

# Planning Board Meeting

## February 5, 2020 Minutes

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

Roll call:

Al Kozakiewicz — present

Fred Franko — present

Kim Hart — present

Mike Voght — present

Matt Cooper — present

Lynne Delesky — absent

Rick Gilmour — present

Members of the public in attendance: Caryn Mlodzianowski of Bohler Engineering representing applicant Primax Properties LLC, Tracy Maddocks, Jarrod Maddocks, ZBA Chair Douglas H. Purcell, Jr., John R. Bellinger, Town Board Member Rick Sturgess, Jennifer Sturgess, Joe Insogna, John Byrnes, Burt Wilson, and unidentified others

Al Kozakiewicz said we have three pieces of business before us tonight. He plans to start with Dollar General (P2019-04). He is hoping that the Planning Board can consider the application complete. He said there is a Site Plan Review from Maddocks (P2019-07). He said the final piece of business is a request from the ZBA for a clarification regarding docks (Z2019-07).

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 asked Caryn Mlodzianowski to briefly review the changes since her last meeting with the Planning Board.

Caryn Mlodzianowski thanked the chairman and introduced herself. She said she was with Bohler Engineering representing Primax Properties LLC. She said Bohler obtained a permit from the Adirondack Park Agency. The APA reviewed storm water, septic design, the subdivision, wetlands, etc. in order to issue the permit. She reviewed changes since the last set of plans. She noted the added landscaping out front and trees on the southeast side.

Kim Hart asked if there was any elevation rendering of the landscaping.

Caryn Mlodzianowski replied that there was just the building elevation rendering or the overall plan view. The trees would act as a buffer. The building would sit lower topographically, reducing its visibility. They changed the signage as requested by the Planning Board, going from a full sign to a monument sign externally illuminated with goose-necks and an externally illuminated channel letter sign on the building. She said that the Planning Board had asked Bohler to explore other architectural options. She first displayed the architecture that was presented at the last meeting. She said a Planning Board Member had referenced the Dollar General store in Galway. Bohler matched the color scheme with the horizontal Hardie board siding. She noted the Dollar General sign above the entrance with goose-neck lighting and the new peaked roof. She noted that Bohler added awnings and shutters to both the parking lot side and the other side facing the proposed firehouse, to dress up all three sides. Lastly, she said, Bohler has been working with NYSDOT.

Al Kozakiewicz asked what were the continuing conversations or questions with DOT.

Caryn Mlodzianowski said DOT issued a couple remaining comments today (February 4, 2020). DOT wants Bohler to replace the concrete gutter: the existing gutter would be disturbed by the new driveway. Bohler make sure to replace that in kind. DOT also doesn't want a stop sign on the store exit.

Members of the Planning Board expressed surprise about DOT not wanting a stop sign.

Caryn Mlodzianowski said that Bohler prefers to have stop signs and will continue to work with DOT on this issue.

Caryn Mlodzianowski said changes also included an updated lighting plan.

Burt Wilson, in the audience, asked if DOT also prohibited the white stop line where the stop sign would have gone.

Caryn Mlodzianowski said she would have to confirm that.

Board members asked Al Kozakiewicz if Burt Wilson's question was in order.

Al Kozakiewicz said that Burt Wilson is a Planning Board alternate.

[As of the meeting date, no Planning Board alternates had been appointed by the Town Board for 2020.]

Al Kozakiewicz said, "Board, let's not waste her time."

Rick Gilmour said, "Fred?"

The Board turned its attention to Fred Franko.

Fred Franko said that, for the record, Bohler did a nice job responding to the Board's comments. Fred Franko said he was pleased with the plans. He said he thought it was an improvement and more in keeping with the local area. He concluded by saying he was good to go with it.

Kim Hart asked who maintains the landscaping.

Caryn Mlodzianowski said Primax Properties LLC will be the owner. Primax would be in charge of hiring for any maintenance items. Dollar General would be the tenant.

Kim Hart said that in the case of Stewart's Shops, they guarantee the landscaping will stay alive for one year and whoever takes it over is then responsible.

Caryn Mlodzianowski thought it was a one year policy on this proposal as well. She will double-check.

Kim Hart, continuing on the subject of landscaping, noted that the building itself is still stark as is the one in Galway.

Caryn Mlodzianowski said OK.

