has had to design a terrible looking building that is larger than he wanted, not attractive, and cost prohibited just to get it approved before they change the rules.

Mr. Takach believes the Board will tell him he won't be able to continue because they changed the rules, but he did what had to be done to get here and if the building needs to have sprinklers, he cannot build the building. Wishes to hash that all out now and that it is a single family that is less than 5,000 sq. ft.



Mr. Thompson states that will need to be worked out with Mr. Smith, the Building Department, village water/sewer, and any other departments that need to be involved.

Mr. Bissell states that if a two family dwelling needs sprinklers and Mr. Takach is proposing to have 11 guests, then it seems it would need sprinklers.

Mr. Smith states that the Code Enforcement Officers will determine that.

Mr. Takach states that he believes if a distinction is being made then it should be the Review Board and not the Code Enforcement officers and feels it would be undermining the Review Board's authority to have the Code Enforcement officers determine.

Mr. Bissell states that another way to look at it is if you were to build a single family home and come back in the future to build a Bed and Breakfast and then state it's not sprinkled, then you wouldn't be able to do it.

Mr. Thompson states that they are just asking questions to make everything clear and that there could be five different families in the building. States that he would argue that as multi-family.

Mr. Genito states that whether it's sprinkled or not the Board does not know if there is enough water pressure on Stagecoach way to do it either way.

Mr. Thompson states that is why the Village Water Department needs to be asked.

Mr. Genito asks if the proposed 400 amp service can be achieved from the existing pole or if a new line to the main roadway will be needed.

Mr. Thompson asks the Board if there is any extra information that is needed.

Mr. Smith states that referring to the need for plans. The reason it is here is because of the Bed and Breakfast. If it were a single family dwelling, he wouldn't be required to have Review Board approval. This lot does not front on Old Military Road. This is a Bed and Breakfast that is being reviewed and that is why all these elements of information are needed.

Mr. Thompson asks Mr. Smith if there is anything that was conveyed to Mr. Takach by Mr. Smith that needs to be stated for the record.

Mr. Smith states there is nothing that has not already been discussed in this meeting.

Mr. Aliferis states that he is looking for the plans to be corrected to match.

Mr. Thompson states to Mr. Takach to see how quickly he can get this information together and we can meet again to continue.

Mr. Takach asks if he can have an expectation on the time frame and that he can only take one more meeting. Does not want any new information to come up at the next meeting and end up pushing off again to another meeting. States that he has reviewed cases from the past two years and cannot find one example where anyone was requested for a visual dimension for each setback is requested on the plans when it is in the tabular summary and the setback itself matches up with the tabular summary. States that he understands the details that are being requested but disagrees with the requirement.

Mr. Thompson states that they are identifying everything that needs to be submitted tonight so that the Board may act as quickly as possible. States that there should be a declaration of SEQ. R.

Mr. Smith states that is correct and he expects that there will be a negative declaration because it is unlikely to be subject to APA review.

Mr. Thompson states that the Board will not know that until they receive a Non-Jurisdictional from the APA.

Mr. Smith states that is correct and that the other thing he wishes to bring up is that under section 239M in the General Municipal Law, all projects within 500ft of a county highway must be referred to the county Planning Board for their review and comment. Most times the County states no comment.

Mr. Thompson states that he is aware of the County's role in this and that in all the projects that the Board has dealt with that require this, the County is done in parallel to the Review process.

Mr. Smith states that the referral to the County is done by the Building Department.

Mr. Thompson states that they Board wishes to act as quickly as possible once all the documents are collected.

Mr. Takach wishes to confirm that the County review is conditional to approval.

Mr. Smith states that is a pre-requisite for approval.

Mr. Takach states that means there is no chance of getting approval with one more meeting because of the county.

Mr. Smith states that is correct.

Mr. Takach asks how to move forward with the SEQR.

Mr. Bissell states the Board needs the APA jurisdictional determination to continue with SEQR.

Mr. Smith states the APA is much better than they used to be, and it is a simple user friendly form.

Mr. Takach confirms the APA is step 1 and SEQR is step 2. Then the county being step 3. Would that mean multiple meetings.

Mr. Thompson states that they do not want to waste Mr. Takach's time on unnecessary meetings.

Mr. Smith states that if SEQR is required, part 1 of the form is the applicant's responsibility to fill out and parts 2 and 3 are the Review Board's responsibility. States that the County Review requires part 1.

