

Minutes
Special Village Board Meeting
Thursday, July 21, 2011
9:30 a.m. – Town Hall

Present: Mayor Randall, Trustees Holderied, Leon & Devlin, Wayne Johnston, Dean Dietrich, Bob Marvin, Olga Krone and Nate Brown.

Absent: Trustee Zay Curtis

Mayor Randall called the meeting to order at 9:30 a.m. with the Pledge of Allegiance.

Old Business

Proposed Local Law No. 2 of 2011

Mayor Randall explained this proposed local law was tabled at the last Village Board meeting on July 11, 2011. The Town Board met on Tuesday, July 12, 2011 and passed the local law, with modifications. At the Village Board's last meeting, this local law was tabled and the Village Board requested a Joint Public Hearing. The Town of North Elba has declined to participate in a public hearing, and they passed the local law. The two legislative bodies, the Town and the Village, have to pass identical local laws. These amendments to the proposed local law will make it hopefully, an easier process for any property wishing to be designated as Planned Development. Its also important to note that while Placid Gold may have thought they completed the PD District years ago, it was never truly consummated in the end, according to Ron Briggs.

Tim Smith explained the Town adopted the local law with minor modifications, and yes most of the modification were made to make the process less onerous on the applicant.

Mayor Randall asked if anyone had any questions?

Trustee Leon said yes, I have a question. Was it the TSC or the Town Board that made the change to remove the "four stories" in the draft local law?

Tim Smith said I believe in the existing Code it states 40 feet height. At the public hearing on June 28th, and the conversations leading up to the proposed local law amendments, it was talked about to eliminate the height requirement for a Planned Development District. In the local law the Town Board passed last week, it was decided as a judgment call to say the maximum height is 45 feet, rather than 4 stories, and that's the version that passed.

Trustee Leon said so the 4 stories was eliminated, but what type of building could be built? I think that's where people are apprehensive, how big or tall can something be built?

Tim Smith said any building would have to go through the Review Board process, with the 45 foot height restriction. A ridge/gable could be 50-55 feet in height and still comply with the 45 foot height restrictions. All projects are subject to review by the Board of Review. 45 feet means the max, but any project or building would always be subject to review whether or not it's a Planned Development District or not.

Trustee Leon so let's say if someone wanted to build where the old hotel was at the LP Club? Where do you measure, would it be from the street level?

Tim Smith said, oh no. You would measure from the top of the land, it wouldn't be kosher to bring in more dirt and build the land up, you'd have to go from the natural grade, or the existing grade.

Mayor Randall said one of the factors we want to avoid by adopting this local law is getting into litigation when things are not clearly defined in the Code. We are hopeful, these amendments will help to clear up any issues that are not clearly addressed. The 45 foot height restriction gives the boards something to point to as far as limitations. Of course, an applicant can apply for a variance for any deviations from the present Code. We certainly want to keep away from creating any towering or tunnel effect structures, or anything that would ruin the view sheds in the area.

Wayne Johnston said so for clarification, the proper rules to follow, in particular to bring to the table, an applicant would go to the Review Board and they would schedule a public hearing, and then each of the legislative boards would schedule a public hearing? Is that what I'm hearing??

Mayor Randall said no. An applicant or developer who wished to have a Planned Development District would go to the Planning Boards and they would proceed with a public hearing. They would then make a recommendation to the two governing bodies on a recommendation to vote without another public hearing. It's our feeling, the people appointed to the zoning and planning boards are better educated in zoning and planning than we are on the municipal boards, that's why we appoint them to serve! We rely on their expertise in these areas!

Bob Marvin asked I'm hearing you say, the Town and Village Boards do not have to have a public hearing to amend a local law? That's what you're saying.

Mayor Randall said no, I think that's two different things. A local law and a Planned Development District require two different procedures.

Tim Smith said the Review Board would have a public hearing as part of a request for a Planned Development District, and the Town and Village Boards are the legislative part

of the process. Although, technically, Bob may be correct. In most cases the legislative bodies would have a public hearing, or may elect to be a part of the public hearing with the Review Board.

Dean Dietrich said the Review Board is the screening process mechanism, and is the most important filter for projects. What Bob is saying is if the public hearing is at the Review Board level, and not the legislative level, then they are hearing this all second hand.

Tim Smith said yes, its more likely that all the boards could participate in a joint public hearing.

Dean Dietrich said yes, but it just depends on scheduling issues.

Mayor Randall said I think this is a refinement to the new Code. The TSC's efforts, and there was a lot of attention to each level of the Code, and we have spoken with Bill Hurley, members of the Review Board, Chuck Finley of the ZBA, as well as other ZBA members, so that we can get to a point where we have a clean cut pathway to help Placid Gold, as well as any other developers in the future. Perhaps this may of come up at a later time, but unfortunately it's the first issue since adopting the new Code, and so we have to address it now, rather than later. Many people have spent considerable amounts of time on this issue. Certainly, Artie has put a lot of effort into this issue, and we'll keep working at it until we make some progress for everyone involved!

Wayne Johnston asked what's the time line looking like for something like this? Is it 6 weeks to a public hearing?

Mayor Randall said I think its approximately 15-20 days to a public hearing.

Tim Smith said it really all depends on the meeting schedules of each board. The Review Board has an informal rule called the "first meeting rule". Sometimes they don't act on an issue at the first meeting its presented, they often times wait until the next meeting. However, bottom line, its approximately a month in any case.

Dean Dietrich explained in the new Code a PD already has written into it mixed uses, clusters, density standards so the applicants don't have to go through such an onerous process.

