

Planning Board Public Hearing

September 18, 2019 Minutes

Chairman Kozakiewicz called the meeting to order at 7:00pm.

Roll call:

Al Kozakiewicz — present

Fred Franko — present

Kim Hart — absent

Mike Voght — present

Peter Kiernan — present

Lynne Delesky — present

Rick Gilmour — absent

Others present: Edna Bennett, Stan Waddle, Linda Gilbert, Jim Selmsner

Proceedings

Al Kozakiewicz said we have a quorum.

Motion: Al Kozakiewicz moved to accept the minutes of the September 3, 2019 meeting as presented. Fred Franko seconded the motion. All were in favor.

Al Kozakiewicz received a letter from the APA regarding the APA application. The APA does not have enough information.

Al Kozakiewicz submitted the letter to the secretary.

The secretary will place the APA NIPA letter online.

Next meeting October 3, 2019 is a review application meeting for P2019-04 Primax.

Application Number: [P2019-03](#). Owner: Edna Bennett, 3212 State Highway 29A, Gloversville NY 12078 of the property located at: 3212 State Highway 29A in the Town of Caroga and identified as parcel [SBL#83.6-15-9.5](#) for a Special Use Permit as per the Town of Caroga Zoning Ordinance. Owner Desires to: build an accessory structure. Special Use Permit required under [Article 4, Subsection II, Paragraph C](#): Accessory structure allowed by Special Use Permit.

Chair Al Kozakiewicz described the problem with the new Zoning Ordinance with regard to residential properties reclassified as highway commercial.

Edna Bennett said she has a lot of things she needs to store. She ordered a 12 foot by 24 foot storage shed. She's putting on the back part of her lot, on the edge of the woods.

Stan Waddle said he owns property behind Edna Bennett and supports what Edna Bennett wants to do.

Linda Gilbert this is a brand new ordinance and the bugs need to get worked out. The Use Table is one that needs to get clarified. All the zoning districts in the table need to be reviewed.

Al Kozakiewicz closed the public session at 7:11 pm and asked for Board discussion.

Peter Kiernan said it was self-explanatory on how the two things in the new Zoning Ordinance were misaligned. He prefers things to be put in a shed versus left around the yard.

Al Kozakiewicz asked if that sounded like a motion.

Mike Voght asked if the application met all the setbacks.

Multiple persons said yes.

Motion: Fred Franko moved to approve. Mike Voght seconded the motion.

Roll call vote:

Mike Voght: Yes.

Fred Franko: Yes.

Lynne Delesky: Yes.

Chair Al Kozakiewicz: Yes.

Peter Kiernan: Yes.

Al Kozakiewicz said the motion carried.

Jim Selmsler said he would talk to John Duesler about the decision.

No decision notice will be generated for this anomalous situation in the new Zoning Ordinance.

Chair Al Kozakiewicz asked if the Planning Board wanted to talk about the P2019-04 Primax application materials.

Fred Franko said he would.

Al Kozakiewicz said the Planning Board might as well use this available time to go over the list.

Al Kozakiewicz said the Board should have received the document Fred Franko prepared and if the Board is in agreement, the document would be forwarded to the applicant.

Fred Franko said he had the text with him and asked if the Board wanted to go over the list.

Al Kozakiewicz said the Board might as well go over the list.

Peter Kiernan said this discussion would just be a clarification of the points in the list Fred Franko prepared.

Fred Franko said that, as Al Kozakiewicz noted, this document should be approved by the Planning Board before being sent off to the applicant. He contends that this is the Board's opportunity for doing a lot of ground-laying for what will hopefully come after this project. In order to help Primax Properties and Bohler Engineering, he suggests the Board forward the list as things that the Board wants, as a Board and as a representative of the Town of Caroga as well. He wants to go over the list and if there is anything that needs to be added or that the Board disagrees on, now is the time to set that part of it up in order to let the applicant know what they need to bring the next time they come.

Al Kozakiewicz said the things that gave him pause were some of Fred Franko's answers for some of the SEQR questions.

Fred addressed item 3, "Will the proposed action impair the character or quality of the existing community?". He requests Bohler provide comprehensive documentation of the proposed monument signage. He is proposing Adirondack rustic character appropriate to its context within a traditional Adirondack town. He thought it might be an ambiguous wording.

