

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
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CATHERINE EDMAN
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TOWN OF NORTH ELBA

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EUGENE MARTIN
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TOWN COURT OFFICE
523-2141
MARK SCHACHNER
ATTORNEY FOR THE TOWN

Review Board Meeting Minutes April 19th, 2023

MEMBERS PRESENT

Bob Rafferty
Chip Bissell
David Genito
Peter Aliferis
Laura Yerkovich

MEMBERS ABSENT

Rick Thompson
Claire Doering

ALSO PRESENT

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

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

Tractor Supply (Case #1241) – Site Visit Recap/Seasonal Site Plan Modification

Mr. Rafferty states that in section 5.5.9 – Retail and Grouped Retail Businesses, the Land Use Code (LUC) states:

- An individual retail trade use shall not exceed 40,000 square feet of floor area, whether in one building or more than one building.
- For the purpose of the size limits set forth above, floor area shall include floor area or floor space of any sort within a building as well as exterior space used for sale or storage of merchandise.

Mr. Rafferty further states that due to this section of the LUC and Tractor Supply being just below the 40,000 square feet maximum now, Tractor Supply has withdrawn their application. Case #1241 is closed.

These minutes were reviewed by the Review Board on May 3rd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 6-0.

Rick Thompson,
Chairman Review Board

RECEIVED	
Date:	6/26/23
Town Clerk:	Laurie C. Dudley
Date:	7/13/23
Village Clerk:	Anita G. Esq.

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Bob Rafferty
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David Genito
Peter Aliferis
Laura Yerkovich

ALSO PRESENT

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

MEMBERS ABSENT

Rick Thompson
Claire Doering

Saunders, Phil (Case #1240) – Arch Review/Shoreland Overlay

The applicants wish to build a 3-car garage on an existing parking area/foundation. The proposed garage sits 12 feet within the required 35 foot front yard setback.

Sean Torrance is present as a representative of the applicant.

Mr. Rissberger recaps the application and asks Mr. Torrance to go over the project.

Mr. Torrance explains the application. Stating that they will use wood doors, wood shingles, and will match the look and colors of the existing house.

Mr. Torrance also explains that the location chosen is an existing foundation.

Ms. Yerkovich if the garage will be deeper than the existing foundation.

Mr. Torrance states that the applicant wishes to make the building larger and will require a variance.

Mr. Rafferty states that there is a 35 foot setback requirement, and they are proposing to build about 20 foot back.

Mr. Torrance states that they wish to build about 11 feet into the setback area and that the proposed garage sits further back from the road than the existing home.

Mr. Rafferty states that this project will need ZBA approval prior to Review Board approval.

Mr. Torrance states that they will be presenting in front of the ZBA at the May meeting.

Mr. Aliferis asks if the white part of the building will stay white or if it is currently undecided on a color at this time.

Mr. Torrance states that it will stay white and is in character with the house.

Mr. Bissell states that the home is an English Tutor style.

Mr. Smith states that this property has always been a noteworthy house.

Mr. Rafferty states that this property had been approved to be a boarding house for the previous owners.

Mr. Bissell asks when Mr. Saunders purchased the property.

Mr. Torrance states that it was very recently purchased.

Mr. Bissell ask if the applicant plans on living on this property.

Mr. Torrance states that he does not and that the intent may be to have employees living there.

Mr. Rafferty directs this application to the ZBA.

End of Discussion on Case #1240

These minutes were reviewed by the Review Board on May 3rd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 6-0.



Rick Thompson,
Chairman Review Board

RECEIVED	
Date:	6/26/23
Town Clerk:	Lauren Cant Dudley
Date:	7/3/23
Village Clerk:	Amela A. Esq.

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Review Board Meeting Minutes April 19th, 2023

MEMBERS PRESENT

Bob Rafferty
Chip Bissell
David Genito
Peter Aliferis
Laura Yerkovich

MEMBERS ABSENT

Rick Thompson
Claire Doering

ALSO PRESENT

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

Cecunjanin, Sanel (Case #1243) – Viewshed Overlay

The applicant wishes to tear down an existing single family home and build a new 2-family home on the existing foundation. The proposed project will have the same footprint as the existing structure and will have the same total square footage.

Sanel Cecunjanin is present as the applicant.

Mr. Rafferty recaps the application and asks Mr. Cecunjanin to go over his project.

Mr. Cecunjanin explains his application and states that he attempted to save the existing structure, but it was not able to be renovated safely and will have to be taken down.

