

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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MARK SCHACHNER  
ATTORNEY FOR THE TOWN

## Review Board Meeting Minutes January 17<sup>th</sup>, 2024

### MEMBERS PRESENT

Rick Thompson  
Bob Rafferty  
Chip Bissell  
David Genito  
Laura Yerkovich  
Claire Doering  
Michael Ballard

### MEMBERS ABSENT

### ALSO PRESENT

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

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

### Beauty & the Beast Pet Grooming/Jayde Kelton (Case #1288) – Conditional Use

Applicant seeks approval to run a Home Occupation of a pet grooming business at 215 Mill Pond Dr.

Jayde Kelton is present as the applicant.

Mr. Thompson asks the applicant to go over her application.

Ms. Kelton states that she used to work at Pretty Paws prior to their closing and that pet grooming is a need in this area. Further stating that there will be one dog per session.

Mr. Thompson states that this is at the corner of Mill Pond Drive and McKinley Street and asks if there will be one pet owner at a time.

Ms. Kelton states that there will only be one pet owner at a time and appointments will be between 1-2hrs each.

Mr. Genito states there appears to be existing parking in the rear of the property.

Mr. Rafferty states that this would be a low intensity use.

Mr. Bissell states that he does not see any issues with this application.

The Board agrees that a Notice to Neighbors is not necessary for this application.

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

- a. The use of the applicable property as a Home Occupation is approved as submitted.
- b. The applicant must submit and receive separate approval for a Sign design 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. Smith states that this is a Type II for SEQR.

Mr. Bissell seconds the motion.

All members vote in favor. The application is approved by a 7-0 vote.

Case #1288 is Closed.

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These minutes were reviewed by the Review Board on February 7<sup>TH</sup>, 2024. David Genito moved to approve the minutes as written. Rick Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.

  
Rick Thompson, Chairman  
Review Board

<b>RECEIVED</b>	
Date:	<u>3/6/24</u>
Town Clerk:	<u>James [unclear]</u>
Date:	<u>3/6/24</u>
Village Clerk:	<u>Amata [unclear]</u>

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Michael Ballard

### ALSO PRESENT

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

### MEMBERS ABSENT

#### Whiteface Resort Holdings, LLC (Case #1289) – Sketch Plan Review/Shoreland Overlay

Applicant seeks to build 5 new duplex townhomes with attached single car garages and 2 extra parking spaces per townhome. Applicant also seeks to subdivide ownership of townhomes to the occupants.

Mark Sperling is present as the applicant.

Mr. Thompson asks the applicant to go over the proposed project and development.

Mr. Sperling states that they have unmapped building rights, and he needs to get them approved and that these proposed lots are moderate density lots. Also stating that the proposed area is vacant wooded land, will be referred to as the Lower Bluff, and sits below the existing Bluff townhomes at the bottom of the hill.

Mr. Sperling further states that they want to tie into the look of the existing structures and will replicate the exterior design. The top of the proposed buildings will be below deck level of the existing buildings behind it on the hill to keep the views that they already enjoy intact. Finishing by stating that they will access these new townhomes through a continuation of the existing roadway.

Mr. Thompson wishes to confirm that the peak of the new structures will be at the height of the existing decks of the Bluff units.

There is a brief discussion on elevation and deck levels.

Mr. Sperling states that the peak of the buildings will be at deck level for the Bluff units.

Mr. Bissell asks about the existing views for any bedrooms currently below the decks.

Mr. Sperling states that he isn't sure if any of the owners for the Bluff units have bedrooms below the deck level. Stating that there are 3 bedrooms in the upper floors and that most owners use the space below as additional living space.

Mr. Sperling also states that each unit will have a single car garage with one additional spot for the occupant and one guest spot. All maintenance will be provided by the club.

Mr. Orticelle asks if the proposed buildings will look similar to the new units currently being constructed on another part of the property.

Mr. Sperling states that they are applying the unit design from that project to this new one.

Mr. Orticelle states that the Board members could go and look at those buildings at their leisure to see an example for these new ones.