Al Kozakiewicz said he did not think it was ambiguous. We want to ask, as part of the application, that they be specific about the kind of signage they want to put up. It is not an item to be left after

the application is approved or disapproved. It should be part of the application.

Fred Franko said we're giving them suggestions. This is the opportunity to get those defined. The sooner we give that to them — it would be appropriate if they came back with questions on it. Dollar General has not been afraid to change what those buildings look like when they ran into a different context. He guessed that those locations were where the Planning Boards said, you're going to do this. They did it and it does not appear to be anything they were not familiar with. Since we're as good as any place else in the country, he thinks they should do things to accommodate us. That was the text of what he was trying to put together. Continuing, he read "please provide documentation of your site lighting, pole mounted ... pictures strongly suggestive of Adirondack character. He said Bohler had said they would be dark sky with low cutoff and minimal glare and not visible from adjacent properties.

Al Kozakiewicz said that to make the most of the time that we have, he asked the other Board members to jump in if they disagree.

Peter Kiernan said this might be a marginal opportunity for Dollar General and we may not be able to push them too far. It is better to say we would recommend this, rather than say you have to have this.

Fred Franko said the great resource that we have here is that this area is totally undeveloped. There's no new modern nasty development. That is an identifiable resource to this town just as much as anything else. Undeveloped sites are a rare commodity. They could walk away, but this is something you don't get very often.

Peter Kiernan said he's not being contrary, but we need to be careful to not discourage them.

Al Kozakiewicz says this is “we're suggesting”. At this stage, this is an interactive back and forth between us and Primax.

Peter Kiernan said that's how he read it.

Fred Franko said absolutely.

Fred Franko said the Master Plan says we need to maintain the character. That's a very loose too. But, without a list of this kind of lamp, etc. this is loose. This would be something that says: try a little harder, because we're paying attention.

Lynne Delesky said she hopes Primax understands that this is back-and-forth.

Fred Franko said Primax has done stuff nationwide. Fred Franko said he's gone to [presented at] Cooperstown where they nail you right to the wall. Saratoga is like that. Burlington Vermont is like that. We don't have that kind of juice but, somebody thinks we're good enough to have a store put in. We need to negotiate strongly and not go belly-up.

Mike Voght agrees with going strongly but not too strongly. He'd hate to see them turn away. The signs could be narrower, shorter.

Fred Franko the signs should be externally lit. If they didn't have anything that did that, but there are plenty of Dollar Generals that have that.

Fred Franko continued, landscape areas along State Route 29A. They won't do it if you don't ask. So, maybe we should ask.

Al Kozakiewicz said landscaping is covered under fences in the Zoning Ordinance. We don't want it to limit sight distance.

Jim Selmsler asked if NYSDOT commented on this.

Fred Franko said he'd never dreamed in a million years that NYSDOT would let an applicant have a commercial use on corner that's got that many quirks to it.

Peter Kiernan said it is kind of a weird corner.

Mike Voght said he'd like to add that are three rods from the centerline where you can't plant anything.

Al Kozakiewicz asked what a rod was.

The secretary stated that a rod was 16.5 feet.

Al Kozakiewicz said that's like 50 feet.

Mike Voght said yes, and that goes both sides.

Peter Kiernan said there are two or three really mature trees he'd not like to see cut.

Al Kozakiewicz that's a: to the extent practicable, they should retain any trees over a foot diameter breast height (DBH) — pick some number.

Fred Franko asked, do you want to say 12 inches DBH should not be cut, to the extent possible.

Al Kozakiewicz said that's a substantial tree. It should not be cut to the extent practicable.

Fred Franko Item #6: put in additional detailing for Adirondack rustic. We suggested: put in additional detailing in Adirondack rustic. Natural or natural looking materials. Wood columns. Timber framing. There are materials that they can use that are of the same caliber as the Hardie plank that are textured to give them a more rustic look.

The Secretary asked for a copy of the document to be posted publicly.

Al Kozakiewicz said, speaking to Fred Franko, the entire Board would get a copy. Fred Franko will go home and update and forward.