Mr. Cecunjanin further states that he plans to use the existing foundation and that the new building will be in the exact same footprint as the existing one.

Mr. Rafferty states for the Board that there is no Architectural review on this project.

Mr. Orticelle states that the Board only has jurisdiction on the placement of the structure.

Mr. Bissell states that it is not part of Main Street or Village Center Zoning District.

There is a Board discussion on zoning and Board review jurisdiction.

Mr. Smith states that he will need to research the scope of jurisdiction.

Mr. Bissell states that the Board had jurisdiction over "Big Slide".

Mr. Rafferty states that that project was a change of use.

Mr. Bissell asks why the Board had Architectural review over that project.

Mr. Orticelle explains that it was because of the use the property was being used for.

Mr. Smith states that it was a Conditional Use, and the Board has review over Conditional Use.

Mr. Genito asks Mr. Cecunjanin if there will be any change in height to his proposed new structure.

Mr. Cecunjanin states that it will be exactly the same.

Mr. Smith states that the existing building is a dwelling, and the new building will be a 2-family dwelling.

Mr. Cecunjanin states that the existing building is large and all he is trying to do is cut it in half to create a 2-family dwelling.

Mr. Aliferis asks where the parking will be.

Mr. Cecunjanin states that it will be in the front of the building like it is now.

Ms. Yerkovich states that it will be an improvement.

Mr. Rafferty states that due to the limited review there is no requirement for a notice to neighbors.

Mr. Orticelle states that the neighbors are already aware because the existing building was taken down earlier today.

Mr. Genito asks if they need to conduct a site visit.

Mr. Rafferty states that with the limited scope of jurisdiction it is not needed.

Mr. Bissell states it will be the same footprint.

Ms. Yerkovich states that because the property is on a steep slope it limits the visibility.

Mr. Smith states that pages 29-30 of the LUC have the standards on them for the Board to consider.

Mr. Genito asks if there will be any tree clearing.

Mr. Cecunjanin states that there will be no tree removal.

Ms. Yerkovich states that even though there is no Architectural review the section of the LUC provides guidance to the Board.

Mr. Rafferty asks about lighting.

Mr. Orticelle states that this is a permitted use and there will be no impact from lighting.

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

Mr. Rafferty asks the Board for a motion on this project.

Mr. Orticelle states that the Board can only approve the location of this structure.

Mr. Rafferty motions to approve the 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 Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- 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. Bissell seconds the motion.

All members present vote in favor. The motion is approved 5-0.

Case #1243 is closed.

These minutes were reviewed by the Review Board on May 3rd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 6-0.



Rick Thompson,
Chairman Review Board

RECEIVED	
Date:	6/26/23
Town Clerk:	Theresa [unclear]
Date:	7/3/23
Village Clerk:	Christina [unclear]

DEREK DOTY
SUPERVISOR
LAURIE C. DUDLEY
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523-2182

RICHARD CUMMINGS
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MARK SCHACHNER
ATTORNEY FOR THE TOWN

Review Board Meeting Minutes April 19th, 2023

MEMBERS PRESENT

Bob Rafferty
Chip Bissell
David Genito
Peter Aliferis
Laura Yerkovich

ALSO PRESENT

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

MEMBERS ABSENT

Rick Thompson
Claire Doering

Karetsos, Spyro (Case #1244) – Arch Review/Shoreland Overlay

Applicant wishes to build a new boathouse on a property in the South Lake Residential District. The boathouse will have two boat slips, a dock on each side of the structure, and a deck on the roof.

Michael Reynolds is present via GoTo Meetings as a representative of the applicant.

Mr. Rafferty recaps the application and asks Mr. Reynolds to explain the application for the Board.

Mr. Reynolds explains that they are proposing a new boathouse that will be the maximum size allowable by code, 37ft long and 32ft deep.

Mr. Reynolds further explains that they have received an APA non-jurisdictional declaration, it will have a flat roof with a deck on it.

Ms. Yerkovich asks if the house is existing or new.

Mr. Reynolds states that the house is existing, and the boathouse will match in color.

Ms. Yerkovich states that in the drawings the lighting on the existing house looks fairly obtrusive.

Mr. Reynolds states that they had nothing to do with the lighting on the existing structure and that they are proposing down lighting that is Dark Sky Compliant.

Mr. Reynolds further states that they wish to install walkway lighting that is downward facing to illuminate the deck and it will be about 18in from the deck surface.

