

Planning Board Meeting

October 3, 2019 Minutes

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

Roll call:

Al Kozakiewicz — present

Fred Franko — present

Kim Hart — arrived at 7:10pm

Mike Voght — absent

Peter Kiernan — present

Lynne Delesky — present

Rick Gilmour — present

Members of the public in attendance: Caryn Mlodzianowski of Bohler Engineering representing applicant Primax Properties LLC, Jim Selmsler, John Delesky.

Application P2019-04.

Reviewing completeness of the application from Caryn Mlodzianowski of Bohler Engineering representing applicant Primax Properties LLC. Primax has made an application for a [Site Plan Review](#) and a [Subdivision](#) for property [SBL#83.-1-1](#) currently owned by the Caroga Lake Volunteer Fire Company.

Al Kozakiewicz said they decided to discuss the application in the last meeting because they had another item on the agenda and had to meet anyway. Fred Franko will lead the discussion on the items of concern. Al Kozakiewicz said the three items outstanding have to do with the SEQR. Item 6, “Is the proposed action consistent with the predominant character of the existing built or natural landscape?”, will be left as a “Yes”.

Lynne Delesky confirmed that it will be left as a “Yes”.

Al Kozakiewicz said item 8(a), “Will the proposed action result in a substantial increase in traffic above present levels?”, changed to a “No”: need numbers from NYSDOT to a traffic study.

Fred Franko said that’s not how he recorded it at the time, but these are basically bookkeeping issues.

Al Kozakiewicz said 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)?”, based on his research has specifically has to do with the construction period. He used the example of blocking of a stream to do some construction. He asked Caryn Mlodzianowski if she was familiar with the question.

Caryn Mlodzianowski said Bohler had it interpreted both ways in the past. There will be a retention pond during construction. Bohler is fine with saying “Yes”.

Al Kozakiewicz again explained his interpretation of item 18.

Caryn Mlodzianowski said that from that perspective, they are not re-routing any waterways. It is just storm water management.

Fred Franko said Bohler changed the answer to “Yes”.

Al Kozakiewicz asked Fred Franko to go through his list.

Copies of the list were made on the photocopier in the meeting room.

Fred Franko offered to start with item 3.

Al Kozakiewicz said to start with item 1.

Fred Franko started with item 1, request for a copy of the NYSDOT approvals. He also wanted to know what the reference studies were that the numbers were based on.

Caryn Mlodzianowski said she has the NYSDOT email approving the entrance location. The data that Bohler Engineering provided to NYSDOT show that at the peak hour on the busiest day, which the ITE traffic manual says is Saturday, would be about 64 trips per hour at the peak hour on a Saturday. Any sort of significant threshold would be 100 trips per hour.

Fred Franko said, again to reiterate, NYSDOT finds that curb cut location acceptable?

Caryn Mlodzianowski said, yes.

Al Kozakiewicz asked Caryn Mlodzianowski to make copies and deposit them with the Board's clerk.

Fred Franko asked about the status of the NYSDEC and APA approvals.

Caryn Mlodzianowski said it is all in review. APA will look at the soils.

Jim Selmsler asked what day.

Caryn Mlodzianowski said APA will witness a percolation test on Wednesday October 9, 2019.

Fred Franko asked if APA has issues with that, what happens?

Caryn Mlodzianowski said they actually did soils testing for the septic field and it did pass.

Fred Franko asked if that was the only thing APA would care about.

Caryn Mlodzianowski said that was the only thing APA would be looking at. They've looked at the complete application.

Al Kozakiewicz said APA has had the opportunity to review everything, including wetlands, except to validate that the soils are acceptable.

Fred Franko brought up his item 3, the documentation of the monument signs. He didn't see that in the package that Caryn Mlodzianowski presented. He noted that it was discussed at the Board's last meeting with Caryn.

Al, addressing Caryn, confirmed that it was a separate company that handles the signage. As far as the Board is concerned, it is part of the Site Plan: Caryn Mlodzianowski will need to get the sign company involved. The signage that goes with it is going to be part of the approval.

Caryn Mlodzianowski if it wasn't possible for the sign company to get approval at a later date.

Al Kozakiewicz said, technically, the answer is yes, but he thought Bohler would want to know up front whether the Planning Board was going to allow the sign or not. That would be for Bohler's client's benefit. He asked for confirmation from the rest of the Board.

Fred Franko said he agreed. He complimented the elevation renderings as a sincere effort to make something that Bohler thought would be appropriate. Regarding the sign company, the Board is looking for the exact same character for that sign. He noted that other Dollar General monument signs had external

lighting similar to what is on the current elevation renderings, rather than a back-lit acrylic sign. He would advocate against approval of back-lit acrylic signage.

Rick Gilmour said he thought Bohler had already done that.

