

DEREK DOTY
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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

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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 September 7, 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.

Otters Lodge LLC (Case#1209) – Public Hearing for Conditional Use/Sketch Plan Review

Michael Takach is present as the applicant.

Mr. Thompson asks if there are any changes to the application before continuing with the Public Hearing.

Mr. Takach states there is not.

Mr. Thompson opens the Public Hearing at 5:31pm

Mr. Genito states there is a letter from a neighbor stating they will join via video call.

There is a slight video recording issue.

Public Hearing is resumed at 5:38pm

Mr. Thompson states for the record there is one written comment and asks again if there is anyone present that wishes to speak.

No one present wishes to speak.

Mr. Thompson states that at this time the Review Board is going to leave the Public Hearing open. Stating that it will give Mr. Takach time to do the additional groundwork to continue the application. M

Mr. Thompson states that everyone on the board was present for the site visit and has a good feeling about the project and will leave the Public Hearing open for when he is ready.

Mr. Takach asks if this means he needs to present building plans to get approval.

Mr. Thompson states that is correct.

Mr. Takach disagrees that that is not the requirement in the code.

Mr. Orticelle states that this is a sketch plan review

- Land Use Code page 152 section 8.2.3 sketch plan review “After completing the sketch plan review, the applicant shall submit a complete application for preliminary approval of the proposed project to the Review Board.

Mr. Orticelle states that there are several pages of requirements to come back for approval by the Review Board.

Mr. Takach states the application was sketch plan review several meetings ago.

Mr. Thompson states that from there the site visit and public hearing were scheduled. It doesn't obviate the requirement for all of the other paperwork.

Mr. Takach states that at this time the application is simply for conditional use approval and not a construction project.

Mr. Orticelle states the Board can't give conditional use unless there is a project.

Mr. Takach states that is incorrect and that he could be purchasing a property and get conditional use approval without plans. Further states the code states that financial expediency you are allowed to come in and get approval without a building permit. States he is not seeking a building permit.

Mr. Orticelle states he does not meet the requirements to leave the sketch plan review phase and that by leaving the Public Hearing open the Board is granting enough time to get the plans together. If the Public Hearing is closed, then you have 45 days to come back with full plans.

Mr. Takach states that he outlined the purpose of applying for this on the first meeting. States that if this was how the Board was going to rule, they should have stated so to begin with rather than waste their time and my time.

Mr. Takach states that he was very clear that he had no intention of building this right away, had no plans to build right away and was very clear that he was applying for conditional use.

Mr. Orticelle states that the Building Department can confirm you have conditional use without going to the board and that Mr. Takach has an understanding that it can be a conditional use. The use is approvable, but you need to have plans to approve. The Board cannot approve an empty lot.

Mr. Thompson states that the way it was explained to him is that they cannot approve an empty lot without changing the Land Use Code which is outside of the Review Boards jurisdiction.

Public Hearing is left open.

End of discussion for Case #1209

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	James Cantor Allen
Date:	9/29/2022
Village Clerk:	Andrea Q. City

DEREK DOTY
SUPERVISOR
LAURIE C. DUDLEY
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523-2162
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JASON LEON
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523-2141
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ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES September 7, 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

ALI Ventures LLC (Case #1210) – Public Hearing for Conditional Use

Andreanna Iakovidis is present as the applicant.

Mr. Thompson questions if this is for the sign application or not.

Mr. Orticelle states that this is for the Public Hearing not the Sign and asks Ms. Iakovidis if she wishes to continue or not.

Ms. Iakovidis states that this time she feels she needs to gather more information and wishes to have the Public Hearing then make a decision.

There is a board discussion to clarify that they Public Hearing will continue.

Ms. Iakovidis states that she found out about building requirements after the public hearing was scheduled and has not had the chance to gather proper information before the hearing. Ms. Iakovidis wishes to postpone the application.

Mr. Smith states that the applicant is asking us to suspend review and that is allowed.

Mr. Thompson states that if we table it does that effect the Public Hearing?

Mr. Bissell states that it seems like the Public Hearing will be for one use or the other and that we should just leave the hearing open.

Mr. Thompson agrees so that the public can comment as needed.

Mr. Thompson opens the Public Hearing at 5:47pm and asks for public comment.

There are no members of the public that wish to speak at this time.

The Public Hearing is left open pending the applicant to come back stating if she wishes to continue as an application as a hotel or not.

Case #1210 is Tabled

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.


Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Yvonne Cant Dudley
Date:	9/29/2022
Village Clerk:	Grita R. Esty

DEREK DOTY
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
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ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES September 7, 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

Lamica, Alan (Case #1212) – Notice to Neighbors/Site Visit Recap/ Viewshed Overlay

Margaret Fregoe is present as a representative of Mr. Lamica.

Mr. Thompson recaps case stating this is for a Notice to Neighbors and Site Visit Review.

Mr. Thompson asks about the Notice to Neighbor cards.

