

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



EUGENE MARTIN  
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MIKE ORTICELLE  
DARCI WHITNEY  
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TODD ANTHONY  
ASSESSOR  
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FAX: 523-9821  
TOWN COURT OFFICE  
523-2141  
MARK SCHACHNER  
ATTORNEY FOR THE TOWN

## Review Board Meeting Minutes May 17<sup>th</sup>, 2023

### MEMBERS PRESENT

Bob Rafferty  
Chip Bissell  
David Genito  
Peter Aliferis  
Laura Yerkovich  
Claire Doering

### ALSO PRESENT

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

### MEMBERS ABSENT

Rick Thompson

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

### Dunford, Kevin (Case #1246) – Notice to Neighbors/Conditional Use

Kevin Dunford is present as the applicant.

Mr. Rafferty briefly recaps the application and asks the applicant if there are any changes.

Mr. Dunford states there are no changes to the application.

Mr. Rafferty states that a Notice to Neighbors was sent.  
4 notices were sent; 4 were returned; 1 written comment was received.

Mr. Rafferty asks if there are any members of the public present that wish to comment.  
There are no members of the public present that wish to comment.

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

Mr. Bissell 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. 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.
- 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. Rafferty seconds the motion.

Mr. Genito abstains.

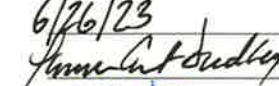
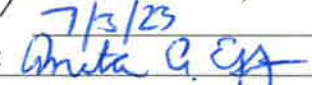
All other members present vote in favor. The motion is approved 5-0.

Case #1246 is closed.

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These minutes were reviewed by the Review Board on June 7<sup>th</sup>, 2023. Mr. Thompson moved to approve the minutes as written. Ms. Yerkovich seconded the motion. All members present voted in favor. The motion was approved 6-0.

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

<b>RECEIVED</b>	
Date:	6/26/23
Town Clerk:	
Date:	7/13/23
Village Clerk:	

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## Review Board Meeting Minutes May 17<sup>th</sup>, 2023

### MEMBERS PRESENT

Bob Rafferty  
Chip Bissell  
David Genito  
Peter Aliferis  
Laura Yerkovich  
Claire Doering

### MEMBERS ABSENT

Rick Thompson

### ALSO PRESENT

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

### Cambria Lake Placid (Case #967) – Modification to Prior Approval

Bhavik Jariwala is present via GoTo Meetings as the applicant.

Jere Tatich is present via GoTo Meetings as a representative of the applicant.

The applicants seek approval to modify prior approval for the Cambria Hotel. The applicants seek to replace existing stairs from the hotel to the waterfront with new concrete stairs and a new accessible pathway. The applicants also seek to remove a portion of the pavement near the waterfront to create a larger green space and add one (1) permanent firepit and two (2) portable firepits on the waterfront.

Mr. Rafferty states for the Board what the applicants are seeking approval for and asks the applicants to go over their application.

Mr. Jariwala introduces himself to the Board.

Mr. Tatich introduces himself to the Board.

Mr. Jariwala does an overview of the application and explains that they wish to create a new connection from the new hotel to the waterfront area of the property.

Mr. Tatich states that they will create two route to the waterfront from the hotel. They will replace the existing wooden stairs with new concrete stairs in a different location. They will create a new paved trail from the parking area for the hotel down the hill to the waterfront.

Mr. Tatich goes on to state that there will be minimal clearing for the trail and that there will be approximately 1/3 – 1/2 as much clearing as previously anticipated.

Mr. Tatich further states that they wish to create three firepit areas on the waterfront greenspace and will keep the waterfront in its natural state. Two of the proposed firepits will be portable and propane fires and one firepit will be a permanent wood fire. All of the firepits will have moveable chairs.

Mr. Tatich also states that the original plans show a stormwater infiltration area in the waterfront area that will be removed with this modification. Stating that the creation of a larger green space removes the need for the stormwater area.

Mr. Tatich finishes his overview of the application by stating that they proposed lights along the walkway and trailway will be low level down lighting.

Ms. Yerkovich states that the plans do indicate the lights will be Dark Sky Compliant and that the Board appreciates the compliance.

Ms. Yerkovich states that other pathways have lower lighting that sits at 18inches from the ground where the proposed lighting here will be 36inches from the ground.

Mr. Tatich states that the intent is for the stairs and pathway to be used year round and any lighting that is lower to the ground would be ineffective in the snow. He also states that with the lights being slightly higher they can use less lights to cover more area.

Ms. Yerkovich asks if the lights will be on all the time or motion lighting will be used.

Mr. Tatich states that they will use a timer and the lights will be connected to a series of lights that all come on and turn off at the same time.