Fred Franko corrected him, the discussion was about the monument signage on the street. Bohler had done that on the elevation renderings of the building.

Rick Gilmour asked, you want?

Jim Selmsler interjected, consistency.

Fred Franko agreed. It is certainly more appropriate in the rustic style.

Al Kozakiewicz said it is not as garish. Al Kozakiewicz reminded the Board about neon beer signs in the windows of Vrooman's, The Outlet, etc. They are all grandfathered. A light that turns off at midnight would be much more consistent with the character of the Park.

Fred Franko said the Board is thrilled to be seeing some additional business here. It is nice to have a major chain take an interest in the Town of Caroga. Dollar General is the first and we want to set the bar pretty high. If Bohler doesn't want to deal with the sign now, Bohler should pass on to the sign company that the Board will be looking at the monument sign with equal care as the building itself.

Al Kozakiewicz said we do have a sign regulation in our Zoning Ordinance. Al looked at Article 10, Section III.

The Secretary suggested that Al Kozakiewicz look at Article 5, Section I.

Al Kozakiewicz paraphrased from Article 5, Section I. He said the important thing is it is entirely at the Code Officer's discretion, based upon whether it meets the regulations specified in the Zoning Ordinance. There are four pages of specifications. There's one on lighted signs.

Lynne Delesky read from the Zoning Ordinance that no signs shall have neon or similar lighting.

Al Kozakiewicz said one could argue back-lit is similar to neon.

Fred Franko said that on the other hand, it appears to him the Bohler and Dollar General has been very sincere on working on that.

Al Kozakiewicz said the point he wanted to make is, as he reads it, the Planning Board has no jurisdiction over signs. We can't put conditions on it on the Site Plan Review. The Code Enforcement Officer does the review. The ZBA would rule on any variances.

Fred Franko brought up item 4 considering pole-mounted site lighting. He didn't see anything in the recent packet.

Caryn Mlodzianowski said she brought the information with her.

Al Kozakiewicz asked her to submit it to the Board.

She passed around lighting specifications to the Board members.

Caryn Mlodzianowski said there is only one light pole at the front center of the parking lot.

The Board discussed lighting.

Fred Franko asked how high the sole lighting pole will be.

Caryn Mlodzianowski said 25 feet.

The board examined the drawings.

Fred Franko said, “going on the record”, the gooseneck lamps are wonderfully appropriate, excellent choice. He has reservations about the area lighting which is a more modern style look.

Al Kozakiewicz asked if the goosenecks are for the sign.

Caryn Mlodzianowski confirmed.

Al Kozakiewicz said that Fred Franko was concerned about the building lighting.

Caryn Mlodzianowski said the goosenecks can't cover the parking lot.

Fred Franko said there are other kinds of lighting available.

Al Kozakiewicz said at this stage, all Board members should state their observations and comments.

Fred Franko said he was concerned that there was a single light. He has reservations that this area lighting will be “Walmart” type modern lighting. He's referring to both the pole light and the building lights.

Fred Franko asked if the lighting was being done by Bohler.

Caryn Mlodzianowski replied that it was being done by the client's national lighting vendor.

Fred Franko would love to see something more traditional on the buildings and on the light pole. He'd like to see Caryn's lighting vendor do something more appropriate.

Peter Kiernan asked if Fred Franko could come up with an example.

Al Kozakiewicz said style is something the Board should have a lot of input to.

Fred Franko said he had to fight on pole-mounted lighting on a project in Fonda near Bridge Street on the new clinic for Nathan Littauer Hospital. He cited that as an example of something he thought would be more appropriate and suggested Caryn Mlodzianowski look at that site.

Al Kozakiewicz supported Fred Franko's suggestion that Caryn Mlodzianowski drive by that site.

Caryn Mlodzianowski said they have to look at cost. The cost of goosenecks is extraordinary compared to the proposed fixtures. Further, she said the building lights so far back from the road, that they might get lost. The proposed fixtures are there for safety. The extra money has been put into the building. She said there has to be a little give and take.

Al Kozakiewicz said that's all we're asking.

Jim Selmsler said there was one other possibility: LED streetlights will probably be implemented in the next year. The Fire Department may have additional streetlights. He wondered whether they would blend in.

Peter Kiernan said the Board would rather it not be like a Walmart, blasting light all over the place.

Rick Gilmour said the Board shouldn't get carried away.

Kim Hart said we're negotiating, but it is all important — every bit of it. She said she didn't think the Board should assume anything.

Rick Gilmour said we shouldn't micromanage Bohler.

Kim Hart said we can work with them.

Rick Gilmour said OK.

Fred Franko said he'd been in Caryn's place. He'd love to see the pole have some more historical treatment. We're going to have potentially streetlights he would hope have some historical character. We don't have a planning document that says use historical type lighting.

