

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

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EUGENE MARTIN
PARK DIST. MGR
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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 November 1st, 2023

MEMBERS PRESENT

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

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.

Reilly, Dan & Zendra, Rachel (Case #1273) – Public Hearing/Conditional Use

Dan Reilly and Rachel Zendra are present as the applicants.

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

Ms. Zendra states that there are no changes.

Mr. Reilly states that they are working on the liquor license for beer and wine.

Mr. Thompson notes that notices were sent for the Public Hearing.

13 – Notices were sent.

12 – Notices were returned.

No written comments.

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

Ken Hitch wishes to comment and states that it sounds like they wish to only serve beer and wine and he hopes that if they look into serving more alcohol in the future, they will come back to the Board for approval.

Joey Faizy, the property owner, wishes to comment stating that they only wish to serve beer and wine. Also stating that they have to do what is best for their business and that he feels the proposed bar is a very cool concept. Further states that as the landlord for this business beer and wine are what we want and do not want to have a full bar in this location.

Carol Nevulis wishes to comment and states that they are not allowed to have liquor within 200ft of a church. The property across the street from St. Agnes Church was rejected for their liquor license by the State. Further stating that she confirmed with the Liquor Authority that they are only allowed to have beer and wine in this location.

Mr. Reilly states that he is trying to create a place that is best for everyone, and they will be providing a service for the area.

Ms. Nevulis states that providing a service is a stretch and that she is not opposed to the application but does not want something to sneak through.

Mr. Hitch asks how the bar will be accessed.

Mr. Reilly states that there is a second entrance into the building and that will be used as a main entrance to the upstairs area.

Mr. Faizy states that there is an existing bar/restaurant next door to the church.

Ms. Nevulis states that their license could have been given prior to the church creating a sidewalk down to Main Street.

With no further comments, Mr. Thompson closes the Public Hearing at 5:40pm.

Mr. Thompson asks if any renovations have been started.

Mr. Reilly states that they plan to have an 8-10 week timeframe and have not started anything yet.

Mr. Thompson states that they have previously discussed the configuration, entrances, wrist bands, and who is allowed upstairs from the arcade.

Mr. Reilly states that they are figuring out the best options.

Mr. Thompson states that it is very similar situation to Big Z's on the other end of town.

Ms. Yerkovich asks if someone could go upstairs for a drink and bring it down to the arcade.

Mr. Reilly states that will not be allowed and no food or beverage are currently allowed in the arcade.

Ms. Yerkovich asks if staff will monitor the internal stairway.

Mr. Reilly states that their concept allows staff to monitor rather than being forced to bartend.

Ms. Yerkovich asks if this is approved would the use carry forward to future business in this location.

Mr. Orticelle states that if this is approved and the business has a change in ownership it would still be allowed. There is no issue until a change of use application comes before this Board.

Mr. Rafferty asks if there are different levels of liquor licenses.

Mr. Orticelle states that there are.

Mr. Bissell asks if they will have games upstairs in the bar.

Mr. Reilly states that they plan on having a few games.

There is a discussion on kids would be allowed in the bar and how alcohol use will be monitored.

Mr. Smith states that this is a reuse of an existing space and would be a Type II for SEQR.

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

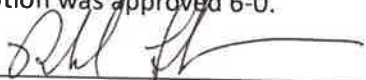
- a. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- b. The applicant must submit and receive separate approval for an exterior lighting plan.
- c. The applicant must submit and receive separate approval for a sign design plan.
- 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. Rafferty seconds the motion.

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

Case #1273 is closed.

These minutes were reviewed by the Review Board on November 15th, 2023. Laura Yerkovich moved to approve the minutes as written. Bob Rafferty seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>12/5/23</u>
Town Clerk:	<u>Yanna Ant Dunlop</u>
Date:	<u>12/14/23</u>
Village Clerk:	<u>Wanda Q. Eng</u>

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MEMBERS PRESENT

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

MEMBERS ABSENT

Claire Doering

ALSO PRESENT

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

URBN Salon and Barber (Case #1281) – Sign Review

Applicant wishes to rebrand an existing salon and rename to URBN Salon and Barber. The applicant wishes to replace the existing signs with new signs in the exact same locations and exact same size.

Sam Smith is present as the applicant.

Mr. Sam Smith states that he bought the business in June of 2022 and had a falling out with his business partner. Further stating that he now wishes to change the name of the business and needs new signs. He is currently operating as River Rock Salon.

Mr. Sam Smith continues by stating the new signs will be the same color as the existing trim for the building.

Mr. Sam Smith presents a color sample on a wood block for the Board.

Ms. Yerkovich asks if there will be different staff.

Mr. Sam Smith states that it is the same staff with the addition of himself and 2 new employees.

Mr. Thompson asks if it will be a flat sign.

Mr. Sam Smith states that it is a flat sign, but the white border is raised slightly.

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

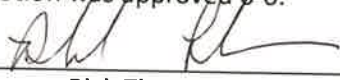
- a. Sign design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- b. The applicant must submit and receive separate approval for an exterior lighting plan.

Mr. Bissell seconds the motion.

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

Case #1281 is closed.

These minutes were reviewed by the Review Board on November 15th, 2023. Laura Yerkovich moved to approve the minutes as written. Bob Rafferty seconded the motion. All members present voted in favor. The motion was approved 6-0.


