

Planning Board Meeting

March 25, 2020 Minutes

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

Application Number: [P2020-01](#)

Caroga Lake Volunteer Fire Company

1785 State Highway 10

Caroga Lake NY 12032 for 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](#) as per the Town of Caroga [Zoning Ordinance](#).

Attendees: Douglas Purcell, Tor Shekerjian; Linda Gilbert, Judy Aldinger, Kyle Price; representatives from Caroga Lake Volunteer Fire Company including Bob Sullivan, Howard Dutcher, Brian McIntosh, Tony Toscas, Alan Peck, Dave Richards, Kathleen Henry; representatives from the contractors, engineers, and architects including John Allen, Jeremy Hills, Michael Roman.

Al Kozakiewicz: So, I guess we will get started.

Clerk James Long: You promise me that you're doing the transcription feature that you discovered.

Al Kozakiewicz: I'm not doing anything James, the GoToMeeting is doing it.

Bob Sullivan: Actually just told me it was going to be recorded.

Al Kozakiewicz: Right.

Clerk James Long: Also has a transcription feature that we're trying out for the first time tonight.

Al Kozakiewicz: OK, Are you done?

Al Kozakiewicz: I think so.

Al Kozakiewicz: At any rate, I'm going to call the meeting to order.

Al Kozakiewicz: Mister Secretary, can you please call the roll?

Clerk James Long: Yes, sir.

Clerk James Long: Al Kozakiewicz?

Al Kozakiewicz: Present.

Clerk James Long: Fred Franko is apparently absent [he joined after technical difficulties were resolved].

Clerk James Long: Kim Hart, apparently absent [she joined after technical difficulties were resolved]. Mike Voght?

Mike Voght: Here.

Clerk James Long: Matt Cooper?

Matt cooper: Here.

Clerk James Long: Lynne Delesky?

Lynne Delesky: Here.

Clerk James Long: Rick Gilmour?

Tony: Gilmore.

Clerk James Long: OK. Then, I'm going to go. [speaker was interrupted]

Al Kozakiewicz: Hang on a minute. I do see a K H.

Al Kozakiewicz: Is that Kim Hart?

Doug Purcell: It's Kathleen Henry.

Al Kozakiewicz: Kathleen Henry, then, never mind.

Al Kozakiewicz: Alright. Doug, why don't you go ahead and mute, everybody?

Al Kozakiewicz: All right. So, some housekeeping. Except, I got to unmute myself.

Al Kozakiewicz: Some housekeeping before we get going here. For all the participants on the call, what I would ask is if you have got two people in the same room, because we went through this last meeting, both logged in, one of you either leave the room, or one of you hang up. There's no reason for two people to be logged in and talking at the same time. It will cause no end of issues with the, you know, with echoes and being unable to hear people. Regarding tonight's business, we're here to consider I think it's 2019-04, but I don't remember offhand, I don't think.

Clerk James Long: We are here to consider [P2020-01](#).

Al Kozakiewicz: OK, so this is the Site Plan Review for the Caroga Lake Volunteer Fire Company. This is the Public Hearing tonight where the public and I'm going to find, ask in a minute, how many of them there are, because if there are none, there may not be any point in doing a presentation since since we, the Planning Board members, have already seen it. The other thing is,

you know, and unless there's an objection from any other member of the board, there shouldn't be and unmute yourself and say so, if there is, the Subdivision approval is not, although it's listed as part of the action tonight, we did that with the Dollar General. There's no reason to do that twice. In fact, we can't do it twice because we already did it. So, this is only for our Site Plan Review. And what I'd like to get through tonight is I'd like to get through the SEQR. And I would like to find out, if we can do — we can act on the application. I will make a note, and this is for everybody here, we have not heard back, you know, the County because of the flux with the, the coronavirus, and people doing meetings remotely or not doing them at all, did not get a chance to meet on the §239-m. I do not want to go forward, or let me put it this way: My opinion is, we make any actions that we take tonight, contingent on either hearing no substantive objection or changes from the County or that the 30 day clock runs out, which James' will tell us what the exact date is. But it's not that far away. So, I think that would allow, if we decide to approve the application, would allow everybody to go do what they got to do, and I doubt we'll hear anything from the County, because I think what will happen before they meet is the 30 days will run out and it won't matter anymore, anyway. OK, any questions from anybody on that?

[silence]

Al Kozakiewicz: None heard. Do we have — what members of the public are here tonight that are not members of the Fire Company?

Tor Shekerjian: Tor is.

