

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
phone: (518) 523-9516 fax: (518) 523-9569
web: www.northelba.org



EUGENE MARTIN
PARK DIST. MGR.
523-2591
MIKE ORTICELLE
DARCI LAFAVE
CODE ENFORCEMENT OFFICIALS
523-9518
TODD ANTHONY
ASSESSOR
TEL. 523-1975
FAX 523-9821
TOWN COURT OFFICE
523-2141
MARK SCHACHNER
ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES August 17, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

Tim Smith, Board Attorney
Mike Orticelle, Code Enforcement Officer
David Wright, Code and Zoning Coordinator

Mr. Thompson opens the meeting at 5:30pm

Boublil, Benjamin (Case #1059) – Modification to Prior Approval/Shoreland Overlay

Wishes to modify prior approval by adding a 24'X24' guest cabin onto the property. The cabin will be the same approved colors as the big house and will have the same look and feel.

Kevin Lee from Falcon Roofing is present via GoTo Meetings as a representative of Mr. Boublil.

Mr. Thompson goes over the previous approval from 2020 that approved the construction of the main house on the property. The property sits on the Chub River.

Ms. Yerkovich asks what the lot size is.

Mr. Rafferty states that it is 4.3 acres.

There is a Board discussion on the original approval.

Mr. Thompson asks if the main house is built yet?

Mr. Lee states that the main house is not yet build they are waiting on approval for the guest cabin.

Ms. Yerkovich asks if they are going to build them at the same time?

Mr. Lee states that his crew has no issue building in the winter and plan on building them both at the same time.

Mr. Smith states that this is a Type II for SEQR as an accessory structure.

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

- a. Applicant shall provide this office with copies of correspondence requesting water and sewer service from the Village of Lake Placid Department of Public Works.
- b. Applicant shall provide this office with a copy, or copies, of electric service requests to the Village Electric Department.
- c. 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.
- d. 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.
- e. 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.
- f. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- g. 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.
- h. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- i. NO construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Rafferty seconds the motion.
All members vote in favor. The motion is approved 7-0
Case #1059 closed.

These minutes were reviewed by the Review Board on August 17, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Rafferty seconded the motion. All members voted in favor. The motion was approved 7-0.


Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>9/23/2022</u>
Town Clerk:	<u>Pamela D. Dwyer</u>
Date:	<u>9/29/2022</u>
Village Clerk:	<u>Mike A. Eitz</u>

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REVIEW BOARD MEETING MINUTES August 17, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

Tim Smith, Board Attorney
Mike Orticelle, Code Enforcement Officer
David Wright, Code and Zoning Coordinator

Aubuchon Hardware (Case # 1202) – Change of Conditional Use

Greg Moran is present via GoTo Meetings as a representative of Aubuchon Hardware

Mr. Thompson recaps the case. Also states there were questions posed to Mr. Moran that were answered in writing.

Mr. Thompson reads each question posed to Mr. Moran and his written answers for the Board.

Mr. Thompson asks if the sidewalk on the existing Aubuchon Hardware building will be able to be used again with the inventory being moved to the new storage location?

Mr. Moran states that maybe 50% of the sidewalk will be encroached upon. The objective is not to have large pallets stored on the sidewalk.

Mr. Thompson asks if this means the sidewalk will be usable again or not.

Mr. Moran states that is correct.

Mr. Thompson asks about lighting and fencing around the new storage building.

Mr. Moran states that any lighting that is added will be motion activated lighting with the time being as little as necessary. The lights can be any style the Board wants to approve and will be there just for safety.

Mr. Thompson states that the lights need to be Dark Sky Compliant.

Mr. Moran states that the lights will comply.

Ms. Yerkovich asks if the lighting issue at the existing store has been corrected.

Mr. Moran states that the neighbor that had an issue has passed away and does not know if the new neighbor has any issues with the lighting or not. Also states that if the issue does still exist it will be corrected.