Rick Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>12/5/23</u>
Town Clerk:	<u>Jane Cant Dudley</u>
Date:	<u>12/14/23</u>
Village Clerk:	<u>Wanda Q. Esby</u>

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Review Board Meeting Minutes November 1st, 2023

MEMBERS PRESENT

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

MEMBERS ABSENT

Claire Doering

ALSO PRESENT

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

Irvin, Jack (Case #1282) – Shoreland Overlay

Applicant wishes to build a new single family dwelling that is an approximately 800 square foot one story structure.

Jack Irvin is present as the applicant.

Mr. Irvin states that he wishes to build a small 2 bedroom house that is 788 square feet.

Mr. Thompson asks if there is a survey for the property.

Mr. Irvin states that there is.

Mr. Thompson states that the 50ft line from the lake is not present on the survey and he wishes to make sure the proposed building is not within that 50ft area.

Mr. Irvin states that his existing building that is shown on the map is at the 50ft mark and that the new building is further back.

Mr. Genito asks if the proposed building site is cleared.

Mr. Irvin states that he is waiting for approval to clear but wishes to clear now to begin construction in the spring.

Mr. Rafferty asks if the existing building is a shed.

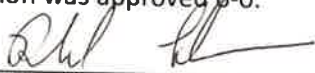
Mr. Irvin states that it is a small cabin, and it has a bathroom in it.

A site visit is scheduled for 11/8/23 at 4pm.

A Notice to Neighbors is scheduled for 11/15/23

End of Discussion on Case #1282.

These minutes were reviewed by the Review Board on November 15th, 2023. Laura Yerkovich moved to approve the minutes as written. Bob Rafferty seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman
Review Board

RECEIVED	
Date:	12/5/23
Town Clerk:	James C. Dudley
Date:	12/14/23
Village Clerk:	Amala Singh

DEREK DOTY
SUPERVISOR
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Review Board Meeting Minutes November 1st, 2023

MEMBERS PRESENT

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

MEMBERS ABSENT

Claire Doering

ALSO PRESENT

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

Dunn with Grace Property Maintenance (Case #1284) – Site Plan Review

Applicant wishes to create a new second driveway into an existing commercial location. The proposed site improvements will affect wetlands and the applicant has received an APA permit to disturb approximately 100 square feet of wetlands.

Jonathan Toohill is present as the applicant.

Mr. Toohill states that quite a bit has already been completed for the APA approval and that he has thinned out small growth along the roads edge for improved visibility and safety. Further stating that he wishes to create a second driveway for easier access for both of his businesses in the building.

Mr. Thompson reminds the Board that this is a Viewshed Corridor.

Mr. Orticelle states that Viewshed is the only reason the Board is seeing this application without it being approved by the Building Department.

Mr. Toohill states that he wishes to prevent accidents and that he is proposing to build a 10ft wide area around the back of the building as well so that customers do not need to exit and enter the property to get to both businesses.

Mr. Thompson notes that there is no sign application at this time, but proposed locations are on the site plan.

Mr. Smith states that this application would be a Type II SQER for the wetlands because of the APA permit and a Type II for SQER for the rest of the project as well.

Mr. Thompson asks if there will be any replanting along the roadway.

Mr. Toohill states that to begin with it will be grass but there is a plan to replant in the future.

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

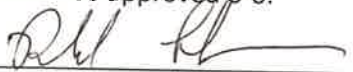
- a. Architectural and site design plans are approved as submitted. Any and all changes or additions to the plans, specifications, materials, or engineering must be submitted in writing for further review and approval by the Review Board.
- b. The applicant must submit and receive separate approval for a signage plan.
- 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. Genito seconds the motion.

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

Case #1284 is closed.

These minutes were reviewed by the Review Board on November 15th, 2023. Laura Yerkovich moved to approve the minutes as written. Bob Rafferty seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman
Review Board

RECEIVED	
Date:	12/5/23
Town Clerk:	Jennifer Dwyer
Date:	12/14/23
Village Clerk:	Amie A. Ely

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MEMBERS ABSENT

Claire Doering

ALSO PRESENT

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

Board Business

Mr. Orticelle reminds the Board that Mr. Irvin's project is in the South Lake Residential District and the allowed density for his property is 1. Mr. Irving currently has 1 dwelling unit on the property with his small cabin. The kitchen will need to be removed from the existing cabin to build this new dwelling.

Minutes of 10/18/23

Mr. Bissell wishes to make it clear for the record that the Board has never forced any previous applicants to move their boathouses, but has made suggestions that have been agreed to by the applicants.

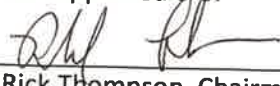
Mr. Thompson motions to approve the minutes of 10/18/23 with Mr. Bissell's comment.

Mr. Aliferis seconds the motion.

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

Meeting adjourns at 6:22pm.

These minutes were reviewed by the Review Board on November 15th, 2023. Laura Yerkovich moved to approve the minutes as written. Bob Rafferty seconded the motion. All members present voted in favor. The motion was approved 6-0.



Rick Thompson, Chairman
Review Board

RECEIVED	
Date:	<u>12/5/23</u>
Town Clerk:	<u>Pamela D. Buckley</u>
Date:	<u>12/14/23</u>
Village Clerk:	<u>[Signature]</u>