Ms. Yerkovich asks about the propane firepits and how the guests will use them. Concerned about leaving the fires going at all times.

Mr. Tatich states that he does not believe the intent is to leave them on at all times and guesses they will be a push button start to turn on when needed.

Mr. Bissell states that a propane fire is better for guests' lighting than wood and that it's possible a wood fire may not be allowed in the proposed area. He also states that the Board will need to look at the natural vegetation on the lake's edge and may require planting along the water's edge. He further states that the waterfront area will have to abide by the Town and Village Noise Ordinances.

Mr. Aliferis asks if the waterfront area is in a canopy of trees or an open area.

Mr. Tatich states that they do not wish to inhibit the existing views and may replace a few trees but there will not be any heavy coverage.

Mr. Rafferty asks if they plan on any removal of vegetation along the shoreline.

Mr. Tatich states that the majority of the shoreline is attractive, and they don't want to remove anything. Stating there is no benefit to changing the shoreline.

Mr. Bissell states that the vegetation has to remain for stormwater retention and it helps prevent geese from coming up onto the property.

Mr. Rafferty states that the Board should conduct a site visit.

Mr. Bissell asks if the proposed trail will be ADA compliant.

Mr. Tatich states that it will be a challenge and they can create a 10% slope with flat ears every 30ft. Stating that the proposed trail will comply with ADA regulations for trails.

Mr. Rafferty asks for the proposed changes to be marked out and schedules a site visit for Tuesday May 23<sup>rd</sup> at 4:30pm.

End of Discussion on Case #967.

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These minutes were reviewed by the Review Board on June 7<sup>th</sup>, 2023. Mr. Thompson moved to approve the minutes as written. Ms. Yerkovich seconded the motion. All members present voted in favor. The motion was approved 6-0.

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

<b>RECEIVED</b>	
Date:	6/26/23
Town Clerk:	Jane Smith/Dundley
Date:	7/3/23
Village Clerk:	Amelia R. Esy

DEREK DOTY  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK/ TAX COLLECTOR  
523-2162  
RICHARD CUMMINGS  
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JASON LEON  
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523-2141  
MARK SCHACHNER  
ATTORNEY FOR THE TOWN

## Review Board Meeting Minutes May 17<sup>th</sup>, 2023

### MEMBERS PRESENT

Bob Rafferty  
Chip Bissell  
David Genito  
Peter Aliferis  
Laura Yerkovich  
Claire Doering

### ALSO PRESENT

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

### MEMBERS ABSENT

Rick Thompson

### Anderson, Tom/Lake Placid Lanes (Case #1189) – Modification to Prior Approval

Tom Anderson and Rob Kaine are present as the applicants.

The applicants seek modifications to their prior approval and wish to remove three (3) parking spaces. They wish to put a food truck with an attached grill in the removed spaces. The proposed food truck will supplement the existing kitchen during daylight hours to serve a modified menu.

Mr. Rafferty recaps the application and asks the applicants to explain their modifications.

Mr. Anderson states that they have been open for about 90 days and want to expand on the family friendly side of the property.

Mr. Anderson further states that they have a large building, but their kitchen space is small. They have a number of kiosks for ordering due to labor issues and have been brainstorming how to add capacity to the kitchen. The food truck with an attached grill will help with the kitchens capacity issues and they wish to put it near the garage doors where all the indoor seating is located.

Mr. Anderson finishes his application overview by stating that employees will be parking at the back of the property and there will be more parking available in the rear of the property once they are done renovating the lot. The property exceeds the required number of parking spaces for the property.

Mr. Aliferis asks if the food truck would be open at regular hours.

Mr. Anderson states that they have a larger lunch take and will probably be open during daylight hours. Most likely from noon – dusk and can provide extra food needs for larger events such as the Lake Placid Iron Man and CAN/AM events.

Mr. Rafferty states that there is a concern about the proposed location being close to the neighboring hotel but there do not appear to be any windows or doors on that side of the hotel property.

Mr. Kaine states that they have talked to the new owner of the hotel who seems to be fine with the proposed food truck.

Mr. Anderson states that it is the backside of the hotel and there is an alleyway between the properties.

Mr. Genito asks if they will have any outdoor seating.

Mr. Anderson states that there will be no seating outside of the food truck and they have a patio on the other side of the lot that can be used by the public.

Mr. Genito states that there is also indoor seating right next to the food truck location.

Mr. Anderson states that he likes having the locations separated.

Mr. Kaine states that the slope of the property by the patio also factors in and that they could not safely put the food truck on that side of the parking lot.

Mr. Bissell states that the proposed location makes sense on the property.

Mr. Anderson states that they will have ADK chairs and new patio furniture on the patio and will have 7-8 tables indoors near the food truck.

Mr. Bissell states that it is not a very far walk to get to the patio from the food truck.

