

State of New York
County of Fulton
Town of Caroga

Minutes of a Planning Board Meeting held February 2, 2022 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by roll call.

Chairman Kozakiewicz - here
Fred Franko - absent
Karen Dutcher - here
Lynne Delesky - here
Matt Cooper - here
Mike Voght - absent
Rick Gilmore - here

Jennifer Blowers, Code Enforcement Clerk, and 3 members of the public were in attendance.

Chairman Kozakiewicz indicated that there were 3 pieces of business. There are 2 applications before the board; P2022-01, Timothy Burton is the applicant. And then there's P2022-02 Richard Szurek which is for a ?

Rick Gilmore: Subdivision

Al Kozakiewicz - It's not for a lot line adjustment?

Board members: Subdivision

Al Kozakiewicz - ok that's what I get for reading too early. Third piece of business is that I think that Jennifer (Blowers - code enforcement clerk) has something that she wants to talk to us about and we'll deal with that afterwards. First of all is either applicant here?

Tim Burton and Rick Szurek both indicated that they were present.

Al started with Mr. Burton since he was number 1. Al reminded the board that Mr. Burton's application had been discussed at the last meeting and it was decided that it needed to go to the Zoning Board. The Zoning board approved the site use and it was now back to the Planning board. He asked Mr. Burton to explain his proposed project.

Tim Burton: Ok Sure. So I had a trailer on my parcel for the past 40 years that has been used as a hunting and fishing cabin. Unfortunately the local mice population had taken it over. So my thought was to get rid of it rather than try to gut the whole thing. So I wanted to replace it with one of these log style sheds that you can buy on skids. My thought was to put in some gravel and level it out and put it on the same footprint that I had. A couple other things: the Environmental Short Form they found there was no environmental impact on the area with what I had in mind to do. Also Fulton County Response had no recommendations on the variance. And as you know it was approved by the Zoning board so I'm assuming that it met all the hurdles at the Zoning Board. That's roughly what I have.

AI asked if there were any questions from the board.

Rick Gilmore stated that he noticed that there was some property that was cleared and wanted to know if it was Mr. Burton's property that was cleared since it looked like it was recently disturbed. Mr. Burton indicated that it was cleared the same way that it has been for the past 40 some years, the recent disturbance is where the trailer was hauled away. Rick Gilmore was under the impression that the trailer was going to be 450' from the road and it only appeared to be 150 - 200' from the road.. Mr. Burton indicated that it was pretty close to 450'. He measured from the road with a 300' tape. Rick wanted to know how wide this 450' driveway would be. Mr. Burton indicated that it was 12'. Mr. Burton was asked if he owned the property and it was determined that he had a deeded easement for the driveway. Rick confirmed that the plan was to put the "shed" in the same footprint as the trailer. Mr. Burton indicated that it was since they were roughly the same size.

Rick Gilmore indicated that since ZBA approved it and gave a variance for it that he supports any time someone wants to improve their property

Lynne Delesky asked if he was planning on living in it? Mr. Burton said that he was not. It's strictly a hunting and fishing cabin without water, septic or electricity. Jennifer Blowers stated that there can't be any of those amenities and still be classified as a hunting and fishing cabin. Lynne wanted to know if there was an outhouse. Mr. Burton said that there was one that has been there for the past 40 years. Lynne Delesky wanted to know about visibility from the road. The cabin would not be visible from the road for the better part of the year; as long as there's leaves. AI joked that anything has to look better than a 40 year old trailer.

AI asked if there was any other discussion from the board.

Rick Gilmore made a motion to approve the application; Matt Cooper seconded.

Clerk did roll call vote:

AI Kozakiewicz - yes

Lynne Delesky - I have another question. We're doing a site plan review right?

AI - No this is a Special Use Permit for a shed that's over 100 square feet. That's how it got categorized. There is no primary structure on the lot which is the issue that the ZBA addressed.

Lynne Delesky - But on the application it states that "contingent on a site plan review by the Planning Board on the basis of the fact that the use table requires a site plan review.

AI stated that it doesn't. It requires a special use permit. Lynne asked if the manual was incorrect. AI said it was. Lynne confirmed that they weren't doing a site plan review then. AI stated that they were not since they didn't have all of the materials for that. Lynne confirmed that it was a special use permit. AI said yes - unless something changed it was a shed over 100' feet. Lynne pointed out that the building was defined as a hunting and fishing cabin, not a shed. Jennifer stated the ZBA granted the use so you're not deciding on the use. The site plan review from the Planning Board has to be done on the basis of the fact that the use table indicated that a site plan review needed to be done in those zones. So since the ZBA approved the use you're going to approve the site plan review the same way you approved previous accessory structures.

Lynne wanted clarification as to what they were considering. Jennifer directed her to page 31 under Accessory structure and that applications for such were considered special use permits. Al pointed out that it was originally presented to him as a shed. But he understands where it might not be correct. Mr. Burton is in the Hamlet and if it's not categorized as a shed then it's a site plan review. Al has interpreted the requirements to be that if you require a site plan review for some place that it is allowed then one is required after a variance in places that it is not allowed. Lynne asked if they could agree that if this was indeed a hunting and fishing cabin then it needs a site plan review. Jennifer asked what the application said. Mr. Burton indicated that it was a hunting and fishing cabin. Lynne informed the board that she attended the ZBA meeting and they determined that a site plan review was required from the Planning Board. Al pointed out that the ZBA has no authority to determine which type of application comes before the Planning Board; if it's a shed it's a special use permit, if it's a hunting and fishing cabin it's a site plan review. There was a discussion as to what the building actually is. It was determined that since the application and Environmental forms called it a hunting and fishing cabin that that's what it is. Jennifer stated that even if that's the case there's no more information to give the board. Al left it open for the board to decide whether they had sufficient information. A SEQR was done, but Lynne pointed out that a survey was not provided. Al offered his opinion that given the nature of the cabin and where it was located and the distance from the road that the board didn't need to know the exact location of the structure on the lot. Rick reminded the board that the owner was replacing something that was already there. Lynne argued that if a site plan review needs to be done then the basic requirements should be met and many of them haven't been provided. Al agreed and then went over the checklist for site plan review.