Al Kozakiewicz asked if Primax Properties LLC was a holding company. He immediately restated the question, asking for confirmation that Dollar General stores were not franchises.

Caryn Mlodzianowski confirmed that the Dollar General stores were not franchises and Primax Properties LLC is a private developer.

Al Kozakiewicz asked about the business model, noting that companies like Dollar General typically don't hold hard assets in their accounts in case they go bankrupt. There's usually a holding company. He then restated his original question: is Primax Properties LLC completely independent (of Dollar General)?

Caryn Mlodzianowski said Primax Properties LLC will own the store and has the option to sell it. Primax Properties LLC will buy the property and build the store.

Al Kozakiewicz asked the Board if any members had any other questions.

Caryn Mlodzianowski interjected that either the original or the latest architecture is on the table.

Al, speaking for the Board, said he thought every Board member prefers the latest architecture.

Kim Hart asked the Board if they like the two-tone with tan in front better.

Fred Franko said he thought the two tone scheme tends to break things up. Without it, it is all one color and would appear a lot bigger. The two tone scheme makes it look a bit smaller. He noted that he'd just been at the Dollar General in Galway.

Kim Hart said she too had just been at the Dollar General in Galway, noting its difference.

Caryn Mlodzianowski said it was different in part because of the orientation of the building. In Galway, the long side of the building faces the street, whereas here the narrow side of the building faces the street.

Kim Hart came back to the two tone scheme.

Caryn Mlodzianowski said it was the same two colors, but allowed that it might be broken up differently in Galway.

Rick Gilmour said he'd like to make a motion.

Al Kozakiewicz said, "please do."

Rick Gilmour made the motion that the application is complete and that the Planning Board move forward with the application.

Mike Voght asked about DOT and the curb cut.

Al Kozakiewicz said it was part of the application. The first thing is the Board needs to decide that the application essentially has all the information that the Board needs to make a decision.

The secretary asked the chair if the Board wanted to wait for the 239-m with Fulton County or start that process in parallel.

Al Kozakiewicz said to start that process in parallel. He then asked for a second.

Mike Voght seconded Rick Gilmour's motion.

Al Kozakiewicz requested a voice vote.

All Board members were in favor.

Al Kozakiewicz said the motion carried. He then asked the Board, Caryn, and the Secretary about scheduling the Public Hearing.

Rick Gilmour asked about waiting for Fulton County and the 239-m.

Al Kozakiewicz said the Board could proceed with the Public Hearing without the 239-m, but just couldn't vote on the application.

Rick Gilmour said OK.

The Secretary reminded the chair that the Planning Board has its next regular meeting date on March 4, 2020.

Al Kozakiewicz asked if Caryn Mlodzianowski was interested in trying to schedule the Public Hearing sooner.

Caryn Mlodzianowski said that because the Fulton County has thirty days and if the Planning Board anticipates voting at the end of the Public Hearing, she thought it was better to wait until March 4, 2020.

Al Kozakiewicz said the Planning Board would vote if it had all the prerequisites to do so, assuming there weren't major issues that the public brought up. The 239-m will probably be the only thing possibly open at that time.

Caryn Mlodzianowski restated that she was fine with waiting for the March 4, 2020 regular Planning Board meeting date.

Al Kozakiewicz then restated that the Public Hearing would be on March 4, 2020.

Town Board Member Rick Sturgess asked if there was any possible way the Public Hearing could be scheduled after March 9 because he will be on vacation until March 9.

Kim Hart asked about delaying until May.

Al Kozakiewicz said the builders would want to get going and the Planning Board only has 62 days from tonight to hold the Public Hearing and make the decision.

The Secretary said he would schedule March 4, 2020 and would send out notices to neighbors, the Leader-Herald, etc.

Al Kozakiewicz reminded Town Board Member Rick Sturgess that he could review the plans in Code Enforcement Officer John Duesler's office or go out in the hallway with Caryn Mlodzianowski tonight and ask questions.

The Secretary reminded Town Board Member Rick Sturgess that every document was online at [TownOfCaroga.com](http://TownOfCaroga.com). He also said he would send a brief informal confirmation email to the Planning Board members prior to sending out formal notifications.

Caryn Mlodzianowski asked about fees for posting and mailing.

The Secretary said, yes, that was the Town's right as per the Zoning Ordinance and, therefore, he asked Bohler Engineering to reimburse for notification expenses.