Mr. Anderson states that the food truck will only serve a portion of the menu that is served indoors. The intention is for the food truck to supplement the kitchen not to replace it.

Ms. Doering asks if all ordering from the food truck will be done at the food truck or at the kiosks.

Mr. Kaine states that they may have a server with a tablet but no kiosk for the food truck.

Mr. Rafferty states that the only issue he saw was the location and states that there will need to be a notice to neighbors done.

There is a Board discussion on the Notice to Neighbors requirement and who to notice.

The Board decides to notice the adjoining property owners and the property owners across the road from the applicant's property in a cone shape. Stating there is no need to notice the neighbors behind the property as this will not have an effect on them.

Mr. Genito asks if there will be any signage on the food truck.

Mr. Kaine states that they will have no signage other than maybe a sandwich board.

Mr. Genito asks about the hours of operations for the food truck.

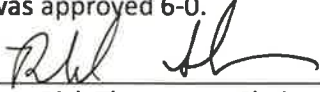
Mr. Kaine states that they generally try to get everyone inside and off the patio by 9pm.

Notice to Neighbors scheduled for 6/7/23.

End of Discussion on Case #1189.

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These minutes were reviewed by the Review Board on June 7<sup>th</sup>, 2023. Mr. Thompson moved to approve the minutes as written. Ms. Yerkovich seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman  
Review Board

RECEIVED

Date: 6/26/23  
Town Clerk: Pamela Dondley  
Date: 7/13/23  
Village Clerk: Amelia D. Ely



DEREK DOTY  
SUPERVISOR  
LAURIE C. DUDLEY  
TOWN CLERK/ TAX COLLECTOR  
523-2162  
RICHARD CUMMINGS  
EMILY KILBURN POLITI  
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TOWN COURT OFFICE  
523-2141  
MARK SCHACHNER  
ATTORNEY FOR THE TOWN

## Review Board Meeting Minutes May 17<sup>th</sup>, 2023

### MEMBERS PRESENT

Bob Rafferty  
Chip Bissell  
David Genito  
Peter Aliferis  
Laura Yerkovich  
Claire Doering

### ALSO PRESENT

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

### MEMBERS ABSENT

Rick Thompson

### The Penalty Box Arcade, LLC (Case #1245) – Conditional Use

Kristeen Colby is present as the application.

The applicant wishes to use a vacant, former restaurant, building on Main Street and convert it into a new arcade. The applicant is not proposing any signage at this time and will not make any modifications to the structure.

Mr. Rafferty explains to the Board that this application is for a change of use from a restaurant to an arcade.

Ms. Colby explains her application stating that she wishes for this new arcade to be similar to a "Dave & Busters" with hopes for the future to provide food and alcohol on the property. Currently will have prizes, tokens, and a small snack bar; stating that the kitchen has been gutted and is unusable.

Ms. Colby states that she wishes for this to be a place for families to go for birthday parties and during local events such as CAN/AM Lacrosse and Hockey. She further states that she is going to give coupons to area schools for students and for CAN/AM events.

Mr. Rafferty states that they have gathered quite the list of games.

Mr. Aliferis asks if most of the games are electronic and how many have noises and flashing lights.

Ms. Colby states that a large majority of the games do need to be plugged in to play and do tend to have noises and flashing lights.

Mr. Aliferis asks if she will be putting any games under the current curved glass area of the building.

Ms. Colby states that she plans on keeping that area of the building open for seating and will have no games by those windows.

Ms. Doering states that this sounds like a nice place to go with kids.

Mr. Bissel asks if a liquor license has been obtained.

Ms. Colby states that the eventual goal is to get a liquor license and to have hockey themed drinks.

Mr. Rafferty asks if they intend to serve food on the property.

Ms. Colby says that they do plan to serve food but currently do not have the capacity with no kitchen. Stating that the goal is for family oriented fun.

Mr. Aliferis asks Mr. Orticelle if there are any NYS Uniform Code issues.

Mr. Orticelle states that there are none.

Mr. Rafferty states that any proposed food to be served would be a Department of Health issue and not the Review Board's.

Ms. Yerkovich states that the glass area is at eye level when walking by the property and asks what will be visible when the business is closed.

Ms. Colby states that they plan on everything being turned off when the business is not open.

Mr. Bissell asks Mr. Smith if a Public Hearing would be required for this change of use application.

Mr. Smith states that he feels a Notice to Neighbors will be sufficient for this change.

Ms. Colby states that they are currently not proposing any signage and will return for approval once a sign design has been made.

Notice to Neighbors scheduled for 6/7/23.

End of discussion on Case #1245.