Mr. Wright states there were 12 mailed and 9 were returned.

Mr. Thompson states there is one written comment for the record.

Mr. Genito does a Site Visit recap.

There is a board discussion on the site visit recap.

Mr. Rafferty states that the building will not be very easily seen from the road.

Ms. Fregoe states that the building will be delivered in a month and the contractor does not wish to begin clearing until final approval is made.

Mr. Thompson clarifies that the Review Board's oversight is for Viewshed Overlay and the home will not be able to be easily seen from the road or the pond nearby.

Mr. Smith asks if it is necessary or desirable to propose a restricted cutting zone along the road.

Ms. Fregoe states that only the large trees that are unsafe will be cut near the road.

Mr. Wright states that the Board cannot approve the application until the County does.

Mr. Orticelle states that anything on the county road must be approved by the County first.

Mr. Smith states that in the remote chance that the County Board makes recommendations it would not be proper to approve before the County makes a ruling.

Ms. Fregoe states she talked to the County, and they claim to have no issues.

Mr. Smith states that what can be done is the Board can delegate to the Chairman to approve once the County gives their response. The County's ruling is a procedural step that must be followed.

Mr. Rafferty asks if it would be a conditional approval.

Mr. Smith states that it would be delegated to the Chairman. It would be an approval subject to the County's approval rather than wait another two weeks for another meeting.

Mr. Smith states it is a Type II for SEQR

There is a board discussion about the process for this project

Mr. Rafferty motions to approve the project as presented with the following conditions:

- a) County approval shall be received from the Essex County Planning Board.
- b) 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.
- c) The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.

- d) This approval does not address or make any findings regarding applicable deed restrictions, covenants, or other title conditions. This approval does not excuse the applicant from obtaining all other necessary governmental approvals, including but not limited to the New York State Building Code, Adirondack Park Agency, New York State Department of Environmental Conservation, New York Department of Transportation, New York State Department of Health, and/or Army Corps of Engineers.
- e) Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- f) **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Walton seconds the motion.

Motion passes 6-0. Mr. Thompson does not vote.

Case #1212 is closed.

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	James C. Sudley
Date:	9/29/2022
Village Clerk:	Rita C. City

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JASON LEON
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ATTORNEY FOR THE TOWN

**REVIEW BOARD
MEETING MINUTES
September 7, 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

Schwartzberg, Eli (Case #1213) – Notice to neighbors/Site Visit Recap/ Shoreland Overlay

Eli Schwartzberg is present as the applicant.

Mr. Thompson recaps case and asks Mr. Schwartzberg about the changes to the boathouse.

Mr. Schwartzberg goes over the slight redesign of the boathouse. The new plan does not go as far into the lake and squares off the building with a straight building frontage rather than having a strange shape along the water.

Mr. Thompson asks what this does to the footprint of the boathouse.

Mr. Schwartzberg states that it reduces the size by maybe 10 square feet.

Mr. Bissell does a site visit recap.

Mr. Schwartzberg states that the proposed boathouse will be smaller than what is existing and will match the historic look of the house.

Mr. Walton asks about the proposed glass and metal railings on the top of the boathouse.

Mr. Schwartzberg states that the glass will be from the shoreside and waterside, but the neighbors will see what looks like a wood railing. That way the view is not blocked. Glass will probably be plexiglass and will be non-glare.

Mr. Thompson asks about Notice to Neighbors

Mr. Wright states that 7 were sent and that we have none returned.

Mr. Schwartzberg states he has them and will email Mr. Wright a photo of them. States that there are 5 returned

Mr. Smith states that this is a Type II for SEQR.

Mr. Walton motions to approve the boathouse only for this application. 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 applicant must submit and receive separate approval for an exterior lighting plan.
- c) 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.
- d) Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- e) **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Thompson seconds the motion.

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

End of Discussion for Case #1213

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Juan Luis Dondoy
Date:	9/29/2022
Village Clerk:	Anita G. Esby

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ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES September 7, 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

Rugar, Sherri & John (Case #1214) – Arch Review/Viewshed Overlay

Applicants seek Review Board approval for corrugated vertical metal siding that is aged and clear coated to protect it. The metal siding is not painted.

No applicant is present.

Mr. Thompson recaps the case stating that the siding is already on the building and is unapproved siding.

There is a board discussion on what is and what is not approved siding or where to approve different types of siding.

Mr. Bissell discusses the code and how it applies to siding. Mr. Bissell also suggests painting it white.

Mr. Thompson tables the case at this time for no applicant being present.

End of Discussion for Case #1214

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Janeen P. Desolles
Date:	9/29/2022
Village Clerk:	Amelia A. [Signature]

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LAURIE C. DUDLEY
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REVIEW BOARD MEETING MINUTES September 7, 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

Everwyld (Case #1215) – Master Sign Review

Applicant is proposing to put a new master sign with the company name Everwyld on the top and secondary signs attached for the businesses in the building. The proposed sign will be black, with gold writing and a white background behind the Everwyld name.