Mr. Takach asks if the 500ft from a county road is for the lot or building.

Ms. Whitney states that it is the property line has to be within 500ft.

Mr. Takach states that he can get confirmation of how far his property is from the county road.

Mr. Genito states that according to the Essex County GIS program the edge of the property is 275ft from the county road.

Mr. Takach states that if the county review needs to be done it needs to be done. Asks the Board if this was not a conditional use and was a single family dwelling would he still be required to do SEQR and county review.

Mr. Smith states that the county review would still be required, and the APA requirement has not always been required from every applicant. Sometimes it is apparent that the APA has no jurisdiction.

Mr. Takach asks if this was a true single family dwelling would the county and APA still be required. States that if he were to decide to build a single family dwelling instead of a Bed and Breakfast.

Mr. Smith asks what good would that do if the ultimate goal is to build a Bed and Breakfast.

Mr. Takach states that his ultimate goal is to exercise his land rights given to him when he purchased the property. Further states that the review process has become so arduous that he might be better off just submitting a plan for a single family dwelling. States that he has come up with a great proposal to create a job and housing and asks if this would still require to get APA, SEQR, and County approval.

Mr. Smith states that would be his prerogative and states that it would be a Type II and would not require SEQR but would not have the time urgency. Understands the goal is to get approval for a bed and breakfast before the pending legislation is passed.

Mr. Thompson states that at best under Village Residential and the new law this property would be considered a short term rental (STR).

Mr. Takach states that an STR does not matter. States that the time crunch is over and feels that he is vested in the project. Further states this process is wearing on his health and that he does not want to keep fighting and wasting time.

Mr. Thompson states that the Boards best effort is to get all the information needed and get this process done as quickly as possible. The Board does not want to create problems for Mr. Takach.

Mr. Takach states that he understands and appreciates that and continues to say that this is meeting four and not long ago a conditional use application was approved in one meeting with no public hearing or anything. Asks why some of this information was not asked for in meetings two or three.

Mr. Rafferty states that Mr. Takach has received his answers on what he needs to do and should get everything coordinated with Mr. Wright and that the Board can then move forward.

Mr. Bissell states that Mr. Smith brought up the need for the APA approval 45 minutes ago.

Mr. Thompson states that he remembers discussing the possibility of needing APA approval while at the site visit.

Mr. Smith wishes to add one thing. States that he does not agree with the applicant's, assumption that the efforts that have been made to get a bed and breakfast will create a vested right or a grandfathered status. The case law on that subject does not support that.

Mr. Takach states that he understands what Mr. Smith is saying and appreciates his opinion. States that in a previous meeting Mr. Smith stated the opposite and thanks the Board for their time.

End of Discussion on Case #1209.

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These minutes were reviewed by the Review Board on December 21, 2022. Mr. Thompson moved to approve the minutes with one minor typo correction. Mr. Genito seconded the motion. All members present voted in favor. The motion was approved 6-0.



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Rick Thompson, Chairman  
Review Board

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Date: 1/17/2023  
Village Clerk: Amata R. Ely

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

#### Scotts Cobble Nordic Center/Delaney, Brian (Case #1226) – Conditional Use & Sign Application

The applicant wishes to install solar powered, motion sensor lighting on cross country ski trails that will be built on the Craig Wood Golf Course. The applicant also wishes to put up a seasonal temporary signage over top of the existing Craig Wood Golf Course sign depicting the "Scotts Cobble Nordic Center" name.

Brian Delaney is present as the applicant.

Mr. Thompson does a brief description of the application and asks Mr. Delaney to tell the Board what it is he wants to do.

Mr. Delaney shows the Board one of the lights and demonstrates how bright it is, how far the light spreads, and how long the lights will stay on for.

Mr. Thompson asks how many lumens the lights are.

Mr. Delaney states that they are 1000 lumens, and they go off after 15-20 seconds. Also states that the plan is to place them about 20-30feet apart on the trails.

Mr. Delaney explains that he plans on having the ski center free for the local community and have a fee for the tourists. Also states that he has an after school program already set up that will run from 3-5pm and will give lessons to the kids.

Mr. Thompson asks what the hours of operation will be.

Mr. Delaney states that he plans on 9am-5pm but may be close later on Friday's and Saturday's.

Mr. Thompson asks if he means 9am-7pm.