Olga Krone said I'm sorry I was a little late! Is this procedure to establish a Planned Development District?

Mayor Randall said yes, that's right.

Tim Smith said its that and other refinements too, not just a PD.

Olga Krone said these are changes in general, not just for Placid Gold?

Tim Smith said yes, that's correct.

Bob Marvin said I'd like some clarification, if I may. Two different issues with regard to public hearings. If you read this local law, the PD limits to a certain few, and the Land Use Code says something else with regard to notices to neighbors, with two different height restrictions? To create a PD, looking at this draft, the applicant would have to meet all the requirements before he went to the Review Board to create a PD.

Tim Smith asked what section is that Bob?

Bob Marvin said its page 3 of 7, item 2C – public hearing by Review Board. It says that you have to have a complete project to meet all the requirements, not a just a sketch or something, but a fully developed plan to get to a public hearing.

Tim Smith, well I can see where that may be a bit confusing.

Bob Marvin said the ground rules to create a PD, what if an applicant has a plan, or maybe a pre-existing plan, how can an applicant, before he even knows if it will be approved, come in with a complete plan?

Trustee Leon asked do you feel that's more or less restrictive?

Bob Marvin said it would be more restrictive, for sure! How can a developer come in with a complete plan for a PD District? With a subdivision, its mandatory, but a PD District would be too difficult.

Tim Smith said I think the point Bob is making is maybe it should be easier, or less requirements, to create a PD.

Bob Marvin said yes, I think it should be easier to create a PD District, and then anything that's built is subject to review by the appropriate boards.

Tim Smith said I think we just need some clarification in language, but good point.

Mayor Randall added, in effect, that's what happened to Guinness, they had all kinds of plans when they started, and ended up doing nothing, at the time, I think it was about 10 years later!

Bob Marvin said yes, that's right. The economy and different events can change the applicant's situation. I also notice at #5, it says "must" comply with 45 feet. I think you should be careful because everyone reads things differently. Its possible some board members could take it literally.

Tim Smith said I think we'll let the boards handle that, but a little different wording again, may be helpful.

Wayne Johnston said again, you don't want to create any litigation for the two boards in the future.

Tim Smith said let me do some redrafting, and get this back to the Village for their meeting on Monday, July 25th, 2011. The Town Board will need to vote again with these revisions on Thursday, August 11th, 2011 at their next Town Board meeting.

Olga Krone said it occurs to me, that after 5-6 years to redoing the Code, the first instance that comes up and the applicant is unhappy with the new Code, and we have to amend the Code. So much time and effort went into the new Code, and its being amended already, I just don't think its right!

Trustee Devlin said Olga, it's the TSC's comments, not the Town and Village Boards.

Tim Smith said really, I think this is just a refinement, its nothing earthshaking, really its not a big deal.

Dean Dietrich said yes, its within the purview of the TSC and the Boards. The Review Board needs a basis for a decision. Also, I'm not here on behalf of the TSC, I'm here as an individual, so please don't feel I'm speaking on behalf of the TSC!

Trustee Leon said Olga, I think many people share the same sentiment that you do. You are justified in how you feel, that's why I voted against going to a public hearing, because I just think there's got to be a better, clearer way to go with this process.

Trustee Devlin said I think its important that Bob, Dean and the Village Board are all on board with these amendments.

Bob Marvin questioned page 4, additional requirement of the "entire tract", not isolated areas of the property.

Discussion back and forth about conceptual plans required or completed plans required to create a PD District. Further clarification of wording for Tim Smith to redraft.

Mayor Randall said we'll table this for today. We'll take this up again at our July 25, 2011 Village Board meeting for action. Thank you Tim, and everyone here today who has contributed to this meeting. You've all been very helpful we appreciate your help and guidance.

Bob Marvin said thank you for listening and allowing us to participate!

Tim Smith said on Monday evening you can first pass the SEQR resolution, and then adopt the proposed local law. I will get that to you for your meeting on Monday.

New Business

Sidewalk Sale Ironman Sunday

Motion by Trustee Devlin, seconded by Trustee Holderied and carried to authorize the Lake Placid Business Association to hold a sidewalk sale on Sunday, July 24, 2011 during the Ironman Race. This sidewalk sale will be conducted under Local Law No. 5 of 1991 only.

Authorize Mayor to sign Indemnity Agreement for Japanese Knotweed Control

Mayor Randall explained the Town of Inlet has received a grant for funding of the eradication of Japanese Knotweed in the Adirondack Park. A gentleman who lives here by the name of Ryan Burkham will be performing the work. Larry Masters and the Mirror Lake Watershed Association is working in conjunction with the Town of Inlet. This work is also being done in Saranac Lake, Tupper Lake and different areas of the Adirondack Park. I need authorization for Ryan to do this work on Village property, which is located adjacent to the Power House at the Electric Plant.

Motion by Trustee Devlin, seconded by Trustee Leon and carried to authorize the Mayor to sign the Indemnity Agreement: Invasive Species Control Work Commercial Lawn Application Contract to receive assistance from the Town of Inlet in controlling invasive species on Lake Placid Village Inc. property located adjacent to the Power House at the Lake Placid Village Electric Plant, on Power Pond Road, Lake Placid, New York, 12946.

There being no further business to come before this Special Meeting, motion by Trustee Leon, seconded by Trustee Devlin and carried to adjourn the Special Meeting at 11:37 a.m.

Kathryn McKillip
Village Clerk

