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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
PARK DIST MGR
523-2591
MIKE ORTICELLE
DARCI WHITNEY
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 July 19th, 2023

MEMBERS PRESENT

Rick Thompson
Bob Rafferty
Chip Bissell
David Genito
Peter Aliferis
Laura Yerkovich - Remote

MEMBERS ABSENT

Claire Doering

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.
The Town of North Elba Board Members are present for the Joint Public Hearing.
The Village of Lake Placid Board Members are present for the Joint Public Hearing.

Lake Placid Marina Corp (Case #1253) – Public Hearing/Zoning Reclassification

Rich and Katrina Kroes are present as the applicants.

Mr. Thompson begins the meeting by reading a statement of appropriate protocol for a Public Hearing stating that any member of the public who wishes to speak will get three minutes and neither the Board nor the applicants are required to answer any questions from the public at this time.

Mr. Thompson continues by stating what is required in the Land Use Code for a Planned Development District Application (PDD).

Mr. Kroes explains his application for the members of the public who are present at the meeting. Stating that they are aware of the Harbor Condominium properties right of view that this application is for rezoning only.

Mr. Thompson opens the Public Hearing at 5:33pm.

Claudia Braymer, a legal representative of Condo owners of Building 3 of the Harbor Condominium property, wishes to speak. Stating that her clients are concerned about the viewshed and without more information and is requesting a denial of the application. Further stating that not all 3 acres of the

proposed PDD are within one municipality. Also stating that the conceptual plan shows one parcel not being developed and one of the parcels may be part of the original PDD for the Harbor Condominium property.

Ms. Braymer continues by stating that the proposed application is not low intensity/low impact and does not conform to the Comprehensive Plan. The proposed reduces the waterfront activities and the Board has an obligation to protect the view and should request further information before a determination is made. Finishing by stating that design details should be available to the Boards prior to a determination of approval or denial being made.

Peter Foland, a Condo owner in Building 3 of the Harbor Condominium property, wishes to comment. Stating that he feels that a PDD is not appropriate for this project.

Mr. Foland presents a photo of his view from the second floor of the east end of Building 3 and uses a cut out to show a possible view obstruction from the conceptual building "A" location.

Mr. Foland continues by stating that no development can obstruct the view of Building 3 and that the conceptual building "A" is proposing 18 units of mostly 3 bedroom units and will require a large building.

Mr. Foland requests that the Board denies the application.

Judy Dandrea, a neighboring property owner, wishes to speak. Stating she has a concern on increased traffic and states that this may negatively impact parking along Mirror Lake Drive.

Richard Kelly, a Condo owner in Building 3 of the Harbor Condominium property, wishes to speak. Stating that he currently only has a partial view of the lake and that he is not for or against the project but wants to know how tall the buildings will be.

Jone Kelly, wife of Richard Kelly, wishes to speak. Suggesting that helium balloons could be used to show what the view impact would be of the proposed buildings.

Bill Hurley, a concerned citizen, wishes to speak. Stating that his concern is stormwater management and that the current use has stormwater running directly into Lake Placid. Also stating that if the applicants remove the 40ft tall trees along the east side of the property, that natural buffer is difficult to replace with new plantings. Suggesting a 20ft setback with a 10ft do not disturb area along the property line. Further stating that the proposed setback along Mirror Lake Drive should be 50ft not 10 or 20ft and that a large building set back further from the road does not feel as imposing than one next to the road.

Mr. Hurly finishes by stating that there is no benefit to the community with this application and that the Boards have the power to create appropriate guidelines on the property.

Debra Ward, a neighboring property owner, wishes to speak. Stating that she is concerned about traffic and parking. Further stating that currently cars encroach on where they shouldn't be, and this will only make the encroachment worse.

Ann O'Leary, a neighboring property owner, wishes to speak. Posing the question of why have a Land Use Code if everyone can come in and ask for changes.

Barbara Brox, a Condo owner in Building 3, wishes to speak remotely via Go To Meetings. Stating that she is concerned with the change and wishes to know what else could be approved in the future. Further stating that with more development her view will be impeded and that there are density, traffic, and light pollution issues to be concerned about.