Mr. Delaney replies that would probably be the case but with the lights the community could still use the trails after they are closed.

Mr. Thompson asks how close the nearest house is to the property.

Mr. Delaney states that there is one house that can be seen from the Ski Center/Golf Course, but the lights do off in only 20 seconds. Further states that the wind won't turn the lights on and there has to be motion.

Mr. Thompson asks about how they plan on mounting the lights.

Mr. Delaney states that they plan on screwing them to the trees.

Mr. Thompson asks the Board if they are aware of anything in the Land Use Code that says anything about mounting lights to trees.

Mr. Bissell states he believes there is not.

Mr. Rafferty states that the open areas may need posts for the lights.

Mr. Delaney states that there won't be many lights in the open areas, and they can use zip-ties as well.

Mr. Thompson reminds Mr. Delaney that they cannot have any amplified music outside of the Ski Center and asks if there will be any snow grooming.

Mr. Delaney states that there will be a snow groomer and he hopes to have any grooming done early in the day before they open.

Mr. Thompson states that they cannot groom before 7am and suggests that Mr. Delaney coordinates with the Town Parks Department to see what time they start mowing during the summer.

Mr. Genito states that the trails used to be groomed before when the Ski Center was previously open and asks if the lights are removable for the off season.

Mr. Delaney states that they plan on leaving them up.

Mr. Rafferty asks if all the lights are on Town property.

Mr. Delaney states that they are, and nothing is on private property.

Mr. Thompson states that he wishes to get this application in front of the community and wants to show the community that the lighting is Dark Ski Compliant.

Mr. Thompson asks Mr. Delaney if he has any usage projections.

Mr. Delaney states that he does not know and hopes to break even. States that this may become a non-profit in the future.

Mr. Delaney discusses the equipment that was acquired to maintain the trails.

Mr. Thompson states that the Board may condition that the lighting is acceptable and may need to be changed if anyone complains.

Mr. Aliferis asks Mr. Delaney how tall the posts will be for any lighting that will not be mounted on trees.

Mr. Delaney states that all the posts are preexisting on the Golf Course property and the lights will be mounted to existing posts and rain shelters.

Mr. Aliferis asks again how far off the ground will the lights be.

Mr. Delaney states that the lights will be between 8-10ft off the ground.

Mr. Smith states that from a jurisdictional standpoint this is open space recreational use in a Rural Countryside District which is a conditional use and that the conventional holding of a Public Hearing is optional but doing a Notice to Neighbors is normal.

Mr. Bissell asks if the Review Board has jurisdiction over public land.

Mr. Smith states that on a private contractor using the public land the Board does retain jurisdiction.

Mr. Thompson asks if they did a notice to neighbors, could they have kids out there skiing on Jan 1st.

Mr. Smith states that it could be done at the next meeting and approved.

Mr. Delaney states that they wish to be open for Christmas and there is not a lot of time here.

Mr. Thompson states they will conduct a Notice to Neighbors for the next meeting schedule don December 21, 2022.

Mr. Smith states that Mr. Delaney may proceed at his own risk but must be aware that if the Board determines the lights are not allowed, he will have to remove them.

Mr. Bissell states that this seems like a service to the community.

Mr. Smith states that conducting the notice to neighbors is the way to stay within the law.

Ms. Yerkovich states that she is given comfort with the time because the application was before the Town Board a month ago and has been in the public eye. States that she agrees that doing a parallel path approach is fine.

There is a Board discussion on number of neighbors.

Mr. Thompson states that he wants to move to the sign portion of the application and wishes to state for the record that the existing Craig Wood Golf Course sign is non-conforming to the Land Use Code sign requirements. Further states that the sign would completely cover the Craig Wood sign.

Mr. Smith states that it is the same outdoor recreational use as well.

Mr. Thompson states that the Board can approve the sign.

Mr. Delaney states that they sign will be installed even if the lights are not approved.

Mr. Genito asks if the sign is vinyl.

Mr. Delaney states that the sign is coroplast.

Mr. Genito asks about the colors and if anything will be reflective.

Mr. Delaney states no reflective colors and there is existing lighting.

Mr. Bissell states that the sign should be able to be approved and the only question is the lights.

Mr. Thompson states the jurisdiction is over the lighting and nighttime hours. There is no hold up on sign.