Legal Notice - done

Notice to County Planning & adjacent municipalities - done

Public Hearing required: yes and proper notice given yes and it's tonight

Environmental Review Complete - yes

Parking - n/a

Means of access

Signs - n/a

Architectural features - log cabin

Screening and landscaping - whatever is there currently

Location and dimensions of building - information provided

Adjacent land uses and physical features - use not being changed

Any additional elements the governing body may specify - n/a

Is there agreement that all the elements have been met for a site plan review? Lynne said that the board did not have an engineered drawing, or anything that indicated scale, direction, boundaries, contours of plot, wetlands, grading or drainage. Al pointed out the board could agree that the information wasn't required because it was irrelevant. Lynne disagreed with him that it was irrelevant.

Jennifer stated that she was wrong in stating that it was a special use permit because the newspaper and the application both stated that it was a site plan review.

Al asked if they wanted to do a voice vote on whether to table the application until a site plan is received that meets all of the requirements in the zoning ordinance.

Al Kozakiewicz - no

Rick Gilmore - no

Lynne Delesky - yes

Karen Dutcher - yes

Matt Cooper - yes

Jennifer asked what other drawing they needed since Mr. Burton drew one up. Al stated that the board had that drawing but it doesn't meet the requirements. Jennifer stated that they weren't going to get an engineered stamped drawing. Al said that's what the site plan review requires. Al read from page 56: If the planning board finds that any of the information requirements as set forth above are not necessary to conduct an informed review it may waive such information requirements as it deems appropriate. He questioned what additional information could be provided from an engineered drawing that could help them decide as to whether or not this should be approved.

Jennifer asked if the board had read the letter that she wrote to Doug (Purcell) after she walked the property in order to clear up confusion since the pictures online are of the wrong SBL numbers. Once the correct area was located, the footprint of the trailer was visible and the boundaries were easily discernible and Mr. Burton would meet all of the setback requirements. She stated that she didn't think that any of the information that an engineered drawing could provide was necessary.

Al stated that he felt that there was a difference between equitable treatment and being punitive. The requirements for a Dollar General and a cabin are not the same. Lynne Delesky agreed to waive all of the requirements except for the stamped engineered drawing. Mr. Burton said that he looked into the drawing and was told by Anthony (Fancher) and the manufacturer of the shed that it wasn't needed under 1500 square feet. Al didn't know if that was indeed true. Jennifer gave the history that Mr. Burton was told incorrectly that he could remove the trailer and replace it with the cabin within a year.

Al made a motion that the board table the application until a citation can be provided as to whether or not there is a statutory waiver for the drawing requirement considering the size of the building. A discussion ensued about the building being less than 1500 square feet and not needing an engineered drawing and the fact that the board can require a drawing during a site plan review regardless of the size of the building, if it feels that it's needed to make an informed decision.

Application was tabled until the next meeting when a citation or drawing is provided.

This is an application for a subdivision on Everson Rd.

Mr. Szurek - I would like to subdivide my lot in half to give the second lot to my son to build a house on in the future. I went through the APA and there weren't any recommendations. You have that. You also have my survey map.

AI - so this is zoned R3?

Mr. Szurek - yes it is.

AI - so the lots are almost double the minimum lot size. Any questions from the board?

The driveway location was clarified in the drawing, along with the location of Everson Rd. The board verified that there weren't any wetlands located on the parcel according to the APA. The drawing provided had a well and septic drawn in by the property owner. There was no correspondence from Code Enforcement. It was decided that the application was complete by voice vote (all in favor) and all pertinent information was received from the APA and DOT didn't need to be involved since it wasn't within 500 feet from a State or County highway.

Does it conform with local regulations - yes

Safe access from public rd - yes

Lots buildable - yes

Marketable - not an issue here

Compatibility of layout - not an issue

Storm drainage - n/a

Suitability of common lands n/a

Public service improvement - not a factor

Any other questions - any correspondence - no

AI Kozakiewicz made motion to grant the application for a subdivision, seconded by Lynne Delesky

Roll call vote to approve application

AI Kozakiewicz - yes

Karen Dutcher - yes

Lynne Delesky - yes

Matt Cooper - yes

Rick Gilmore - yes

Mike Voght and Fred Franko absent.

Application approved unanimously. Mr. Szurek will bring in stamped drawings that aren't altered for signature.

The third piece of business is a letter from Code Enforcement. Code Enforcement requests that all applications to planning and zoning be denied by code enforcement first. AI asked for specifics and Jennifer indicated that the planning board approved a site plan review for the CAC that is not accurate. The requirements for the site plan review were met; the carriage house was demolished after the fact. An addition to the carriage house was approved and was later violated since the carriage house was demolished without a permit. The CAC was found to be in violation of at least 15 items on the site of the Schine property. AI pointed out that the planning board approved an engineered drawing and whether or not it's enforced properly is up to code

enforcement. The board assumed that any applications that come before the board have previously been denied by Code Enforcement.

At 8:07 Lynne Delesky made a motion to adjourn the meeting, seconded by Matt Cooper. Meeting adjourned at 8:07.