---

These minutes were reviewed by the Review Board on June 7<sup>th</sup>, 2023. Mr. Thompson moved to approve the minutes as written. Ms. Yerkovich seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman  
Review Board

<b>RECEIVED</b>	
Date:	6/26/23
Town Clerk:	Lauren Cantello
Date:	7/13/23
Village Clerk:	Amata A. Esposito

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LAURIE C. DUDLEY  
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## Review Board Meeting Minutes May 17<sup>th</sup>, 2023

### MEMBERS PRESENT

Bob Rafferty  
Chip Bissell  
David Genito  
Peter Aliferis  
Laura Yerkovich  
Claire Doering

### ALSO PRESENT

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

### MEMBERS ABSENT

Rick Thompson

### Etherington, Catherine (Case #1248) – Shoreland Overlay

Ben and Kate Etherington is present via GoTo Meetings as the applicant.

Jim Morgan is present as a representative of the applicant.

Rene Hoffman and Brandon Ferguson are present via GoTo Meetings as representatives of the applicant.

The applicant wishes to tear down an existing single family home on Ruisseaumont Way and construct a new single family home with an attached garage on the same property.

Mr. Morgan does a brief overview of the application and directs questions to Mr. Hoffman, who is the architect for the project.

Mr. Bissell asks if the proposed structure will be on the same footprint as the existing structure.

Mr. Hoffman states that the proposed structure will be slightly further uphill than the existing one but will use the existing parking area.

Mr. Bissell asks if there are any plans for the trail to the water or the existing boathouse.

Mr. Hoffman states that they plan on making the trail safer but there are no plans for the boathouse at this time.

Mr. Rafferty asks if there will be much vegetation removal to be done.

Mr. Ferguson states that there will be some vegetation removal around the home and driveway to reconfigure the driveway that currently goes through the neighboring property.

Mr. Aliferis asks if the proposed home will be the same footprint size or larger.

Mr. Ferguson states that with the removal of the existing icehouse the new home may be a slightly smaller footprint than the existing building and outbuilding.

Mr. Rafferty states that the Board will need to conduct a site visit.

Mr. Aliferis states that they will need the proposed building to be marked out for the site visit. He also asks what the highest point of the proposed building will be.

Mr. Hoffman states that the highest point is a chimney at 39.46ft.

Mr. Aliferis asks what the median roof height will be.

Mr. Hoffman states that he does not currently have that calculation.

Mr. Orticelle states that the Town and Village have a different height requirement than the APA does.

Mr. Hoffman states that he just did a quick preliminary measurement from the plans, from the basement to the chimney and it averages around 27ft.

Mr. Genito asks for a map that depicts the existing structure with the new structure overlaid on it to show the location difference.

Mr. Hoffman states that they can provide that map to the Building Department.

A site visit is scheduled for Tuesday May 23<sup>rd</sup> at 5pm.

Mr. Aliferis asks about the provided color samples.

Mr. Morgan states that the property owners have not selected colors yet but wanted to show the choices they are deciding between.

Mr. Aliferis states that the Board will want a color rendition of the structure once colors are chosen.

There is a brief Board discussion on the sample choices provided.

End of discussion on Case #1248.

---

These minutes were reviewed by the Review Board on June 7<sup>th</sup>, 2023. Mr. Thompson moved to approve the minutes as written. Ms. Yerkovich seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman  
Review Board

<b>RECEIVED</b>	
Date:	6/26/23
Town Clerk:	Jessie Cantwell
Date:	7/13/23
Village Clerk:	Amrita Q. Singh

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LAURIE C. DUDLEY  
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ATTORNEY FOR THE TOWN

## Review Board Meeting Minutes May 17<sup>th</sup>, 2023

### MEMBERS PRESENT

Bob Rafferty  
Chip Bissell  
David Genito  
Peter Aliferis  
Laura Yerkovich  
Claire Doering

### MEMBERS ABSENT

Rick Thompson

### ALSO PRESENT

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

### Board Business

#### Minutes for May 3<sup>rd</sup>, 2023

Ms. Yerkovich states that she has learned the Board cannot change the "boiler Plate" approval conditions and that approvals go out to the applicants prior to the minutes being presented to the Board.

Mr. Bissell states that the Board keeps jurisdiction over lighting for one year after approval and issues are reviewed when complaints are made about a project.

Mr. Rafferty motions to approve the minutes.

Mr. Aliferis seconds the motion.

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

These minutes were reviewed by the Review Board on June 7<sup>th</sup>, 2023. Mr. Thompson moved to approve the minutes as written. Ms. Yerkovich seconded the motion. All members present voted in favor. The motion was approved 6-0.

  
Rick Thompson, Chairman  
Review Board

### RECEIVED

Date: 6/16/23  
Town Clerk: Laurie C. Dudley  
Date: 7/13/23  
Village Clerk: Anita G. Egg