Mr. Bissell motions to approve the sign application as presented. Subject to the following conditions:


- 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. Genito seconds the motion.

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

End of Discussion for Case #1226 – Lighting. Case Closed for Case #1226B – Signage Application

These minutes were reviewed by the Review Board on December 21, 2022. Mr. Thompson moved to approve the minutes with one minor typo correction. Mr. Genito seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman  
Review Board

**RECEIVED**

Date:	1/15/2023
Town Clerk:	Janeant Dudley
Date:	1/17/2023
Village Clerk:	Annika R. Esty



DEREK DOTY  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK/ TAX COLLECTOR  
523-2162  
RICHARD CUMMINGS  
EMILY KILBURN POLITI  
JASON LEON  
RICK 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  
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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  
MARK SCHACHNER  
ATTORNEY FOR THE TOWN

### Review Board Meeting Minutes December 7, 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

#### Chacra Farms/LPL, LLC (Case #1227) – Sketch Plan Review/Viewshed Overlay

The applicants have presented plans to build two single family dwellings with attached garages and two guest cottages. The applicants wish to get approval to build one single family dwelling with attached garage at this time and will come back at a later date for the second dwelling and all guest cottages. This property sits on River Road and is in a Viewshed Overlay.

Dan and Pam Leff are present as the applicants. Ivan Zdrahal is present as a representative of the applicants.

Mr. Thompson goes over the review process as a reminder to the Board and as information for the applicants.

Mr. Leff goes over his application and asks Mr. Zdrahal to go into further detail.

Mr. Zdrahal explains the application. Stating that the property is 143 acres of land and has approximately 4,000 feet of road frontage on River Road.

Mr. Zdrahal states that the applicant's intention is to continue the agricultural use of the property but wish to build two single family homes on the back side of the property.

Mr. Thompson confirms that Mr. Zdrahal is talking about the provided site map RS1.

Mr. Zdrahal continues his explanation and states that both building sites proposed a principal dwelling with a guest cottage. There is no public water or sewer and both sites will have wells drilled and septic systems installed.

Mr. Zdrahal states that building site 1, being the farthest from the road, is not visible at all and building site 2 may be slightly visible. States that the buildings comply with the height requirements, the APA jurisdictional application is complete, and he hopes to have the APA permit by the end of this month. The plan is to start construction on the principal dwelling on site 1 in the spring of 2023 and states that at this time they are only submitting plans for site 1's home design.

Mr. Aliferis asks about the septic details on page 7. States that he does not have the septic details.

Mr. Thompson states that the Board does not have to review the septic unless it is within 300ft of a body of water.

Mr. Aliferis wishes to confirm that this is a proposal for four structures, two residential structures and two guest cottages. States that it is unclear to him which plans provided are for the residential plans and which are the cottages.

Mr. Zdrahal states that the site plan RS2 identifies which building is the primary structures and which is the guest cottages.

Mr. Aliferis states that he is not talking about those but is talking about the provided design plans.

Mr. Zdrahal states that those are for the principal structure for site 1 only.

Mr. Genito states that only one building is being proposed right now. They have only provided plans for the principal structure on building site 1.

Mr. Aliferis wishes to confirm that the Board needs all information to approve.

Mr. Thompson states that the applicants will return at a later date to get approval for the other structures and that they are only asking for approval of the primary structure on site 1 right now. Approval for the guest cottage or anything on site 2 will be done down the road at a later date.

Mr. Zdrahal states they are starting with site 1 residence with no guest cottage.

Mr. Leff states that they plan to build one building on site 1 in the spring.

Mr. Thompson reminds Mr. Leff and Mr. Zdrahal that every building requires review by the Review Board.

Mr. Genito states that each additional building is just considered a modification to the approval and asks about the lot lines shown on the map. Asks if they are proposing a subdivision.

Mr. Zdrahal states that they are not creating any new parcels.

Mr. Smith asks Mr. Zdrahal if the APA will authorize two single family dwellings and not a subdivision.

Mr. Zdrahal states the APA permit will authorize three principal structures, one existing that is used for the agricultural portion of the property and two single family dwellings. No subdivision.

Ms. Whitney reads the APA application submitted to the Building Department that states the project is described as two single family buildings with guest cottages with no subdivisions.

Mr. Leff states that the existing barn that is closer to River Road counts as one building site or primary structure.

