

Planning Board Meeting

March 4, 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 — present

Rick Gilmour — present

Attendees: Caryn Mlodzianowski of Bohler Engineering, representing Primax Properties LLC, Robert Sullivan of Caroga Lake Volunteer Fire Company, and approximately 50 members of the public.

Fred Franko moved to accept the February 5, 2020 minutes as published. The motion was seconded by Rick Gilmour. All were in favor.

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 there were two applications before the board tonight.

Al Kozakiewicz was interrupted by Mike Voght.

Mike Voght stated that he has a potential conflict because he is a member of the CLVFC.

Al Kozakiewicz said that when the Planning Board got to the CLVFC application, they could seat an alternate.

Al Kozakiewicz resumed, saying the Planning Board was here tonight for two reasons. The first is the Public Hearing for P2019-04 Primax (proposed landlord for the Dollar General store). The representative is Caryn Mlodzianowski. She'll be presenting. The Planning Board is being asked to approve the Site Plan for that project.

Al, addressing the Planning Board, said we'll get the SEQR done tonight. The other agenda item is a review of the application materials for the CLVFC. There will be privilege of the floor for the Dollar General application. Al Kozakiewicz told the attendees that they may direct comments or questions to the Planning Board. The Board may, in turn, ask Caryn Mlodzianowski to field those questions. For the CLVFC there are no comments: It will be a conversation between the Board and whomever is representing the CLVFC. This is about making sure that the paperwork that we have received makes the application complete. At that point, the clock can start ticking for the 62 days that the Planning Board has to adjudicate the application. Al would like to leave the meeting either knowing the application is complete or having a short check list of items to be added.

Al Kozakiewicz gave the floor to Caryn.

Caryn Mlodzianowski from Bohler Engineering representing Primax Properties, LLC spoke. Primax Properties is the developer

and contract purchaser of 2.1 plus or minus acres of land located on NYS Route 29A across from NYS Route 10 here in the town. The 2.1 acres is being subdivided out of an overall 58 acres, plus or minus. The subdivision is part of the application along with the Site Plan Review. On the 2.1 acres, Bohler is proposing a 9,100 square foot Dollar General retail store. The site is in the Town of Caroga's "HC", Highway Commercial zoning district where retail is an allowed use with Site Plan Review and approval by the Planning Board. The proposed building will meet all the required setbacks and 31 parking spaces are proposed for the store. There will be one driveway to the state highway. The site will have a new well and a new septic system to serve the store. Dollar General is a very low water user. The septic system is proposed out back behind the store. Bohler did on site soils testing that were witnessed by the Adirondack Park Agency. The proposed well is located within a landscaped island in the parking lot to be at least 200 feet from that septic system. Bohler has been working for a few months with the Planning Board and they have done a great job reviewing the details and aesthetics of the project, which has come a long way in those months. Bohler has added landscaping. There is a row of spruce trees along the southeast property line to act as a buffer. Bohler is using a landscape planter to treat the water from the roof. Bohler has added landscaping along the site frontage and along the base of the sign and within the parking lot and a landscaped island. The site slopes to the northwest. The storm water management area will be on the low side of the site. Bohler pursued the permitting from the Adirondack Park Agency and received a permit to proceed. The APA met Bohler on site for soils testing and verified the off-site wetland boundary that is off to the west and confirmed that the buffer will be maintained. After many months of working with the Adirondack Park Agency, Bohler received a permit from the APA to proceed. At that time, Bohler came back to the Planning Board to work through some

other items. The original sign was a pylon sign but is now shrunk down to a monument sign of eight feet total height to reduce the impact and visibility. Bohler went through many iterations of the building elevations. The most current one, which Bohler presented to the Planning Board last month was well received. Originally the plan called for a single color dark brown, with vertical siding. After receiving feedback from the Planning Board, Bohler revised design with a peaked roof over the entrance and a stepped roof from there. Bohler varied the earth tones of the building, so that it is not just one color, with a mix of tans and browns. Bohler added awnings and shutters along three sides of the building that will be visible and a split-face block wainscot around the building. Typically, there is an internally illuminated box sign that Dollar General prefers. The revised building sign is a channel letter sign with goose neck lighting. With all these changes, Bohler believes this fits in with the Adirondack style. Caryn Mlodzianowski thanked the Planning Board for working with Bohler on that. Since the last meeting, Fulton County Planning has reviewed the project and issued a letter back to the Town that they will defer to the Town Planning Board for reviews and approvals. Caryn Mlodzianowski turned the floor back over to the Planning Board.