Mr. Sperling states that he is obligated to site the maps for building rights but at this time he does not plan on starting any construction this year. Further stating that they will tie drainage into the existing retention ponds and that he has to submit a full stormwater management plan to the Adirondack Park Agency (APA) and stating that they plan on using all permeable surfaces including for parking.

Mr. Bissell asks if they will use salt on the pavement or sidewalks for ice removal.

Mr. Sperling states that they will not and that they use a different product that is better for the environment.

Mr. Rafferty asks what the proposed height of the buildings will be.

Mr. Sperling states that they will be going to the APA limit of 40ft to the peak.

Mr. Tompson states that the proposed structures show a 10ft setback from each other.

Mr. Sperling states that is consistent with the existing Bluff units.

Mr. Orticelle states that 10ft is the minimum required by the NYS Uniform Building Code.

Mr. Smith asks if the project has gone to the APA yet.

Mr. Sperling states that they have not yet, and he is still waiting for the stormwater management plan to be completed prior to bringing the application to the APA.

Mr. Thompson states that this application will not come back to the Review Board until further information is provided by the applicant.

There is a brief discussion on the Public Hearing process vs the APA hearing process.

End of Discussion on Case #1289.

These minutes were reviewed by the Review Board on February 7<sup>TH</sup>, 2024. David Genito moved to approve the minutes as written. Rick Thompson seconded the motion. All members voted in favor. The motion was approved 7-0.



Rick Thompson, Chairman  
Review Board

**RECEIVED**

Date: 3/6/24

Town Clerk: *James P. Dudley*

Date: 3/6/24

Village Clerk: *Aruta*

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LAURIE C. DUDLEY  
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Michael Ballard

### ALSO PRESENT

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

### Board Business

#### Board Resolution on Minor Subdivisions and Boundary Adjustments.

"The Review Board does hereby confirm its ongoing delegation of authority to the Board Chairman or Vice-Chairman, within his/her discretion, to review and approve subdivisions which effect boundary adjustments or corrections, or otherwise involve less than five lots with no new road and with easement language as applicable, approved by Board counsel."

Mr. Thompson explains that over the years the Chairman or Vice Chairman have been given the ability to sign 5 lot or less subdivision and boundary line adjustment maps without needing to bring the applications to the Review Board.

Mr. Smith explains that the County Clerks office requires Town approval of all maps filed with them and in general these types of changes are considered more housekeeping situations.

Mr. Bissell states that most often there are no issues with these maps.

Mr. Thompson states that these are mostly splitting lots to create new buildable areas.

### MEMBERS ABSENT

Mr. Smith suggests that the Chairman should ask the Board members for a motion to approve or deny the provided resolution.

Mr. Thompson asks the Board for a motion on the resolution.

Mr. Bissell motions to approve the provided resolution granting the Board Chairman or Vice Chairman the authority to approve Minor Subdivisions and Boundary Adjustments once they are approved by Board counsel.

Mr. Rafferty seconds the motion.  
All members vote in favor. The motion is approved by a 7-0 vote.

Minutes of 12/6/23

Mr. Thompson motions to approve the minutes of 12/6/23 as written.

Mr. Genito seconds the motion.

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

Mr. Orticelle wishes to help explain some meeting procedures to Mr. Ballard and states that generally there is an unwritten "one meeting rule" meaning that generally applications do not get approved in a single meeting. This allows the public more time to review the applications. Further stating that there is nothing that prohibits the Board from approving applications in a single meeting and the Board can do so as they see fit. The exception to this unwritten rule would be signs that are generally approved in a single meeting.

Mr. Orticelle also explains to the Board the difference between how the APA and our Land Use Code measure building heights.

Meeting Adjourns at 6:05pm.

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Rick Thompson, Chairman  
Review Board

<b>RECEIVED</b>	
Date:	<u>3/6/24</u>
Town Clerk:	<u>Tom DeDella</u>
Date:	<u>3/6/24</u>
Village Clerk:	<u>Christa [Signature]</u>