The Secretary said he would email Caryn Mlodzianowski once he knew what the expenses would be for mailing, etc.

Caryn Mlodzianowski said that sounded good.

Al Kozakiewicz asked what was the reason for the 239-m.

Caryn Mlodzianowski said it was because it was a State Highway.

Kim Hart asked if there would be an ice machine out front.



Caryn Mlodzianowski said she would confirm whether it would. Caryn Mlodzianowski said the SEQR materials went out the the various agencies. She asked if any had come back.

The Secretary said he had not received any SEQR materials.

Al Kozakiewicz thought the Board might, assuming the 239-m doesn't get back by the date of the Public Hearing, do the SEQR that night.

Caryn Mlodzianowski said OK. She asked the Board if it needed anything else from her.

Al Kozakiewicz said she was free to go.

Caryn Mlodzianowski thanked the Board.

Al Kozakiewicz said Town Board Member Rick Sturgess would follow her out.

The Board discussed the application for Fulton County 239-m review.

Al Kozakiewicz said that next on the agenda was the P2019-07 Maddocks application.

Application Number: [P2019-07](#)

Applicant: Tracy Maddocks, 444 Sprout Brook Road, Garrison NY 10527, for the property located at: 2047 State Highway 10 in the Town of Caroga, and identified as parcel [SBL#68.-1-53-2](#), in the Town Center zoning district (APA Hamlet classification), for a Site Plan Review as per the Town of Caroga [Zoning Ordinance](#)  
Owner Desires to: open a creative arts studio, with candy shop.

Site Plan Review required under [Article 4, Subsection II, Paragraph B](#): Commercial use is allowed by Site Plan Review only.

Al Kozakiewicz asked who was representing the applicants.

Jarrold Maddocks said he was looking to take the laundromat and turn it into an arts and crafts creative studio. He is contemplating basket weaving, wood carving, pictures, etc. It would be an area where people could teach classes and create art: pottery, painting, kiln. His daughter wants to make the left side into an old fashioned candy shop. The candy shop wouldn't be more than 100 square feet. Of the eight acres of land, he wants to clear one acre of land for archery contests, lumberjack contests, ax throwing contests, etc.

Al Kozakiewicz said that the Planning Board is calling this the Public Hearing and he would open up the floor to public comments in a minute. Al asked when Mr. Maddocks was thinking about starting the project.

Jarrold Maddocks said sooner rather than later.

Al Kozakiewicz asked the Secretary if a Site Plan Review for commercial use require a SEQR.

Rick Gilmour asked if the applicant was putting in a bathroom.

Jarrold Maddocks said yes.

Kim Hart asked about a holding tank.

Jarrold Maddocks said yes, he would use the tank that's there now, remove the ejector pump, cap it, and use it as a holding tank and pump it. He plans to have Charlie Ackerbauer draw up plans.

The Secretary replied to the question of SEQR that Al Kozakiewicz posed earlier: it will require a SEAF.

Al Kozakiewicz said to Jarrod Maddocks that this was a form Mr. Maddocks would fill out. John Duesler has the form. The Planning Board would need that form to make the application complete, unless anyone else on the Board sees anything else that is missing.

Jarrold Maddocks said he would not be doing anything with the parking or the road. He asked what was that form he needed.

Al Kozakiewicz said it was a short SEQR form.

The Secretary said to Mr. Maddocks that Code Enforcement Officer John Duesler has a worksheet that the Code Office drew up that shows the steps that Mr. Maddocks needs to follow. He noted that the worksheet was also online as was a link to the state's website for filling out the SEAF.

Al Kozakiewicz said to Mr. Maddocks that it is a process that the Planning Board is required to follow to assess the impact on the environment. It is not just birds and trees: it is the aesthetics and everything else. The Planning Board needs Mr. Maddocks' attestation of what he is planning to do, such as whether he is planning to disturb any wetlands, reroute any streams, etc. Then, March 4, 2020 at the latest, we'll be able to say your application is complete. The Planning Board would go through its part of the SEQR and render its decision then unless there are some outstanding questions. Does anybody want to speak on this application? Rick?