Andreanna Iakovidis is present as the applicant. Laura Walker is present as the sign designer.

Mr. Thompson explains that this is a sign application and that there was a pending issue with the proposed location.

Ms. Iakovidis states that she has discussed this issue with her neighbor and land surveyor. The surveyor states that he believes the proposed location is on her property.

Ms. Iakovidis states she has a letter stating that the neighbor is fine with the sign regardless of if the sign is on his property or hers.

Mr. Genito asks if they are looking to put the new sign in the exact same placement as the pre-existing signposts.

Ms. Walker states that they do plan on using the existing location and adding a second post closer to the road while still meeting the required road setbacks.

Mr. Genito states it would have to be closer to her building if the other part is on her neighbor's property

Mr. Orticelle states that there is a letter from the neighbor stating that the signs placement is fine and so that is a non-issue.

Ms. Walker states the sign will have raised panels to be able to replace tenants as needed. Everything will be flat with raised panels.

Mr. Aliferis asks if the placement of "suites" will be left blank if Ms. Iakovidis does not continue her hotel/motel application.

Ms. Iakovidis states that she does plan to in the future offer other services to be included with the tattoo shop and would want the ability to post those services on the sign. This is the reason for the blank spaces.

Mr. Genito states that as a master sign plan there will be no signs on the building.

There is a board discussion on the use of a master sign plan.

Mr. Bissell asks if the board is fine with flat signs with no definition.

Mr. Thompson reiterates the question.

Mr. Walton states that the raised panels will give the sign definition.

Mr. Bissell asks about lighting.

Ms. Walker states that there is old lighting there but isn't positive that it works. There is lighting proposed of downward pointing gooseneck lighting.

Mr. Thompson asks if this is a double-sided sign?

Ms. Walker states that yes, it is double-sided.

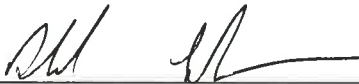
Mr. Walton makes a motion to approve the application as presented subject to the following conditions:

- 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.
- b. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- c. **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 #1215 is closed.

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Tammara Dredley
Date:	9/21/2022
Village Clerk:	Amelia Q. Eddy

DEREK DOTY
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/ TAX COLLECTOR
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ATTORNEY FOR THE TOWN

REVIEW BOARD MEETING MINUTES September 7, 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

The Greek's (Case #1216) – Sign Review

Applicant is proposing to put a new sign depicting the name “The Greek’s” with the “ADK” oval on it. The proposed sign will be blue and white.

Laura Walker is present as a representative of the applicant.

Mr. Thompson explains the case as being a sign application to be installed in the same location of a previous sign for a former business.

Ms. Yerkovich asks if “ADK” oval is a copywritten sign.

Ms. Walker states that it is not.

Mr. Thompson asks if it is a flat sign.

Ms. Walker states that it is but the “ADK oval” is raised

Mr. Thompson states that the sign is the exact same size as the existing sign.

Mr. Thompson makes a motion to approve the 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.
- 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.

Mr. Genito seconds the motion

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

Case #1216 is closed.

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Janet C. Dudley
Date:	9/29/2022
Village Clerk:	Christina A. Ely

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REVIEW BOARD MEETING MINUTES September 7, 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

Greenwood Apartments (Case #1217) – Sign Review

Tom Carbone is present as the applicant. Adam Wakulenko is present as the sign designer.

Mr. Carbone explains his application. Wishes to update the sign.

Ms. Yerkovich asks why they want to put a white background rather than green.

Mr. Thompson states that it is a brighter color and that is it supposed to match the building.

Mr. Rafferty states that it is an off-white sign.

Mr. Thompson states that his issue with the existing sign is that you can't see it. The green is too dark and blends in.

Mr. Genito asks if there is any proposed lighting.

Mr. Carbone states that there is existing lighting.

Mr. Thompson asks if they will be using the existing posts or not?

Mr. Carbone says yes, they will be using the existing posts.

Ms. Yerkovich asks if they will be painting the posts?

Mr. Carbone states that they will be painting the posts to match the new sign.

Mr. Thompson motions to approve the 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.
- 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.

Ms. Yerkovich seconds the motion.

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

Case #1217 is closed.

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.



Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/28/2022
Town Clerk:	Tammara Dudley
Date:	9/29/2022
Village Clerk:	Anda A. City

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
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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 September 7, 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

Board Business

Mr. Thompson makes a motion to approve the minutes form 8/17/22 as presented.
Mr. Walton seconds the motion.
All members vote in favor. The motion passes 7-0

Meeting adjourns at 6:30 PM.

These minutes were reviewed by the Review Board on September 21, 2022. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 4-0.

Richard Thompson, Chairman
Review Board

RECEIVED	
Date:	9/23/2022
Town Clerk:	Laurie C. Dudley
Date:	9/29/2022
Village Clerk:	Christa Q. Ely