Ms. Yerkovich asks about visibility across the lake.

Mr. Bissell states that this won't affect that at all. This is facing into the strait and there is an existing boathouse that stayed with the other property when this was subdivided.

Mr. Rafferty states that a site visit will be needed.

Mr. Bissell requests stakes showing where the boathouse will go for the site visit.

Mr. Reynolds states that they will make sure it is staked out.

Mr. Rafferty schedules a site visit for Tuesday April 25th at 4:30pm.

Georgia Jones, a neighbor across the strait, wishes to comment.

Mr. Rafferty states that she may comment.

Ms. Jones states that she is concerned with the lighting and believes it is a lot of light on the walkways being proposed.

Mr. Reynolds states that the lighting is only 18in from the ground and is for safety.

Ms. Jones states that in the summertime when it is light out until almost 9pm, lighting on a walkway is pretty insignificant.

Ms. Jones further states that this might be a good example of how not to disturb the night sky. Stating that lights in the water are not good for the fish, not good for birds, and interfere with a lot of things.

Ms. Jones also states that she would suggest less lights and asks if the boathouse doors will be white.

Mr. Reynolds states that they will be a bronze color to match the house with an opaque window.

Ms. Jones states that when you get those kinds of standard garage style doors it looks like suburbia and states that people who live on road access tend to not look at the boathouses on the shore and tend to leave the lights on.

Mr. Rafferty states that they will need a Notice to Neighbors for the next meeting and a site visit for next week.

There is a Board discussion on lighting with a suggestion of motion lighting.

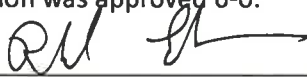
Mr. Bissell states that a normal Notice to Neighbors requires a 200' radius but the Board has requested in the past that properties across the lake be noticed as well.

Mr. Smith agrees that adding the neighbors across the lake can be done and it will be adding a few more notices.

The Board decides to include the properties across the strait in the Notice to Neighbors.

End of Discussion on Case #1244.

These minutes were reviewed by the Review Board on May 3rd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 6-0.



Rick Thompson,
Chairman Review Board

RECEIVED	
Date:	6/26/23
Town Clerk:	James A. Doolan
Date:	7/13/23
Village Clerk:	Amrita A. Singh

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Review Board Meeting Minutes April 19th, 2023

MEMBERS PRESENT

Bob Rafferty
Chip Bissell
David Genito
Peter Aliferis
Laura Yerkovich

ALSO PRESENT

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

Board Business

Ms. Yerkovich states that the maximum retail square footage for "Tractor Supply" brought "Aubuchon's" and their square footage to her attention.

Mr. Bissell states that the Review Board had approved of them having outdoor retail space.

Mr. Orticelle states that they are nowhere near the 40,000 foot maximum retail space allowed and that any building used for retail is allowed the 40,000 foot maximum if their property allows for it.

Ms. Yerkovich states that all of the Review Board approvals give the Review Board jurisdiction for a year after approval and asks if there is any mechanism for review at the one year mark.

Mr. Bissell states that usually if there are any issues for the Board to review a case again before the one year mark, a complaint from the public or a neighbor would be heard.

Mr. Orticelle states that the Building Department checks things all the time.

Mr. Genito states that a good example of this is the Code Enforcement Officers enforcement of the signage rules and regulations.

MEMBERS ABSENT

Rick Thompson
Claire Doering

Ms. Yerkovich brings up Case #1212 and their tree removal and that the Board should follow up with them.

There is a Board discussion on the one year oversight.

Ms. Yerkovich states that she would like to see them plant trees.

Mr. Orticelle states that if the Board wants to bring the applicants back in for review the Building department can get them back.

MS. Yerkovich states that she would like to see the approval letter for Case #1212.

There is a Board discussion on how to have applicants clearly mark vegetation to be removed in the future.

Mr. Rafferty moves the Board to the minutes of the 4/5/23 meeting.

Mr. Rafferty makes a motion to approve the minutes with minor grammatical corrections.

Ms. Yerkovich seconds the motion.

All members present vote in favor. The motion is approved 5-0.

Meeting adjourns at 6:29pm.

These minutes were reviewed by the Review Board on May 3rd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 6-0.


Rick Thompson,
Chairman Review Board

RECEIVED	
Date:	6/26/23
Town Clerk:	Janeke Cantlandley
Date:	7/3/23
Village Clerk:	Amrita A. Esq