



Lake Placid Village, Inc.
and
Town of North Elba
June 22, 2017

Minutes of the Joint Village of Lake Placid and Town of North Elba Special Board Meeting held on the above date at 4:00 pm in the Board Room on the first floor of the Municipal Hall, 2693 Main Street, Lake Placid, NY.

Present:

Craig Randall	Mayor
Scott Monroe	Trustee
Jason Leon	Trustee
Peter Holderied	Trustee
Ellen M. Clark	Clerk
Roby Politi	Supervisor
Derek Doty	Councilman
Jay Rand	Councilman
Jack Favro	Councilman
Bob Miller	Councilman

Others Present:

Jim Morganson	Codes Enforcement
Darci LaFave	Building/Zoning Coordinator
Tim Smith	Attorney
Dean Dietrich	Community Development Commission
Antonio Olivero	Adirondack Daily Enterprise
Carl Gonyea	Amber Gilligan
George Fortune	Patty Fortune
Sue Bartow	Heather LePere

PUBLIC HEARING ON THE PROPOSED
LOCAL LAW TO AMEND THE JOINT LAND USE CODE

Supervisor Politi opened the Public Hearing at 4:00 pm with the Pledge of Allegiance and the Village Clerk read the Public Notice. A copy of the full Notice is included below.

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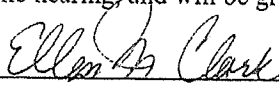
PLEASE TAKE NOTICE that the Village Board of the Village of Lake Placid and the Town Board of the Town of North Elba will hold a joint public hearing on a proposed local law to amend the Joint Village of Lake Placid/Town of North Elba Land Use Code, on Thursday, June 22, 2017 at 4:00 P.M. in the Town of North Elba Town Hall First Floor Meeting Room, 2693 Main Street, Lake Placid, New York.

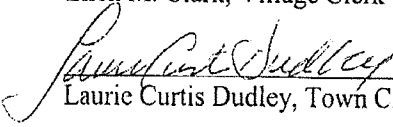
The proposed local law would amend the Land Use Code as follows:

1. Prohibit the keeping of chickens, livestock or other farm animals in any Planning District other than Rural Countryside (RC).
2. Require that, for land uses on Main Street between NYS Route 73 and Saranac Avenue, a minimum of six feet inward from the curb shall be kept clear of obstructions of any nature.
3. Provide that any proposed alteration of a non-conforming sign, as to color or dimensions or materials, shall require that the sign be brought into conformance with the Code in all respects, including but not limited to size, height and setback.
4. Make several other technical or clarificatory changes to the sign regulations and other provisions of the Code.
5. Require the holding of a public hearing for any matter considered by the Zoning Board of Appeals, whether it be an application for a variance or request for interpretation.
6. Make contractors be jointly and severally liable for violations of the Code, along with owners and lessees, including compliance with orders and imposition of penalties.
7. Add as "View Corridors" under the Code, River Road for its entire length and Cascade Road/Sentinel Road (NYS Route 73) from Old Military Road to Station Street.

A complete summary of the proposed amendments is available for inspection by any interested person at the Village Clerk's Office or Town Clerk's Office.

All interested persons are invited to attend the public hearing, and will be given an opportunity to be heard.


Ellen M. Clark, Village Clerk


Laurie Curtis Dudley, Town Clerk

Dated: June 1, 2017
To be Published: June 9, 2017

Attorney Tim Smith reviewed the summary of the proposed changes to the Land Use Code and in particular explained that Sections 1 and 3 will prospectively prohibit the keeping of chickens and livestock or other farm animals in any planning district other than Rural Countryside. It would not affect existing uses for people who already have those animals. Section 2 would require that a minimum of six feet inward from the curb be kept clear from obstructions of any nature on the Main Street sidewalks between the 4-way stop light and Saranac Avenue. Section 4 would resolve an inconsistency in the codes provision regarding the screening of dumpsters. Sections 5 through 9 would make technical amendments to the sign regulations of a sort, which could be explained in more detail if needed. Section 10 would require the holding of a public hearing by the Zoning Board of Appeals in any matter that it hears and not just variances, so if there was a request for an interpretation, as there sometimes is, the Zoning Board of Appeals would have to hold a hearing for that as well. Section 11 would make owners, lessees and contractors jointly and severally liable for violations of the Code. Section 12 would add River Road and a portion of Route 73 to the list of so-called View Corridors for jurisdictional purposes and Review Board review of uses along those roads.

Supervisor Politi and Mayor Randall opened the public hearing for public comment. Carl (Butch) Gonyea said he has raised birds on his property for over 50 years and so did his grandfather. Is this just for now or until I am gone, he asked? Supervisor Politi said it was until he was gone. Supervisor Politi pointed out that this law is for anyone new and coming in to Town and wanting chickens in their back yard. Attorney Smith explained that a property who had not had chickens on it as of the effective date of this law, would not be able to have them after the effective date of this law, except in the Rural Countryside districts which are, in general, the less densely settled parts of our town. Trustee Leon said to Mr. Gonyea, I think you are asking whether, once you pass, would your daughter be able to have animals on your property. Attorney Smith said yes it is the property. Mr. Gonyea asked if it would apply to all agricultural animals, not just chickens. Supervisor Politi said that was true, the law says livestock or other farm animals. Supervisor Politi also said it is his understanding that 75% of all land in North Elba would permit farm animals in the future and that was confirmed by Darci Lafave who is the Building and Zoning Coordinator for the Town. Supervisor Politi said the only reason this is coming up now is because we had issues from some folks in the past that may not be as responsible as those like yourselves.