Al Kozakiewicz: And Tor, instead of keeping this as informal and expeditious as possible, are you here as an observer, or are you here to make some comments? And I guess what I'm gonna do is

I'm going to open the comments section to the floor now. I'm going to wait to hear from people. If you want the Fire Company to go through their presentation — more than happy to have that happen. All the materials are online, so you can read them online. You know, they don't have to be done as the presentation here.

Tor: I'm fine, Al. I've done my homework, so we're good.

Al Kozakiewicz: OK, do you want to say anything about this?

Tor: Not at this point. Thank you.

Al Kozakiewicz: OK, I see we've had another call or call in. Who just joined in?

Jeremy Hills: It's Jeremy Hills, sorry.

Al Kozakiewicz: Jeremy Hills, OK.

Kim Hart: Kim Hart.

Al Kozakiewicz: Oh, and Kim Hart is here too. Kim, all I did was really just open the meeting and handle some housekeeping stuff.

Kim Hart: Yes.

Al Kozakiewicz: I.

Clerk James Long: May I interject, Al. Fred Franko is trying desperately to get on and is having technical problems, and I'm, iMessaging him and back and forth, and I don't know what the problem is.

Al Kozakiewicz: OK, problem.

Kim Hart: I was having a problem doing the video part, but calling in was not a problem.

Rick Gilmour: So, Rick had a question. Basically, Fred was the one that really had some, some questions about the plans. And I just wondered if Fred had made contact with the Fire Department about his concerns?

Al Kozakiewicz: Before we get going with our, with the Board, Rick, I'd like to have the public speak at this point.

Rick Gilmour: OK.

Al Kozakiewicz: So, I'm looking for input from the public. And for those that just joined, I don't know whether you're with the Fire Company or not, or, just, here as an observer. And all those things are welcome. But basically, I've opened the public comment section of this Public Hearing. And you're welcome to make comments, ask questions. I'm assuming that people have had a chance to look at the application online. If not, I will entertain asking questions of the Fire Company at this time.

Linda Gilbert: Mr. Kozakiewicz?

Al Kozakiewicz: Yes?

Linda Gilbert: Linda Gilbert speaking. How are you this evening?

Al Kozakiewicz: Good, thank you.

Linda Gilbert: I'm in favor of the project. I think they've done their homework, I think they've reached out to all the departments that they need to. And I've examined the project, and I think we should be moving forward with it.

Al Kozakiewicz: OK, thank you for those remarks. Anybody else?

[silence]

Al Kozakiewicz: OK, not hearing anybody and, and I, I apologize if it appears that I'm pulling the trigger real quick, but there are a lot of people on the meeting. So, somebody wants to yell and be heard, please, do it in the next few seconds. But, otherwise, Doug why don't you go ahead and mute everybody, but the Board.

Doug Purcell: OK, give me a few seconds here.

Al Kozakiewicz: That's fine.

Doug Purcell: You're going to have to tell me who in the Fire Department you want to have unmuted. Looks like Matt Cooper might have himself muted on his end.

Al Kozakiewicz: I just unmuted myself. I was talking for thirty seconds before I realized no one was hearing me and which was a blessing for all of you, I'm sure. But what I would do is let's figure out, let's, um. How about we make Howard Dutcher, the spokesman for the Fire Company right now and maybe the people from the engineering firms. Does that sound OK?

Doug Purcell: Sounds OK.

Al Kozakiewicz: So that way, they — you know — we know that they can speak and if they want to bring somebody else in, you can go ahead and take care of that. And so, and, I'm. You're gonna go ahead and do the board.

Doug Purcell: Yeah. And again, so these people who already are muting themselves, Al, so I can't unmute them.

Al Kozakiewicz: That's fine. That's fine.

Lynne Delesky: This is Lynne, Al?

Al Kozakiewicz: Yes?

Lynne Delesky: Do we want to try to get Fred Franko logged in here?

Al Kozakiewicz: Yes. I was kind of hoping that problem would, would get solved. You know, while we were sort of trying to coordinate all the muting and unmuting. I mean, James, having just dial — give him the, the, the conference call number, and just happened, call it.

Clerk James Long: I have done so. I have done so, sir. I don't know what the technical problem is that he's having with either going through the web or [speaker was interrupted].

Lynne Delesky: Is he, is he using the correct — maybe he's not using the correct access code.

Clerk James Long: Well, if he clicks on that number, on the Town website, he will be using the correct access code because it will be listed as an extension after he connects.

Lynne Delesky: Right, but I don't know where he's coming from, there was the wrong access code in an earlier e-mail.