Al Kozakiewicz opened the public comment period.

Ralph Palcovic said this is the first positive step towards achieving the goals of the Comprehensive Plan that was established in 2011. The goal date was 2025. This would be a strong commercial positive move as addressed in the Town's Comprehensive Plan. The committee had many town residents on it: Mike Voght, Bill Fielding, George Abdella, and Barbara McMartin — all representatives of the Town. This is the first commercial building that would fit totally in this plan for the benefit of all Town residents.

Tim Welch does not think it is right for an elected new official or an old one to come in and be against a company coming in only because it might affect his business. He does not think it is right one bit at all. The project will bring work to the community and they do a lot of hiring. You hear them doing job fairs. Plus, it is going to bring taxes in. If a guy wants to get elected, maybe he shouldn't get elected if he's going to complain about another business hurting his business: it isn't fair. That's not the way it supposed to be done in politics.

Al Kozakiewicz said that for the record, the Planning Board is an apolitical, nonpartisan body. Al Kozakiewicz said that although he knows what Tim Welch is talking about, he's not going to go into detail. The Planning Board's review is limited to what is outlined in the Zoning Ordinance. Site Plan Review mainly has to do with things like traffic, noise, light, aesthetics, and whether it is consistent with the Comprehensive Plan of the Town.

Al Kozakiewicz said the Planning Board's review is limited to what is in the Zoning Ordinance and whether it is consistent with the Comprehensive Plan.

Tim Welch continued, saying it is going to bring work here and bring work locally. Because the guy is an elected official and gets elected, he should be more worried about being polite to his customers instead of being rude and then he wouldn't have to worry about his customers and business. Right is right, wrong is wrong. He shouldn't be able to block it.

Ron Peters of the Fulton County Center for Regional Growth spoke. CRG is in support of the project. CRG thinks this is a good economic development project: good for the Town.

Randy Snyder said the building looks great on the renderings. He asked: are they going to fill the front of the building with ice coolers?

Al Kozakiewicz asked Caryn Mlodzianowski to answer the question.

Caryn Mlodzianowski said typically Dollar General has ice sales out front. Sometimes they bring things out for sale during the day but bring them back inside at night. Dollar General would propose to have the ice machine out front.

Rachel Simonds said a lot of our small businesses are very supportive of community events. She asked if Dollar General would continue in that same capacity, not just financially, but manpower. She wondered if Dollar General would be continuing that.

Al Kozakiewicz said the application is in front of us is for construction. It is not for any kind of operation of the business other than it is a retail store. Al Kozakiewicz said he didn't know if Caryn Mlodzianowski could speak for the tenant of the building. Al Kozakiewicz restated the question: The local business support things like the fishing derby, the Caroga Museum, either with sponsorships or donating prizes.

Caryn Mlodzianowski said she doesn't have a specific point of contact at Dollar General, since they are a tenant. She thought they could be approached on matters like that. They have a literacy foundation which is nationwide and works with schools and libraries.

Joe Ricciardi said the one in Broadalbin donates to Adirondack Harley.

Al Kozakiewicz said we don't have a definitive answer from anybody here because there isn't anybody representing Dollar General corporation.

Al, finding that there were no more questions or comments, closed the public comment portion at 7:19pm.

Al Kozakiewicz said to the Board that this is a two applications: a Subdivision and and a Site Plan Review. Going forward, he will treat them as a single application. If the Board votes on anything it is the combination of the two.

Al Kozakiewicz said he wants to get through the SEQR. He said it would not be a Type I action. It does not appear to be a Type II action. Al Kozakiewicz said he would go through the eleven items of SEQR Part 2

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? The Board said no.
2. Will the proposed action result in a change in the use or intensity of use of land?: The Board said no or small.
3. Will the proposed action impair the character or quality of the existing community? The Board said the APA reviewed and permitted this application and the APA has more expertise than this body does. The Board said no.
4. Will the proposed action have an impact on the environmental, characteristics that caused the establishment of a Critical Environmental Area (CEA)? The Board said no.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? The Board said no. Caryn