Mr. Bissell asks if the existing fence next to the new storage building is white or not?

Mr. Rafferty says yes, it is white.

Ms. Yerkovich questions if they will be offloading freight trucks on the neighboring private road or not.

Mr. Moran states absolutely not. The truck would not fit and the road is a dead end. The road grades down away from the main road and it would be very difficult to do and there is no reason to attempt using that road.

Ms. Yerkovich asks how product will be brought to and from the storage building.

Mr. Moran says that everything is on a pallet and can easily be moved by one person and a pallet jack. Once the truck is offloaded in the yard then the pallets are moved into final storage areas. Fencing will be installed all around the property. All product that was and will be stored outside will be behind the fencing.

Ms. Yerkovich asks if the building will still be visible from the road.

Mr. Moran states that there is an existing tree and existing parking in front of the building. We can put fencing around the front as well and gate it off for privacy.

Mr. Thompson states that he does not want stuff stored overnight in front of the building on a semi-permanent basis. Using the front of the building as a staging area during business hours is fine.

Ms. Yerkovich agrees with Mr. Thompson and wants the building to look similar to what it does now.

There is a Board discussion about front yard fencing vs. front storage.

Mr. Genito asks if they will continue to store mulch by the building and use this new storage space to replenish existing areas by the store or not?

Mr. Moran states that the existing area will be used and he is correct that the new storage will be used to replenish not as a customer area.

Mr. Bissell states that the fence is not at the setback and they could put a fence on the front yard area but still have access to the door.

Mr. Thompson suggests that the proposed section "F" of fence could go to approximately 18', only to the tree. It would only cover half of the yard and extend back to the building from the tree. This would leave the driveway open and possible parking in front of the fence.

Mr. Moran asks if there is any merit to mirroring this fence change with proposed section "A" to match.

Mr. Thompson agrees that would be best.

Mr. Rafferty motions to approve the application with the following amendments and conditions:

- a. Proposed fence sections "A" and "F" will be only be approximately 18ft, or to the existing tree whichever is shorter.
- b. A front fence line will be installed. Leaving an opening for the driveway and extend back towards the building in the same length as sections "A" and "F".
- c. All existing and future lighting will be upgraded or installed to comply with the Town of North Elba/Village of Lake Placid Dark Sky Initiative.
- d. 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.
- e. 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.
- f. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- g. 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.
- h. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.

- i. NO construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Walton seconds

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

Case #1202 is closed.

These minutes were reviewed by the Review Board on August 17, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Rafferty seconded the motion. All members voted in favor. The motion was approved 7-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Jane Ant. Badley
Date:	9/29/2022
Village Clerk:	Christa G. Esley

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REVIEW BOARD MEETING MINUTES August 17, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

Tim Smith, Board Attorney
Mike Orticelle, Code Enforcement Officer
David Wright, Code and Zoning Coordinator

Otters Lodge LLC (Case # 1209) – Site Visit Recap

Michael Takach is present as the applicant.

Mr. Thompson states that the Board did a site visit last week and asks if there are any changes to the plans.

Mr. Takach answers negative.

Mr. Thompson states that there will be a Public Hearing at the next meeting and asks for a site visit recap.

Mr. Aliferis recaps site visit. States there is an existing STR next door, private home nearby, and Boarding house across the road.

Mr. Thompson continues the site visit recap. States that it is APA Non-jurisdictional, is a private road, existing electrical will be moved.

Ms. Yerkovich asks if there are any restrictions with the stream at the back of the property.

Mr. Thompson says no.

Mr. Aliferis states the original drawing shows a walkway between two buildings. Will there be any changes to that?

Mr. Takach states that there is no firm decision on that drawing. The original reason for the separation was to give the business operator some separation from guests for privacy. If the plan ends up compressing to one single building, then a way to have privacy will be created.