Al Kozakiewicz said there's no historical district in the town. That was out of the scope of rewriting the Zoning Ordinance.

Rick Gilmour asked if the Town had just bought new lighting for the town.

Jim Selmsler said it was in process.

The Secretary clarified that the Town was not replacing poles or cobra-arms. Only the heads would be replaced and they were of similar dimension as the current heads. The Town did not budget for installing a bunch of new poles.

Rick Gilmour asked if we were just replacing what the Town has.

The Secretary confirmed: by and large.

Al Kozakiewicz said that this will be an issue with the Fire Department. They will be in front of the Planning Board. He guessed the Fire Department may have more lights than the Dollar General does. If it is an issue for Dollar General, it is an issue for the Fire Department as well.

Fred Franko said it would be an issue for anybody that follows this precedent. Fred Franko requested confirmation that the fixtures were dark-sky.

Caryn Mlodzianowski said yes.

Fred, referring to the lighting plan, noted the foot-candles dropped off quickly with distance.

Fred Franko said, on item 5, the landscape areas look fine to him. He said it was a nice effort.

Rick Gilmour asked about the grasses: are they climate rated for this area? He claimed this area was zone 3.

Caryn Mlodzianowski said yes.

Al Kozakiewicz said he'd like to discuss what's left before the application is considered complete. He reminded the Board that if the Board deems the application complete, the Board has 62 days to adjudicate it. If the Board decides not to take it up until the APA and NYSDEC have passed judgment on it, then the Board potentially has a problem. He asked how far away Bohler is from APA approval. Is it just percolation test?

Caryn Mlodzianowski said yes, just the percolation test. She did not have any estimate as to when APA would rule.

Al Kozakiewicz asked if the APA gave her an indication how long APA would take after the application was deemed complete.

Caryn Mlodzianowski said the APA did not.

Caryn Mlodzianowski said that as far as NYSDEC goes, the project doesn't meet any sort of threshold. They'll file a notice with NYSDEC right before construction regarding storm water. They are not waiting on anything from NYSDEC.

Caryn Mlodzianowski asked what else is needed for a complete application.

Al Kozakiewicz said there was internal discussion about moving forward. He reminded her there is a legal clock that starts ticking once the Board deems the application complete: The Board has to decide within 62 days. He said he didn't know if the APA has the same or a similar legal clock. If we deem it complete, we may miss out on some important information that APA would receive. He addressed the Board and asked whether they thought it was an issue.

Rick Gilmour said wait for the APA.

Jim Selmsler talked about APA meeting schedules.

Al Kozakiewicz asked about calling Robyn Burgess to get an estimate on the timing at the APA.

Jim Selmsler encouraged him to do so.

Al Kozakiewicz said he didn't want the Board to hold things up but he also wanted to make an informed decision.

Al Kozakiewicz reviewed the Planning Board process with the Board.

Jim Selmsler said then the recipients would have 30 days to question the lead agency status.

Caryn Mlodzianowski said a good step the board could take right now would be to declare its intention to be lead agency on the EAF. Then they have 30 days to respond. Same with the County.

Al Kozakiewicz agreed. He said he liked that: it gives the Board an extra 30 days.

(Several overlapping simultaneous conversations.)

Al Kozakiewicz said the Board would vote tonight on whether to be the lead agency. He asked Caryn Mlodzianowski who then does the notifications.

Caryn Mlodzianowski said she'd get the additional copies of the complete application. Then, as the lead agent, the Town then mails them out to each agency.

Al Kozakiewicz said, so then it's us and then, speaking to the Secretary, said then it is the Secretary.

Caryn Mlodzianowski said she'd give the Secretary a list of who needs to be notified.

Al Kozakiewicz said the Board would table the vote on whether to declare the application complete until Caryn Mlodzianowski gets back to the Board with the few additional items previously discussed: lighting, for one.

Fred Franko said the monument sign elevations were also a concern.

Al Kozakiewicz asked about the NYSDOT traffic statistics.

Caryn Mlodzianowski said she'd handed in the NYSDOT email tonight approving the entrance.

The Secretary asked for clarification for the minutes on the 64 vehicles per hour figure.

Caryn Mlodzianowski said that was the total traffic per hour that would be entering the store.

Al Kozakiewicz said the letter now made sense to him. It did not make sense before. He explained that the traffic into the store would be 64 per hour on a peak Saturday. The threshold for significant traffic is 100 per hour.

Al Kozakiewicz directed the Secretary to mail out the SEQR notifications.

The Secretary said that Caryn Mlodzianowski would be sending them to the Secretary first and then Al Kozakiewicz would need to sign them.

Al Kozakiewicz agreed to come over and sign them.

Al Kozakiewicz laid out a potential schedule. Al Kozakiewicz said the Board will table until the next regular the meeting, November 6. The Board will vote to accept the application. The board will then go through the checklist for SEQR. Then, the public hearing would be scheduled. Al then asked Caryn Mlodzianowski if that was alright.