- Mlodzianowski said peak use would be 62 trips per hour on a Saturday, less than the 100 per hour, the NYS DOT threshold.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? The Board said no, not applicable.
 7. Will the proposed action impact existing:
 - a. public/private water supplies? The Board said no.
 - b. public/private wastewater treatment utilities? The Board said no
 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? The Board said no
 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? The Board said no.
 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? The Board said no, the applicant addressed that.
 11. Will the proposed action create a hazard to environmental resources or human health? The Board said no

Al Kozakiewicz said he would sign the SEQR form after it is filled out. Al Kozakiewicz said the Board has determined that the proposed action will not result in any significant environmental impact and thus completes the SEQR. Al Kozakiewicz asked the Board what it wishes to do with regard to the application tonight.

Fred Franko moved to accept the application for both the Subdivision and the Site Plan Review. Rick Gilmour seconded the

motion. Al Kozakiewicz asked if there was any discussion. There was none. Al Kozakiewicz asked for a roll call vote.

Roll call vote:

Al Kozakiewicz — yes

Fred Franko — yes

Kim Hart — yes

Mike Voght — yes

Matt Cooper — yes

Lynne Delesky — yes

Rick Gilmour — yes

Al Kozakiewicz said the motion carried and Code Enforcement Officer will get whatever notification he needs.

The secretary said he would draw up a draft decision notice and Code Enforcement Officer John Duesler will be back in the office Monday March 9.

The meeting paused between applications and several attendees departed.

The meeting resumed at 7:32pm.

Application Number: [P2020-01](#)

Caroga Lake Volunteer Fire Company

1785 State Highway 10

Caroga Lake NY 12032

represented by

Environmental Design Partnership, LLP

900 Route 146

Clifton Park NY 12065, of the property located at 3237 State Highway 29A

in the Town of Caroga and identified as parcel [SBL#83.-1-1](#) for a [Site Plan Review](#) and a [Subdivision](#), as per the [Town of Caroga Zoning Ordinance](#).

Review of application completeness.

Al Kozakiewicz asked who was representing CLVFC.

Robert Sullivan had thought Joe Dannible from EDP LLP was going to attend, but he did not.

The board discussed possible recusal by Mike Voght. In the end, Mike Voght remained seated.

Al Kozakiewicz said he would go through the list of items in the Zoning Ordinance that the Planning Board could request:

Site plan prepared and stamped by a NYS licensed engineer, architect, or land surveyor: The Board received this.

North arrow, scale bar, and data: The Board received this.

Boundaries of property scaled to one inch per 50 feet. Al Kozakiewicz discussed scale. There were no objections to the scale presented.

Contours of two foot for all disturbed areas and land within one hundred feet. The plans received conform.

Al Kozakiewicz asked how much of the fifty acres is going to be disturbed. The answer is 3.8 acres.

Al Kozakiewicz said the wetlands are on the northwest corner. The submitted drawing shows wetlands flagged by Mary O'Dell of APA.

Grading and drainage plan showing existing and final contours. That was received by the Board.

Al Kozakiewicz said that Planning Board Alternate Burt Wilson should now sit with the Board.

Planning Board Alternate Burt Wilson said that the first of the two alternates should be brought up first.

Al Kozakiewicz asked who that was.

Planning Board Alternate Karen Dutcher spoke and took the seat formerly occupied by Mike Voght.

Al Kozakiewicz asked if Karen Dutcher had looked at the CLVFC application ahead of this meeting.

Karen Dutcher said she had not and she also said her husband was CLVFC Fire Chief.

The Board discussed possible conflicts of interest.

Al Kozakiewicz said he did not think Mike Voght's relationship with the CLVFC was a conflict of interest. The Board agreed. Karen Dutcher then left the dais and Mike Voght returned to his seat at the dais.

Floor plans. The Board received these.

Location and widths of proposed driveways. The Board received this.

Location and design of a parking and truck loading areas showing access and egress. The Board received this.

Pedestrian access. The Board received this.

Outdoor storage. The Board passed on this.

Location and design of all site improvements including water and sewer lines, etc. The Board received this.

On site water and wastewater systems. The Board received this.

Required setbacks. The Board received this.

Location of fire and other emergency items. [Laughter]

Location, design, and construction materials of all energy distribution facilities. Al Kozakiewicz asked where this was. The Board could not find that information.

Action item required: details of electrical service.