Doug Purcell: Al, I have done all that I can with muting and unmuting at this point.

Al Kozakiewicz: OK, so I'm just going to do a real check here, Lynne?

Lynne Delesky: I'm here.

Al Kozakiewicz: OK, I can hear you.

Al Kozakiewicz: Mike, I see you're unmuted, unmuted, and I can see you. Matt Cooper? OK, I see over here.

Matt Cooper: I'm here.

Al Kozakiewicz: Kim Hart?

Kim Hart: I'm here.

Al Kozakiewicz: OK, Rick Gilmour?

Al Kozakiewicz: Rick Gilmore now, it's time for you to speak. Unmute yourself. Oh, Rick, you're killing me. Here, you're here twice unmute you there. Oh, there you go. Rick, you hear us?

Al Kozakiewicz: Rick?

Clerk James Long: I think he's the first Rick and row three, column four. Well, it's going to be different for all of them.

Al Kozakiewicz: Yeah, it's going to be different for everybody.

Clerk James Long: But, the first Rick, scanning down.

Al Kozakiewicz: Yes, when we didn't want to hear him, we heard him, and now that we want to hear him, nothing. Because I, I — you know — Rick was one of the first ones that had a question. Also, by chance, I saw somebody just came in. Is that the Fred Franko, by any chance?

Clerk James Long: It is Fred but he hasn't been, he hasn't unmuted. Can somebody unmute Caller 12?

Clerk James Long: And, that should be Fred Franko.

Al Kozakiewicz: OK, I just did it. Fred, are you there?

Fred Franko: Yes, I am.

Al Kozakiewicz: OK, so we have, we have everybody present and accounted for except for Rick Gilmour who's present but not accounted for. So Rick, please work on trying to get yourself unmuted there, otherwise. From the rest of the board, why don't we go ahead with any questions that you might have for the applicants? I just got an e-mail that Rick can hear us, but we can't hear him. So I, Rick, you're you're in two places. And I think you're trying to unmute the wrong one. If that doesn't work, then I suggest hanging up and call them back in. OK, so the I know Rick had a question. Rick are you there? Rick, all I'm getting is an echo. Well, let me start off with the question that I think Rick was about to ask. What I'm gonna do is, I'm going to pass it to Fred. And the question that Rick started to ask, Fred, was: you raised some concerns at the last meeting regarding the application. And Rick was wondering if you had done any further work on those, or if you received any feedback or anything to report on those questions you had?

Fred Franko: I don't have anything to report. Basically, I'm satisfied with the application at this point. So, I have nothing further really.

Al Kozakiewicz: OK.

Rick Gilmour: What, the other or call back in or no?

Al Kozakiewicz: OK, Rick, now we hear you.

Rick Gilmour: You can hear me now. Finally.

Al Kozakiewicz: Yeah.

Rick Gilmour: I don't know what happened. I didn't press any buttons. I have no idea what's going on.

Al Kozakiewicz: Yeah, it was a small blessing for us, but why don't you go ahead.

Rick Gilmour: I would say, off the record, screw you, Al.

Al Kozakiewicz: That's either record.

Clerk James Long: These are verbatim minutes, Rick.

Al Kozakiewicz: OK, Rick, do you have any questions?

Michael Roman: No, I just heard what Fred said, and that was, that was, if Fred was happy with what he might have discussed with them.

Al Kozakiewicz: OK. All right, that being said, then there's two things that we need to do with respect to evaluating this application. One, I want to do before we get to any discussion, and that's the impact assessments for the SEQR. And what I'm gonna do is, I'm going to walk down through the steps. I'm gonna read it out loud. I'm giving you what my opinion is, because I can't help myself and I'll wait to hear if there's any opposing response from any of the Planning Board members. So question number — first of all — is that OK with everybody?

All Board members said yes.

Al Kozakiewicz: OK, first question: Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? I believe the answer is no or small impact may occur.

All Board members said they agreed.

Al Kozakiewicz: Will the proposed action result in a change in the use or intensity of use of land. Now, remember that's not this particular property, but regarding the zoning district in general, and I believe the answer to that is also no or small impact.

All Board members said they agreed.

Al Kozakiewicz: OK, will, the proposed action impair the character or quality of the existing community. I don't believe so, but.

All Board members said they agreed.

Al Kozakiewicz: Will the proposed action have an impact on the environmental characteristics that cause the established of the Critical Environmental Act? I believe that's, no, as well. The wetlands are the only thing in question and they've already been dealt with, or at least evaluated by the APA. And from what I can see, nothing has changed about the application since then. So I believe the answer is no.