Heather LaPere discussed the signage issues and asked if there are any big changes to the current laws. Mayor Randall said the changes that are being discussed today are consistent with discussions that took place over several meetings of the Main Street group. He said there is an ADA requirement for the Main Street sidewalks. Once you get below the Town Hall, the sidewalks tend to be less than 6 feet, but we can address that. There are places where 6 feet is the entire sidewalk we have and there are other places that have some open space behind those 6 feet. He also said the second issue we are concerned with is the height of any overhanging fixtures over Main Street, whether signs or awnings. We need a minimum elevation so that they are not damaged by the sidewalk cleaning equipment. Darci LaFave agreed with the Mayor that the permitted elevation for an overhang is 9 feet. Mayor Randall said if we treat an awning as

a sign, then it would fall under the 9 foot elevation. Trustee Holderied asked if that was 9' where it attaches to the building or where it comes down. Jim Morganson, Codes Officer, said it is 12 feet, but often we have had problems in the past with people putting up awnings without getting advice. Jim said he would go back to the DPW Superintendent to get the dimensions for the sidewalk cleaning vehicle and will provide those dimensions to anyone wanting to install awnings on Main Street going forward. Jim said it is a procedural thing and does not need to go in to the Code itself. Some discussion took place about requiring a permit to install an awning over the sidewalk regardless whether it is treated as a sign or not. Jim said it would be appropriate to require a permit.

Trustee Holderied said he did not see in the current language that anyone with existing livestock will be able to continue to have livestock. Attorney Smith said it could state plainly that this is prospective in nature and does not apply to properties that have had this use before now. The right to have animals generally runs with the land and pertains to the property, not the owner, he said. Trustee Leon asked if a new owner buys a property and splits it into two lots less than 5 acres in the Rural Countryside, will the property continue to have that designation. Attorney Smith said if a subdivision in Rural Countryside, for example, that used the plus two development principle and there were less than 5 acre lots, each lot would still be entitled to have these animals because the exemption is for the RC district rather than for the lot size. Supervisor Politi said the one thing it does not have is the abandonment of the use. He said he did not know if the Code identifies that or defines an abandonment of use. Attorney Smith said there are provisions as to nonconforming uses and the discontinuance of nonconforming uses so that is the issue. Supervisor Politi said the question is if Butch abandoned having livestock at his property for a period of one year or whatever and was no longer doing it, does the use continue with the property, or like the APA law and other laws say that once it is abandoned for a term of one year or whatever..... Attorney Smith asked the Code Enforcement Officer, Jim Morganson and he said there was an incident once with a gentlemen raising cows and stopped for a while and tried to reintroduce them, but we did not allow him to do it. Attorney Smith said there is a provision in the Code under 4.2.2b that states whenever a nonconforming use has been discontinued for a period of two years, any future use shall be in conformity. Dean Dietrich said it used to be a year but when the new Code came in in 2000 it was changed to two years.

Dean Dietrich said when the Main Street report came out, we talked about everything should be 6 feet for the pedestrian corridor on the sidewalks. Does the language in this amendment allow for sandwich board signs, he asked. He said the Main Street Report suggested different requirements for sandwich board signs. The report also suggested that the sandwich boards be limited in size, be of natural material and should be connected with a chain or something. He said he does not see that language in the proposed amendment. Mayor Randall said that was a Village-driven discussion with the Main Street Group. The current Code clearly allows for restaurants to have menu boards but they are to be anchored to the wall and perpendicular to the sidewalks so they do not protrude. Other businesses have migrated to sandwich

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boards that were placed on the sidewalk surface and not anchored in anyway. This began to choke down the sidewalk. Sandwich boards technically are not allowed under the Code, he said. Supervisor Politi said we would have to come back and amend the language, have another public hearing and amend the law again. Attorney Smith that is correct, but this is worded rather simply and anything that, in a reasonable sense, could be called an obstruction is not permitted in the 6 foot zone, being a sandwich board sign or a clothing rack or table or chair.

Jim Morganson said, while Heather (Lapere) and her partner are here, and you guys worked on this last winter, this means no tables and chairs in front of the Breakfast Club right? Mayor Randall said that was correct. The 6 feet would prevail. Heather said as long as they clear the 6 foot mark right? Mr. Morganson said they have about 7'2" in front of their building, and, he said, the Black Bear, Jimmy's 21, the Breakfast Club, the Big Mountain Deli, The Good Bites, Emma's and Temptations can no longer do that. He said that was just a quick list. Heather LaPere said she would measure their sidewalk. She said they understand why it is that way.

Supervisor Politi asked if there was anyone else who wants to address the boards with regard to any of the Code amendments as noted. No one spoke up.

Supervisor Politi declared that the Public Hearing was closed at 4:25 pm. and thanked everyone for coming.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ellen M. Clark". The signature is fluid and cursive, with the first name "Ellen" being more prominent.

Ellen M. Clark, Village Clerk