Location of all proposed signs. Al Kozakiewicz said at some point the Town will want to know that information.

Location of all buffer areas. The Board received this.

Location design of outdoor lighting facilities. Al Kozakiewicz said this was marked as not submitted.

Hours of activities. The Board discussed sirens. The siren will be on a timer and disabled between 8pm and 6am.

Identification of areas for retail sales. Not applicable.

Landscaping plan. The Board received this.

Estimated project construction schedule. The Board needs to receive this.

Rick Gilmour asked what is the approximate timeline?

Robert Sullivan said he'd have that their next meeting.

Al Kozakiewicz asked if the CLVFC needed any permits from other entities.

Robert Sullivan said CLVFC is a private corporation.

Al Kozakiewicz said so it is just APA, SPR permits.

Fred Franko asked if they would need a NYS DOT permit.

Robert Sullivan said the NYSDOT has not replied yet.

Al Kozakiewicz said he would mark that as a required item.

Ralph Palcovic said the CLVFC had received a letter from NYSDOT.

Fred Franko asked if the Board could get that letter.

Ralph Palcovic said the CLVFC would review this to make sure it was the right document.

Use or uses, hours of operation, number of employees: Not applicable.

Record of applications for and approval status of all necessary permits from federal, state, and county officials. Al Kozakiewicz said the Board would leave this blank and come back to it.

SWPPP: This was submitted to the Board.

Other elements as considered necessary. Al Kozakiewicz said the Board would mark it as required but the Board could not yet specify what those elements would be at this time.

Completed Part 1 of EAF. The Board has received this.

The Secretary noted that Part 2, completed by John Duesler, was online.

Al Kozakiewicz said the Board would be doing Part 2.

Al Kozakiewicz proposed for the purposes of doing a SEQR notification and Section 239-m review that we consider the application complete enough.

Al Kozakiewicz moved to regard P2020-01 complete enough to be able to be lead agency on SEQR and to submit an application for Section 239-m review to Fulton County Planning. Mike Voght seconded the motion.

Roll call vote:

Al Kozakiewicz — yes

Fred Franko — yes

Kim Hart — yes

Mike Voght — yes

Matt Cooper — yes

Lynne Delesky — yes

Rick Gilmour — yes

Al Kozakiewicz said the motion carried.

Fred Franko said he was one of the strongest advocates for Primax not putting up their standard box. Fred Franko sees a potential for a lot of growth coming. Fred Franko thought the CLVFC building was a handsome building. Fred Franko said he'd like to see a more rustic CLVFC appearance. The signage is one issue.

Al Kozakiewicz said perhaps CLVFC could go back to the architects to see what could be done.

Rick Gilmour said Fred Franko would need to give them an idea what he's thinking about.

Fred Franko and Al Kozakiewicz discussed possible ways to provide feedback on the CLVFC plan.

Kim Hart said she wants to go on record saying she supports what Fred Franko is saying. She noted how the Primax plan had changed and likely how little those changes actually cost to achieve the Adirondack aesthetics.

Al Kozakiewicz said that the first night Caryn Mlodzianowski was here the Board said it wanted something Adirondack style and Caryn Mlodzianowski did not know what that means. Fred did a lot of work. The one in Galway was pretty close to what the Board wanted.

Howard Dutcher said they'd tried to incorporate wood and the stone alone cost \$30,000.

Fred Franko said he complimented the CLVFC design and that it was well on the way to being there.

Kim Hart asked about communication between the two projects.

Robert Sullivan said CLVFC didn't know what it was going to look like until tonight.

Ralph Palcovic said the communication between the two projects was with regard to drainage.

Fred Franko said he has issues with the lighting.

Ralph Palcovic said they have a greater need for lighting 24/7 for emergency.

Kim Hart asked if the lighting would be on all the time.

Ralph Palcovic said there would be security perimeter lighting on all the time.

Al Kozakiewicz said he would defer to CLVFC in terms of what is required for operations.

Ralph Palcovic said they also have to be OSHA compliant.

Al Kozakiewicz said the next meeting would be to discuss the entire parcel and what would be disturbed. The goal would be that at the end of the next meeting the Public Hearing could be scheduled.

The Board agreed to meet Monday March 9 at 7pm.

Lynne Delesky moved to adjourn. Rick Gilmour seconded the motion. All were in favor.

The meeting adjourned at 8:27pm.