Mr. Genito states that the Board should ignore the lot lines that are between each home.

Mr. Thompson states that the primary structure on building site 1 is well within the required setback lines and states that there cannot be any reflective glass on the home.

Mr. Bissell states that the APA will look at that as well.

There is a Board discussion on the siding and colors chosen.

Mr. Thompson asks if copper siding is allowed in the Land Use Code.

Mr. Bissell states that it has been allowed on past projects.

Ms. Whitney states that the siding requirements are found in Section 5.4 in the Land Use Code.

Mr. Thompson states they will need a lighting plan at some point prior to approval and that this is a preliminary sketch plan review at this time.

Mr. Thompson wishes to confirm the building site is accessible for a site visit.

Mr. Leff states that they can get to the site at this time.

Mr. Thompson states that they will need the proposed building to be staked out at all corners for the site visit.

Mr. Leff states that he will inform Mr. Wright when he has the building staked out to schedule the site visit.

Mr. Thompson states that ideally, they want to conduct the site visit on December 13<sup>th</sup> at 3:30pm.

Mr. Genito states that on page 89 of the Land Use Code the copper siding can be approved.

Ms. Whitney states to the Board that the part of the Code on page 89 is for a Gateway Corridor requirement and does not apply in this case and page 85-86 would apply instead.

Mr. Thompson asks if there are any FAA requirements because of the airport in the neighborhood.

Mr. Smith states that the flight path is well to the south of this property and states that this is a Type II for SEQR because of the presence of APA jurisdiction.

Mr. Smith explains what SEQR is to Mr. Leff. States that it stands for "State Environmental Review Act" and that it is a state law that is intended to make agencies consider environmental factors when they go about their business.

There is a Board discussion on the FAA requirements.

Ms. Whitney reminds the Board that there will need to be approval by the Village Electric Department and the Fire Department as well.

There is a brief Board discussion on the Fire Department.

End of Discussion on Case #1227

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These minutes were reviewed by the Review Board on December 21, 2022. Mr. Thompson moved to approve the minutes with one minor typo correction. Mr. Genito seconded the motion. All members present voted in favor. The motion was approved 6-0.



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Rick Thompson, Chairman  
Review Board

**RECEIVED**

Date:	<u>1/5/2023</u>
Town Clerk:	<u>Pamela C. Bradley</u>
Date:	<u>1/17/2023</u>
Village Clerk:	<u>Arvita Q. [Signature]</u>

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

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CODE ENFORCEMENT OFFICIALS  
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TODD ANTHONY  
ASSESSOR  
TEL: 523-1975  
FAX: 523-9821  
TOWN COURT OFFICE  
523-2141  
MARK SCHACHNER  
ATTORNEY FOR THE TOWN

### Review Board Meeting Minutes December 7, 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

#### Board Business

Mr. Thompson motions to approve the minutes of November 11, 2022, as presented.  
Mr. Genito seconds the motion.  
All members present vote in favor. The motion is approved 6-0.

Mr. Wright reminds the Board that the proposed meeting date of January 18, 2023, is during the FISU Games.

Ms. Whitney states that parking is non-existent near the Town Hall during the games.

Mr. Thompson states that January 18<sup>th</sup> is a problem day.

Mr. Smith states that the meeting could be conducted virtually.

Ms. Whitney states that July 5<sup>th</sup> could also be a conflict day.

Mr. Smith states that the proposed calendar states 10 days before meeting for application deadline but shows 9 days on the calendar.

Ms. Whitney states that there is an ad in the Adirondack Daily Enterprise this week to fill the position on the board that Mr. Walton will be vacating at the end of the year.

Mr. Thompson motions to adjourn the meeting.

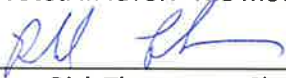
Mr. Genito seconds the motion.

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

Meeting adjourns at 7:51pm.

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These minutes were reviewed by the Review Board on December 21, 2022. Mr. Thompson moved to approve the minutes with one minor typo correction. Mr. Genito seconded the motion. All members present voted in favor. The motion was approved 6-0.

  
\_\_\_\_\_  
Rick Thompson, Chairman  
Review Board

<b>RECEIVED</b>	
Date:	<u>1/5/2023</u>
Town Clerk:	<u>Janet Duden</u>
Date:	<u>1/17/2023</u>
Village Clerk:	<u>Arnie G. Esty</u>