Fred, continuing on his list, asked for east and west elevations renderings. The concern that he has, is that should they abandon that building, what is the Town going to do with it? Fred Franko said if the detailing down the sides of the building, as they have done in other locations, it would make it easier to get that sold and get another tenant.

Al Kozakiewicz agreed that it would be an important consideration.

Fred Franko tend to put a bunch of junk out the front of the store: video machines, ice machines. That's something they do as a corporate entity. The are pretty common items around town. On the other hand, it would be nice to not have that clutter up front.

Lynne Delesky asked if other Dollar General stores have that.

Fred Franko said they have at least an ice machine.

Al Kozakiewicz said the only problem we would have with respect to that is: what are you going to do about Campers Corner store.

Peter Kiernan said everybody else has that.

Fred Franko agreed, saying it was a weak leg to stand on.

Jim Selmsler said that Canada Lake Store, Caroga Lake Marina, Grooms, etc. had that.

Fred Franko will delete that, based on the foregoing discussion.

Peter Kiernan said he'd suggest passing on that one.

Al Kozakiewicz said we're treading on thin ice. He was wondering if we could treat those as accessory structures, but they're not technically a structure. And, it only applies to structures over 100 square feet, which an ice machine is not.

Fred Franko confirmed with the board that the item would be removed.

Fred Franko said he felt strongly about the provision for an exterior covered area at the store entry, appropriate to climate conditions. He said Dollar General doesn't do that. There are Dollar General locations that have a place that's covered outside of the building. He showed a sketch that tends to make it more Adirondack-style.

Peter Kiernan said this would tie into the Adirondack look.

Al Kozakiewicz asked Fred Franko what was a typical budget number for this sort of building, just the construction, not the land.

Fred Franko guessed that this would be a \$150 to \$200 per square foot project.

Al Kozakiewicz extrapolated the proposed square footage and declared that this was a \$1,500,000 to \$2,000,000 project. Thus, he said that a \$5,000 or \$10,000 foyer probably would not be a major concern.

Fred Franko said he didn't think any of this was. He said they [Bohler] were making an effort to answer potential questions. Let's ask for everything we can and certainly we can back off.

Fred Franko said providing landscaping, plantings at the front of the building, rather than a concrete sidewalk that bangs right up against the building. That's one they [Dollar General] don't do a lot of. Dollar General usually does concrete right up to the base of the building. They often have planting beds in the parking lot.

Al Kozakiewicz said planting are an issue for maintenance. If they are going to have plantings anyway, he didn't think that would be a big issue.

Mike Voght said it makes snow-cleaning easier. The heat from the inside carries to the outside in the sidewalk. That gives them their room to put their goods next to the building instead of out even farther.

Fred Franko that is probably their main reason.

Mike Voght said yes.

Fred Franko said he'll defer to the board.

Al Kozakiewicz said put it in as a suggestion.

Fred Franko showed some pictures and documentation that he thought should be included that shows what Dollar General has done in other places.

Al Kozakiewicz said Scott Henze asked about NYSDOT right-of-way. Al Kozakiewicz said Caryn Mlodzianowski said it was on the drawing. Al Kozakiewicz said Scott Henze said he didn't see it. Getting documentation on NYSDOT for the curb cut and all that stuff: Bohler must have some documentation.

Fred Franko said we need to confirm it. That's a crazy intersection.

Fred Franko said the rest are corrections noted on Bohler's SEQR form.

Al Kozakiewicz said these were not suggestions. These are things we are going to talk and tell them "you're right" or "you're wrong".

Fred Franko asked if the Board wanted to go through the SEAF.

Al Kozakiewicz said yes.

Fred Franko said there was a request on the SEAF. there is a question requiring approval from other agencies.

Al Kozakiewicz said that's Town of Caroga Planning Board, Town of Caroga Code Enforcement, Fulton County Department of Health, Fulton County Planning, (Scott Henze is already involved), NYSDOT, NYSDEC, APA.

The Secretary added that the Army Core of Engineers could be involved if there were significant wetlands.

Al Kozakiewicz said: some hippie communist plot.

Fred Franko said, regarding item 5 “land uses that occur on, are adjoining or near the proposed action”, that this was “rural (non-agriculture)”. Bohler called it “Residential (suburban)”. He didn’t think it could be called suburban.