All Board members said they agreed.

Al Kozakiewicz: Will the proposed action result in an adverse change to the existing level of traffic or affect existing infrastructure from mass transit, biking, or walkway. None of that infrastructure exists there. It's impossible for it to effect it. The level of traffic, if I read the — at least — if I understood it correctly — it was the interim or whatever you want to call it report from the DOT? I believe the answer was no.

All Board members said they agreed.

Al Kozakiewicz: OK. Will the proposed action cause an increase in the use of energy and it fails to incorporate readily a reasonably

available energy conservation or renewable energy opportunities. Again, my view of this is this is a question appropriate for an expansion of an existing facility, and not for a new facility. So, I believe it's like, a not applicable or a no.

All Board members said they agreed.

Al Kozakiewicz: Will the proposed action impact existing public or private water supplies, or a small impact? I believe that's no.

All Board members said no.

Rick Gilmour: They have no water supply.

Al Kozakiewicz: Yeah, well, it's a it's a private water supply, so, the thing is: it's non-existing currently. So, I, the answer, I think, has to be no. And, will it impact any existing private wastewater? The answer is no, because there is nothing existing.

All Board members said no.

Fred Franko: Not applicable.

Al Kozakiewicz: OK, will the proposed action impair the character or quality of important historic, archeological, architectural, or esthetic resources? Not as far as we know.

All Board members said no.

Al Kozakiewicz: Will the proposed action result in an adverse change to natural resources? Wetlands, water bodies, groundwater, air quality, flora, and fauna? I think the answer's no.

All Board members said no.

Al Kozakiewicz: OK, penultimate question: Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? I think the answer is no. The site plan handles the runoff issue, so.

Rick Gilmour: They have the containment.

All Board members said no.

Al Kozakiewicz: And, will the proposed action create a hazard to environmental resources or human health? I believe the purpose of it is quite the opposite.

All Board members said no.

Al Kozakiewicz: OK, so, James, let it be noted that, and we'll talk about how you want me to do this. I suspect that can fill it out online, or you can sign it for me. But our, our, our determination is that the — based on information and analysis, and any supporting documentation at the proposed action will not result in any significant adverse environmental impacts. And so, the SEQR is a — whatever you call it, N J, or whatever.

Clerk James Long: So noted.

Al Kozakiewicz: OK.

Al Kozakiewicz: So, the question to the board is, and I know I'm repeating myself. But, you know, shall there be any further discussion or questions to the Fire Company or to the applicant regarding this project, for potentially we'd go ahead and entertain motions to approve the application.

Mike Voght: Al, I'm satisfied.

Al Kozakiewicz: Well, of course, you are. We expected that. But, anybody else, I think, you know, we went through this pretty thoroughly. We determined that the application is complete. I don't have a checklist for — actually, I do. I do. It's not for the site plan itself bought or the site, you know, in other words, to make sure that our — the information is complete. So, we, first of all, we have a complete application? Yes. We've given notice County Planning and adjacent municipalities? Yes. We've — Public Hearing required? Yes and it's been conducted. Environmental review? Yes, we've just completed it. So, we thought everything that we're required to do in order to consider this, that the application, at this time.

Al Kozakiewicz: So, we only have a preliminary approval from the DOT, though.

Al Kozakiewicz: Yes. And I would, I would, I'll give you my opinion — because I'm gonna let somebody else make a motion — that, as I said before — now Fred and Kim probably didn't hear this, because I did this during the housekeeping. First of all, this application excludes subdivision: that was already done with the Dollar General application and Site Plan Review. The second thing is that this is contingent on favorable approvals from anyone that has not given approval. So that's a final approval from the DOT, and, quite honestly, I think their approval is required, whether we approve anything or not because it's on a state highway. The second thing is that — and this is for Fred and Kim's benefit — the County did not meet this week to do their §239-m review and my guess is that they will not meet before the 30 day clock runs out. So.

Clerk James Long: Al, may I interject? That is exactly correct. The 30 day expires April fifth and they will not have met.

Al Kozakiewicz: OK. Well, you know, there could be some miracle and whatever, but let's assume they won't have met. I will then make this contingent — I would still make this motion — any motion contingent on either it, April fifth, coming and going, or the Fulton County Planning Board issues issues no substantial objections to the project.

Fred Franko: Agreed. That's kinda what we talked about the last meeting.

Al Kozakiewicz: Right. Right.