Caryn Mlodzianowski said yes.

Al Kozakiewicz asked for a motion for the Caroga Planning Board be the Lead Agency for the SEQRA review for the Primax application.

Rick Gilmour made the motion that the Caroga Planning Board will be the Lead Agency for the SEQRA application.

Fred Franko seconded the motion.

Al Kozakiewicz asked for a roll call vote.

Kim Hart: yes.

Lynne Delesky: yes.

Al Kozakiewicz: yes.

Rick Gilmour: yes.

Peter Kiernan: yes.

Fred Franko: yes.

Al Kozakiewicz said the motion passes. First Wednesday in November, November 6 will be the next meeting.

Caryn Mlodzianowski said it would be tough because they have 30 days to respond.

Al Kozakiewicz said we could postpone the meeting a week or two.

Caryn Mlodzianowski said the other item was the County Section 239.

Al Kozakiewicz asked the Secretary if everything including the D-size drawings were on the website.

The Secretary confirmed that they were: Caryn Mlodzianowski had kindly provided electronic copies of the drawings.

Lynne Delesky asked Caryn Mlodzianowski if there was anything else she wanted to discuss.

Caryn Mlodzianowski said the new elevations show the fiber cement will be painted a dark brown color, more like Vrooman's. They switched out the white trim for a dark brown trim. They switched out the shutters to look more like barn doors and kept the brown awnings. Pointing to the bottom, she said that would be a split-face block, dark brown, a wainscot along the bottom. Lastly, they switched out the box internally illuminated sign for the individual letters and gooseneck lights.

Al Kozakiewicz said this is very much liked by at least two members of the Board.

The board discussed the metal siding on the right side.

Al Kozakiewicz said it depends on how close the Fire Department builds.

Fred Franko noted the elevations, except for the color change, was basically the same as presented previously.

Caryn Mlodzianowski agreed, but noted the siding had been turned vertical.

Fred Franko would love to see some more development on the side elevation. It is blank and stark.

Caryn Mlodzianowski asked if he meant by the parking lot.

Fred Franko said yes.

Caryn Mlodzianowski agreed.

Fred Franko said carry the base course. Perhaps multiple layers of trim.

Al Kozakiewicz thanked Caryn.

The Secretary asked if the Section 239 required a vote.

Al Kozakiewicz said no.

Application P2019-05.

Owners: John and Lynne Delesky, 255 South Shore Road, East Caroga Lake, PO Box 466, Caroga Lake NY 12032 (seller) and Helen and Craig Jubar, 1151 Shaffersville Road, Mount Airy MD 21711 (purchaser) of 0.8+/- acre portion of the property identified as parcel [SBL#99.-1-9.1](#) in a lot line adjustment with [SBL#83.18-4-4](#) and then to be combined with the Jubar's [SBL#83.18-3-5](#) shoreline lot.

Al Kozakiewicz discussed the Jubar application. Al Kozakiewicz asked Lynn Delesky to describe the details.

Lynne Delesky described the Jubar's plans. The Jubar's own two lots. They basically need this to build a garage. Lynne Delesky described the parcels. Lynne Delesky said the Jubar's have to combine all the lots, because one can't have the garage on a separate parcel.

Al Kozakiewicz agreed regarding the combining of the Jubar's existing lots.

Lynne Delesky said the Jubar's want to redo their camp as well.

Peter Kiernan asked if there were any comments from neighbors.

Al Kozakiewicz reminded Peter Kiernan that this does not require a public hearing, so there are no notifications. This is simply a conveyance of land from one property owner to another.

Lynne Delesky said she suggested they talk to the neighbors.

Rick Gilmour about building the garage?

Lynne Delesky said yes.

Al Kozakiewicz said the role of the Planning Board in this is to simply get the final approval. We don't even have a process to follow that says "here's what you should consider". It is just talk about it and "yes" or "no".

Peter Kiernan said he couldn't come up with any reason why not.

Rick Gilmour said, then make a motion.

Peter Kiernan made the motion to approve the application for a lot line adjustment.

Al Kozakiewicz said there is no application form. The Board has a memo from Code Enforcement Officer John Duesler, a non-determination from the APA, a purchase contract, and a stamped map of the proposed adjustment. The stamped map is all the Board needs: that's the application.

Rick Gilmour seconded the motion.

Roll call.

Kim Hart: yes.

Lynne Delesky recused herself.

Al Kozakiewicz: yes.

Rick Gilmour: yes.

Peter Kiernan: yes.

Fred Franko: yes.

Al Kozakiewicz said the motion carried.

Lynne Delesky moved to adjourn. Fred Franko seconded the motion. All were in favor.

The meeting adjourned at 8:15pm.