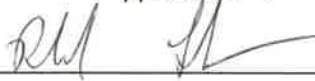
There is a Board discussion on the original building design and if it would need to be a single building or a main building with an accessory structure.

Mr. Walton states that the connecting space must be conditioned and can not be more than 10' long. The second accessory structure can not be more than 18' tall.

Mr. Thompson states there will be a Public Hearing on September 7th and we will hear what the public has to say about it at that time.

End of discussion for Case #1209

These minutes were reviewed by the Review Board on August 17, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Rafferty seconded the motion. All members voted in favor. The motion was approved 7-0.


Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>9/23/2022</u>
Town Clerk:	<u>Pamela G. Audley</u>
Date:	<u>9/29/2022</u>
Village Clerk:	<u>Christina R. Collins</u>

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REVIEW BOARD MEETING MINUTES August 17, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

Tim Smith, Board Attorney
David Wright, Code and Zoning Coordinator

Bob Miller Real Estate (Case #1211) – Sign Review

Wishes to replace the existing awning at 2505 Main St, that shows the name of a previous business, with a new navy-blue awning with white letters. The new awning will show the name of Mr. Millers business, Bob Miller Real

Bob Miller is present via GoTo Meetings as the applicant.

Mr. Thompson asks what it is he wants to do.

Mr. Miller says yes, he wants to put a new awning up.

Mr. Thompson asks if the other existing signs will be taken down or not.

Mr. Miller states that is correct. There will be another sign eventually but the awning is going to take six weeks to come in and was ordered first.

Mr. Thompson motions to approve the application as presented under 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 applicant must submit and receive separate approval for an exterior lighting plan.

Mr. Aliferis seconds the motion.

All members vote in favor. The motion passes 7-0.

Case #1211 is closed.

These minutes were reviewed by the Review Board on August 17, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Rafferty seconded the motion. All members voted in favor. The motion was approved 7-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>9/23/2022</u>
Town Clerk:	<u>Yannick Dudley</u>
Date:	<u>9/29/2022</u>
Village Clerk:	<u>Amie A. Alf</u>

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REVIEW BOARD MEETING MINUTES August 17, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

Tim Smith, Board Attorney
David Wright, Code and Zoning Coordinator

Lamica, Alan (Case #1212) – Arch Review/Viewshed Overlay

Wish to build a single story, single-family home on 3 acres of vacant land on McKenzie Pond Rd. They wish to

Margaret Fregoe is present as a representative of Mr. Lamica

Ms. Fregoe describes the application and what they wish to do.

Mr. Thompson asks if they have the proposed building dimensions.

Mr. Rafferty asks if the property is in Viewshed Overlay?

Mr. Thompson says yes, it is in Viewshed Overlay.

Mr. Thompson asks where the building will sit on the lot?

Ms. Fregoe states that it will sit right on the rear property set back line.

Ms. Yerkovich asks if the lot will be cleared?

Ms. Fregoe states they will only clear trees for safe building and two large pine trees by the road at end of driveway, for safety.

Mr. Rafferty asks if this house will be visible from the road or not?

Ms. Fregoe answers no it will not be.

Mr. Thompson asks what colors the house will be?

Ms. Fregoe pulls out color samples for the house and roof – house will be grey and the roof will be black asphalt shingles. The trim will be white.

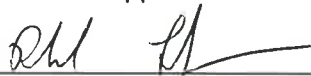
Site visit set for Tuesday 8/23/22 at 4pm.

Notice to Neighbors is scheduled for Review Board meeting on 9/7/22.

Mr. Smith states that this is a Type II for SEQR because it is a single-family dwelling.

End of discussion for Case #1212

These minutes were reviewed by the Review Board on August 17, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Rafferty seconded the motion. All members voted in favor. The motion was approved 7-0.


Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Patricia D. Dwyer
Date:	9/29/2022
Village Clerk:	Andrea R. [Signature]

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SUPERVISOR
LAURIE C. DUDLEY
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REVIEW BOARD MEETING MINUTES August 17, 2022

MEMBERS PRESENT

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David Genito
Peter Aliferis
Laura Yerkovich

MEMBERS ABSENT

Bill Walton

ALSO PRESENT

Tim Smith, Board Attorney
David Wright, Code and Zoning Coordinator

Schwartzberg, Eli (Case #1213) – Arch Review/Shoreland Overlay

Wishes to add a two-story addition on the road side of home, with a screened in porch on the side and new exterior staircase to third-floor. Also wish to rebuild existing boathouse by taking some deck space away and creating an additional boat slip with an open deck on roof. Both house and boathouse need foundation/pylon repairs.

Eli Schwartzberg is present as the applicant.

Mr. Schwartzberg briefly describes what he wishes to do.

Mr. Thompson states for the record the existing boathouse and dock extend 51'11" into the lake and are 32'1" wide. Both the distance into the water and the width of the existing boathouse are non-conforming.

Mr. Bissell asks if there is water in the boathouse now?

Mr. Schwartzberg says that there is existing water to the boathouse but no bathroom. States that he has a historic architect doing the project and will have the boathouse match the historic look to the house.

Mr. Thompson asks how far down will you take the boathouse?

Mr. Schwartzberg states that he will remove the structure that is there and will rebuild on top of the existing dock. We will be replacing and repairing any pylons as necessary.

Mr. Thompson asks Mr. Smith if there is any code issue with Mr. Schwartzberg taking down the boathouse and rebuilding.

Mr. Smith states he would like to think on that.

Mr. Thompson states that as long as he doesn't remove the foundation, he is fine, correct?

There is a Board discussion on if the approval is allowed or not.

Mr. Smith states that based on prior approved cases, approval of this would be justified.

Mr. Thompson states that the ZBA must approve of house set backs as they are applying for approval to make a non-conforming house more non-conforming.

Mr. Schwartzberg understands that the ZBA would have to approve as the proposed additions are closer to the property lines than the existing house.

Mr. Thompson asks if they would have to wait for ZBA process before going forward with the boathouse? Or if they can split the cases?

Mr. Smith states that they can split the cases and review the boathouse separately.

Mr. Bissell recommends a notice to neighbors as soon as possible for the boathouse as the timeframe that Mr. Schwartzberg is allowed to be in the water is very short.

Mr. Thompson states the boathouse will be case #1213B and the house will be case #1213A.

Notice to Neighbors for boathouse scheduled for Sept 7th, 2022 meeting.

Site Visit scheduled for 8/23/22 at 4:45pm.

End of discussion on Case #1213

These minutes were reviewed by the Review Board on August 17, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Rafferty seconded the motion. All members voted in favor. The motion was approved 7-0.


Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Laura Lint Ouellet
Date:	9/29/2022
Village Clerk:	Amelia D. O'Neil

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REVIEW BOARD MEETING MINUTES August 17, 2022

MEMBERS PRESENT

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Peter Aliferis
Laura Yerkovich

MEMBERS ABSENT

Bill Walton

ALSO PRESENT

Tim Smith, Board Attorney
David Wright, Code and Zoning Coordinator

Board Business

Town of Webb Planning Board and Zoning Board of Appeals Training – Who will be attending?

- Mr. Thompson states he will attend.
- Mr. Genito states he will attend
- Ms. Yerkovich states she will attend if it can be virtual

Mr. Thompson motions to approve the minutes of 8/3/22 unamended.
Mr. Rafferty seconds the motion
All members present vote in favor. The motion is approved 6-0.

Meeting adjourns at 7pm.

These minutes were reviewed by the Review Board on August 17, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Rafferty seconded the motion. All members voted in favor. The motion was approved 7-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>9/23/2022</u>
Town Clerk:	<u>James Cantadillo</u>
Date:	<u>9/29/2022</u>
Village Clerk:	<u>Amelia A. Coy</u>