Al Kozakiewicz the issue is if we are talking sidewalks, and curb cuts, it is definitely not rural. These are urban or suburban features.

Fred Franko said he’d take out the comment about suburban.

Lynne Delesky said to take out the comment about suburban.

Fred Franko said, regarding item 5(b), “Consistent with the adopted comprehensive plan?”: this is not consistent with the Comprehensive Plan. The plan said commercial development was to be within the Town Center. This is out of the Town Center. It is just out of it. That's the leverage we should propose in order for them to connect sidewalks for pedestrian access to this property. They're just outside of the Town Center. Its not specified in the master plan document, but they’re just outside of it.

Peter Kiernan asked if the fact that they’re just outside the Town Center means they wouldn’t necessarily have to have sidewalks or they shouldn’t even be there?

Fred Franko said: both. There wasn’t any stipulation that they have to have sidewalks.

Al Kozakiewicz said he didn’t agree with the second part of what Fred Franko said. He agrees that it is a good thing to ask for and to keep in mind when we consider the application.

Mike Voght asked where sidewalks were being requested.

Al Kozakiewicz said, hang on. The more important point is the Comprehensive Plan is a vision document. It has no force of law other than you can bring an Article 78 proceeding against any action taken with respect to zoning if you can make a case that it is not congruent with the Comprehensive Plan. The Comprehensive Plan laid out a vision for what the Town Center should look like. It should have commercial development and such. It was not meant to be a ban on commercial development outside the Town Center. In fact, what we did as part of updating the Zoning Ordinance, to make it congruent with the Comprehensive Plan, was to rezone some properties to Highway Commercial to encourage commercial development outside the Town Center.

Fred Franko responded if that was a mile down the road, he wouldn't be bringing it up, but this is one property away from where you are supposed to have sidewalks in the Comprehensive Plan document.

Peter Kiernan asked if somebody comes along and wants to build something inside the Town Center, which will require sidewalks, it will connect with this one?

Al Kozakiewicz said yes. If it is just sidewalks, he doesn't have a problem. From a practical standpoint, what do we do? The property next to it is a residence right now.

Mike Voght said there are two residential parcels before any commercial parcels.

Al Kozakiewicz said the point is nothing is going to happen to make a sidewalk of use until those intervening residential parcels are developed. He thinks they should plan for it and put it on their

drawing. We could make them spend a couple thousand dollars for sidewalks. You've created a maintenance problem: you have thirty feet of sidewalks that doesn't connect with anything.

Peter Kiernan said it is going to look strange too.

Jim Selmsler said you are setting a precedent.

Fred Franko said his only response to that was an anecdote about a project in an industrial wasteland and it was a body shop. They'd just instituted a Comprehensive Plan which required sidewalks. It was wasteland properties on either side. He was told to put in a sidewalk and some landscaping. He related how he told the board there was a junkyard on each side. He was told they had a new Comprehensive Plan and his application was the first. Bohler is within their rights to disagree and not do that. On the other hand, if that Comprehensive Plan ever takes off, now people can walk to my store.

Al Kozakiewicz said he's not going to give away negotiating strategy in minutes that they can read.

Fred Franko said he didn't have any problem with that. Bohler should know that the Planning Board is paying attention.

Al Kozakiewicz said yes, and don't write this down, but to draw lines on the plan and not build anything there, so that later the Town could say you are now going to build sidewalk and its going to connect with all the other ones down to the Post Office and so forth.

Fred Franko said he thought this was the Planning Board's one opportunity to get this.

Peter Kiernan said he agreed it was the one opportunity but he had a hard time picturing sidewalks from Dollar General all the way down.

Fred Franko admitted it was a stretch.

Peter Kiernan said it was a wide shoulder.

Al Kozakiewicz said their costs was a day of masons and the price of concrete.

Peter Kiernan said its going to look stupid to have a sidewalk a hundred feet across in front of the building.

Al Kozakiewicz agreed.

Fred Franko brought the discussion back to whether it was consistent with the Comprehensive Plan.

Al Kozakiewicz said he thought it was consistent with the Comprehensive Plan.