With no further members of the Public wishing to comment, Mr. Thompson closes the Public Hearing at 5:50pm.

Mr. Thompson states that any further written comments should be provided to Mr. Wright in the Building Department.

There is a 5 minute recess for the members of the public and the Town and Village Board Members to leave the meeting.

End Discussion on Case #1253.

These minutes were reviewed by the Review Board on August 2nd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 7-0.



Rick Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>8/17/23</u>
Town Clerk:	<u>Jennifer A. Boudreau</u>
Date:	<u>8/25/23</u>
Village Clerk:	<u>Amber A. King</u>

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MEMBERS PRESENT

Rick Thompson
Bob Rafferty
Chip Bissell
David Genito
Peter Aliferis
Laura Yerkovich - Remote

MEMBERS ABSENT

Claire Doering

ALSO PRESENT

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

Cambi, Joseph & Jaimie (Case #1258) – Site Visit Recap/Notice to Neighbors/Shoreland Overlay

Ivan Zdrahal is present as a representative of the applicants.

Michael Reynolds is present as a representative of the applicants via Go To Meetings.

Mr. Thompson asks the Board members for a site visit recap.

Mr. Genito conducts a site visit recap by stating that the proposed road changes were staked out, the proposed new single-family home was staked out, and the Board saw the existing foundation of the old garage. Further stating that the site for the new structure is further back from the water than the previous structure.

Mr. Thompson continues the site visit recap by stating that they saw stormwater management aspects and that the Board walked the curves of the proposed new road. Further stating that there was a question about the existing garage foundation that was answered by the Building Department.

Mr. Thompson notes that a Notice to Neighbors was sent out.

8 – notices were sent.

6 – notices were returned.

No written comments were received.

Mr. Thompson asks Mr. Zdrahal if there are any updates.

Mr. Zdrahal states that there are no updates but does state that he brought with him the landscape plan and shows that they will fill in the lakeside of the property with vegetation to soften the building into the slope. Further stating that they will plant trees on each side of the structure to create a filtered view.

With no Board comments, Mr. Thompson opens the Notice to Neighbors at 6:00pm.

No neighbors wish to comment, and Mr. Thompson closes the Notice to Neighbors at 6:01pm.

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

Mr. Bissell asks if there are any proposed colors for the structures.

Mr. Reynolds states that they will be using earthtone stains and that there are no proposed colors at this point. Stating that they will provide colors once they are chosen.

Mr. Zdrahal states they will use natural wood, stone, and earthtone colors.

Mr. Bissell suggests that the Board condition that they need to return with colors for Board approval.

Mr. Thompson states that the Board has objected to some proposed stones in the past.

Mr. Smith states that the Board is within their purview to retain jurisdiction over the color scheme.

Mr. Orticelle asks Mr. Zdrahal when they plan on starting the project.

Mr. Zdrahal states that they plan on starting site work this year but will not begin work on the house until next year. Stating that the goal is to have the boathouse taken down to the deck and any new caissons needed to be done before the September 30th deadline imposed by the DEC.

Ms. Yerkovich states that the plans show extensive landscaping and reminds the applicants that the Land Use Code provides a list of native plants. Further asks if there is a plan to prevent fertilizer from getting into the lake.

Mr. Zdrahal states that they will create a buffer zone along the shoreline.

Mr. Thompson states that the Code prohibits fertilization near the shoreline.

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

- a. The Review Board will retain jurisdiction over the color scheme of the project. Any proposed colors will need further review and approval by the Review 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 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.
- d. The Review Board will retain continuing jurisdiction over the planting plan aspects of the project.

- e. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- f. 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.
- g. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- h. **NO** construction may commence without construction documents signed by the Code Enforcement Official.

Mr. Aliferis seconds the motion.

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

Case #1258 is closed.

These minutes were reviewed by the Review Board on August 2nd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 7-0.