Town Board Member Rick Sturgess argued to the Planning Board: "I don't think stalling it any more is a good thing. These guys got to get in there and start getting the work done. The season happens

so quick up here. This has to happen right away. If we just delay this another month, are they going to be open for the summer or are they not?” “Is there a way that you can make this application go through, pending that, so these guys can get some basic work done on that property that they got to get done?”

Al Kozakiewicz said, “well, I’ll tell you what...”

Town Board Member Rick Sturgess interrupted Chair Al Kozakiewicz, “Put it off another month, in my eyes, doesn’t seem justifiable. These guys are ready to get going.”

Al Kozakiewicz said the Planning Board still needs the SEQR form to get started. He asked the Planning Board if anyone would have a problem coming back in two weeks from today.

All Planning Board Members said they were OK with that date.

Al Kozakiewicz said the application was tabled so that another notification was not required.

The Secretary notes herein for the record that notification of meetings, unless they are regularly scheduled, is still required.

Fred Franko asked about the clearing planned in the back of the property.

Tracy Maddocks said this was for down the road.

Several persons spoke simultaneously.

Al Kozakiewicz said he just wanted to make sure that the law gets followed. Because it is tabled, we don’t have to do another public notice. We’ve already had the Public Hearing. The Planning Board could act on the application at the next meeting.

Burt Wilson said “as an alternate and not needed on the board tonight, I am acting as a member of the public and I would like to lend my support to that.” “If it is only one acre of the eight that are there, the current owner, whom I am also familiar with, could clear cut at any point and there’s not a damn thing the Board could do or should want to do because it is his right to do so with his property and it would have no effect on their application. I would hope that the Board would not allow that one acre clearing to slow up any of this.”

[The Secretary notes again for the record that no alternates have been appointed.]

Al Kozakiewicz said the Board was not even at the point of discussing any of this right now. We want to have the material so we can discuss this. The SEQR form is next.

Kim Hart asked the Secretary to confirm that the forms were online.

The Secretary answered yes, everything is online.

Al Kozakiewicz said this application is tabled until February 19, 2020 7:00 pm.

Al Kozakiewicz said this brings us to Z2019-07.

Application Number Z2019-07, by John & Lenore Bellinger, 492 Crooks Grove Road, Ballston Spa NY 12020, for the property located at 325 East Stoner Lake Road and identified as parcel [SBL#24.7-1-41](#) in R-10 zoning district, APA Low Intensity.

The applicant proposes to build a new dock in a zoning district that prohibits docks per [Article 4, Section II, Subsection D](#) of the Zoning Ordinance. [Article 4, Section III](#) lists the uses permitted by

right, by site plan review, and by special use permit for each zoning district. A Zoning Board of Appeals (ZBA) variance, if granted, will then be referred by the ZBA to the Adirondack Park Agency (APA). The APA has 30 days after it receives a complete referral to reverse the granting of the variance. If the variance is granted by the ZBA and not reversed by the APA, then the applicant must further obtain approvals from the other regulatory agencies required for permitting of docks. Only then would building plans be reviewed and a determination made about whether to issue a building permit.

Al, attempting to speak over conversations among attendees, said the Planning Board has been asked to provide some guidance and advice with respect to the fact that our current Zoning Ordinance appears to not allow docks a parcel zoned residential that is on a lake front.

Al Kozakiewicz gaveled to quiet the conversations among attendees.

Al Kozakiewicz said the ZBA has an application for a variance. The applicant wants to build a dock on East Stoner Lake. Al Kozakiewicz reviewed the history of the revised Zoning Ordinance. Al Kozakiewicz claimed that the Planning Board made an oversight in not allowing docks on R-10. The Zoning Ordinance would require a variance.

ZBA Chair Doug Purcell agreed.

Al Kozakiewicz said that's one change to the Zoning Ordinance we should probably make. Al Kozakiewicz said he did research on riparian rights. There is a limited right: you can't prohibit it. It has to pass a reasonableness test. The main thing was that it was never the Planning Boards intent to disallow docks in R-10. Al

Kozakiewicz said there are three changes: the other two are shipping containers and Site Plan Reviews for properties now zoned commercial that were formerly residential and still in residential use.

Doug thanked the Planning Board.

Al Kozakiewicz asked ZBA Chair Douglas Purcell if he wanted a formal letter.

Doug said the minutes would be sufficient.

Matt Cooper moved to adjourn. Mike Voght seconded the motion. All were in favor.

The meeting adjourned at 7:43pm.