The board said it seemed to be consistent with the Comprehensive Plan.

Fred Franko went on to item 6, "Is the proposed development consistent with the predominant character of the existing built or natural landscape?" He said they specified that it was. He said it was not. It is a brand new use, completely foreign to the area.

Al Kozakiewicz said it is a use that it is zoned for.

Fred Franko said if it was between a Starbucks and an Applebees, and they put it in there, it is consistent.

Al Kozakiewicz said in a rural town, most development would be of undeveloped land.

Fred Franko says he defers to whatever the Board thinks.

Lynne Delesky said it was going to be next to the Caroga Lake Volunteer Fire Company which is not there not, but it is going to be.

Al Kozakiewicz said that if we say no and they approve it anyway, does that provide a legal avenue to open up an Article 78.

Lynne Delesky there is a business across the street, Canada Lake Computer.

The consensus was to leave that item as is.

Fred Franko moved on to item 8(a), "Will the proposed action result in a substantial increase in traffic above present levels?". He said was similar: increasing the traffic.

Al Kozakiewicz said until we get their traffic information we don't know if it is a no or a yes.

Al Kozakiewicz said he wants to look at the traffic. He doesn't know what the traffic is on State Route 29A and State Route 10. It is not about ditching it altogether. He wants to know more.

Lynne Delesky things this is pass-by, not a destination.

Fred Franko thought it was going to be a big hit.

Lynne Delesky asked if he thought people were going to drive to Caroga to go to the Dollar General.

Fred Franko said no, because we have a lot of traffic going in and out of there.

Al Kozakiewicz said you could make the case that the Post Office isn't a destination.

Mike Voght said it would be comparable to the traffic going in and out of the Post Office.

Lynne Delesky agreed.

Al Kozakiewicz said Dollar General should be able to tell the Board what they expect in terms of traffic.

Mike Voght said that Caryn Mlodzianowski said she'd give us those numbers.

Al Kozakiewicz said NYSDOT should know this. We'll get the numbers. We just have to wait.

Fred Franko asked, leave it?

Al Kozakiewicz said yes.

Fred Franko went on to item 8(c), "Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?". The project is not located within the Town Center. The project is close enough to warrant pedestrian accommodation, concrete sidewalks, identified by the Comprehensive Plan as an important element to be developed throughout the town.

Al Kozakiewicz said the way the question is phrased, it wants to know it is status quo. It is what it is today. There are no pedestrian or bicycle accommodations. It just is what it is today.

Fred Franko ask, take it out?

Al Kozakiewicz said yes.

Fred Franko sad just one last item 18, “Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?”

Al Kozakiewicz said he thinks this question is: does the construction involve temporary impoundment. He doesn't have any problem saying yes to this.

Fred Franko asked, leave it in?

Al Kozakiewicz said yes.

Fred Franko will amend this list and send the Secretary a MS Word file.

Peter Kiernan said Fred Franko deserves credit for doing all this.

Fred Franko said this is a tremendous opportunity. They go in underserved areas and establish a beachhead. This to set the bar real high. The next time somebody comes, we'll say you're going to have to play ball. This is undeveloped area that is ripe to be developed. We are the gatekeepers.

Lynne Delesky asked about their purported bad rap.

Fred Franko spoke of urban areas where grocery stores abandon and they come in. But, in rural areas, they can come in and kick-start an economy or just provide services that are just not around. They are ready to play in terms of providing good looking buildings. Here's are chance to get them in and get something

started. Make it some that the building could be re-purposed should they ever leave and making look presentable while it is a Dollar General.

Lynne Delesky does Dollar General leave a lot?

Fred Franko did not know, but he cited the neighboring businesses.

Al Kozakiewicz said a lot of those were family businesses.

Al Kozakiewicz said he only thing he would say is the fact that they choose to develop in underserved areas, means they have a business model for that and it should allow them to survive.

Fred Franko said plan for the worst. You'll only be pleasantly surprised.

Jim Selmsen agreed with Fred Franko.

There was a discussion of open meetings law.

Al Kozakiewicz moved to adjourn.

Fred Franko seconded the motion.

All were in favor of adjourning.

The meeting adjourned at 8:00 PM.