Fred Franko: So, I have no more, no problem with that. I'll make a motion.

Al Kozakiewicz: And the text of your motion is?

Rick Gilmour: Yeah, how about it Fred?

Fred Franko: To approve the application contingent upon the other approvals that are pending due to delays because of the coronavirus.

Clerk James Long: Or the expiration of the 30 days for the §239-m review.

Fred Franko: As you say.

Al Kozakiewicz: Yep.

Rick Gilmour: I'll second that.

Al Kozakiewicz: OK, Mr. Gilmour has seconded the motion. Is there any further discussion?

[silence]

Al Kozakiewicz: None being requested, Mr. Secretary, could you call the roll please?

Clerk James Long: Al Kozakiewicz?

Al Kozakiewicz: Yes.

Clerk James Long: Frank Franko?

Fred Franko: Yes.

Clerk James Long: Kim Hart?

Kim Hart: Yes.

Clerk James Long: Mike Voght?

MikeVoght: Yes.

Clerk James Long: Mat Cooper?

Matt Cooper: Yes.

Clerk James Long: Lynne Delesky?

Lynne Delesky: Yes.

Clerk James Long: Rick Gilmour?

Clerk James Long: Yes.

Al Kozakiewicz: OK, I believe that means the motion has carried unanimously which by the way would negate any negative finding, if there were one from the county: it has to pass. If they if they were to come back with a negative finding, it would have to pass with a majority plus one. Just for — as point of interest. So, the motion is carried and the application is granted. You know,

you're, you're, I guess, I'll ask, just because I'm curious, the engineering and construction people. Is your schedule impacted by the coronavirus, independent of government agencies deciding to shut down? Um, you know, do you have issues where — and, I'm just curious — not that it's going to change anything — that April fifth will be a significant hindrance to the project, to the progress of this project?

Rick Gilmour: Jeremy?

Rick Gilmour: I think they're muted, Al.

Jeremy Hills: This is Jeremy Hills at LeChase. Can everybody hear me?

Rick Gilmour: Yes.

Jeremy Hills: We, we, we don't know of any negative effects on the project — the project schedule at this point in the April 5 should be fine from our perspective.

Al Kozakiewicz: OK, good, I'm glad to hear that. It kind of sounds like the housekeeping then will proceed as it normally does. So the — I don't know how John Duesler is conducting business. The last I heard, there was papers being passed under the door or something I don't know maybe Tor and speak to that. But, it sounds like, you know, you'll, you'll after, what's today Wednesday. So, come Monday, when he is back in the office, or whatever the procedure is, they'll be open for business. And by then, they'll have gotten their notice that the Planning Board approved the application. And that you guys, you guys being the Fire Company, the engineering and construction firms can go ahead with your permitting with, with John.

Tor: Al, Tor here.

Al Kozakiewicz: Yep.

Tor: What I would do is e-mail John at carogacodes@nycap.rr.com. Just let him know of the approval. He is operating remotely, but he is available via his work cell phone as well. So he will get this done.

Al Kozakiewicz: OK.

Clerk James Long: And, Al, if I may interject you made the point that since this was unanimous, it was no longer subject to the any ruling by the Fulton County Planning Board on the §239-m review. So essentially that mooted the April fifth deadline.

Al Kozakiewicz: Well, not quite. And I said that, that's assuming that nobody would change their vote based upon an objection that they might have. So, I say it only as, it's kind of a good thing, you know, it gives me confidence that we're, we're not trying to rush ahead of what the spirit of the law allows, but if they were to come back with a significant objection, we would probably want to address it. I don't foresee that happening honestly, but it's within the realm of possibilities.

Clerk James Long: Understood.

Rick Gilmour: That being said, I'd like to make a motion to adjourn the meeting.

Al Kozakiewicz: And would anyone like to second it?

Mike Voght: I'll second it.

Al Kozakiewicz: OK, all in favor.

Clerk James Long: Was that?

Al Kozakiewicz: That was Mike Voght seconding it.

Clerk James Long: OK, thank you.

All Board members said aye.

Al Kozakiewicz: I think it's by unanimous consent and, I have enjoyed this time together, everybody. Good luck with your project. And, I was not being sarcastic.

Rick Gilmour: Be well and be safe.

Al Kozakiewicz: Yes, absolutely.

Jeremy Hills: I hope all municipalities want to do it this way. Got to keep things moving.

Al Kozakiewicz: Yes, OK, good luck, everybody, and thank you very much.

A general round of thanks where given.

The meeting adjourned at 7:32 pm.