 Rick Thompson, Chairman
 Review Board

RECEIVED	
Date:	8/17/23
Town Clerk:	James Lent Dandley
Date:	8/25/23
Village Clerk:	Amelia A. Ray

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Review Board Meeting Minutes July 19th, 2023

MEMBERS PRESENT

Rick Thompson
Bob Rafferty
Chip Bissell
David Genito
Peter Aliferis
Laura Yerkovich - Remote

MEMBERS ABSENT

Claire Doering

ALSO PRESENT

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

Generations Tap and Grill (Case #1260) – Notice to Neighbors/Arch Review

Jace Brown is present as a representative of the applicants.

Ria Kelsick is present as a representative of the applicants via Go To Meetings.

Mr. Thompson recaps the application and asks if there are any changes to the application.

Mr. Brown states that there are no modifications and shows an overlay of the existing building and the proposed changes. Further stating that the proposed changes are on the property and beyond the town easement for the sidewalk.

Mr. Thompson notes that a Notice to Neighbors was sent out.

10 – notices were sent.

8 – notices were returned.

No written comments were received.

Mr. Thompson opens the Notice to Neighbors at 6:10pm.

No Neighbors wish to comment, and Mr. Thompson closes the Notice to Neighbors at 6:11pm.

Mr. Aliferis asks what the distance from the curb to the patio will be.

Mr. Brown states 9ft 8in.

Mr. Aliferis asks how many tables will be on the patio space.

Mr. Brown states that they will be pushing into the facade and out further into the sidewalk.

Mr. Genito states that the front wall will be pushed further into the building.

Mr. Bissell states that the outside area will be wider than the existing area.

Ms. Kelsick states that the patio will be 7ft 9in at its narrowest point and 8ft 6in at its widest.

Mr. Thompson states that they will be extending onto the existing sidewalk about 1ft.

Mr. Brown states that that is correct.

Mr. Genito states that the Village will need to move an existing manhole.

Mr. Thompson states that the sidewalk is wider there than everywhere else along Main Street.

Mr. Aliferis asks if there is any plan to enclose the patio in the future.

Mr. Brown states that the intention would be to use heaters but no physical enclosures.

Mr. Aliferis asks what months of the year they will use the space.

Mr. Brown states whenever weather permits.

Mr. Bissell states that people like to sit outside when possible.

Mr. Thompson states that if they wish to enclose the area in the future they will need to come back to the Board for approval.

Ms. Yerkovich states that the width of the sidewalk that is required is 8ft 8in.

Mr. Thompson states that the village sidewalk is 6ft wide and that the existing is wider than required. Further stating that it will create a narrower sidewalk but is still within property line.

Mr. Brown states that the property line is in the middle of the road and that there are Highway and Sidewalk easements. The proposed patio stays beyond the sidewalk easement requirements.

Mr. Rafferty states the proposed is an improvement.

Mr. Rafferty motions to approve the application as presented. 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 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. 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.

- d. The Review Board will retain continuing jurisdiction over the stormwater management plan aspects of the project, until one year after improvements have been completed.
- e. 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.
- f. Further, this review does not authorize any actual construction. Final plans, specifications, and construction documentation approval must be obtained through the Building Department.
- g. **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 motions is approved 6-0.

Case #1260 is closed.

These minutes were reviewed by the Review Board on August 2nd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 7-0.



Rick Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>8/17/23</u>
Town Clerk:	<u>Jamie Paul Dondley</u>
Date:	<u>8/25/23</u>
Village Clerk:	<u>Amie Q. Egg</u>

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Review Board Meeting Minutes July 19th, 2023

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David Genito
Peter Aliferis
Laura Yerkovich - Remote

ALSO PRESENT

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

Board Business

Approval of Minutes for 7/5/23


Mr. Thompson motions to approve the minutes as presented.

Mr. Genito seconds the motion.

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

The meeting adjourns at 6:23pm.

These minutes were reviewed by the Review Board on August 2nd, 2023. Mr. Thompson moved to approve the minutes as written. Mr. Genito seconded the motion. All members voted in favor. The motion was approved 7-0.


Rick Thompson, Chairman
Review Board

RECEIVED

Date: 8/17/23
Town Clerk: Laurie C. Dudley
Date: 8/25/23
Village Clerk: Anita G. Egan