

Planning Board Meeting

June 3, 2020 Minutes

Chairman Kozakiewicz called the tele-conference meeting to order at 7:06pm.

Roll call:

Al Kozakiewicz — present

Fred Franko — present

Karen Dutcher — present

Mike Voght — present

Matt Cooper — present

Lynne Delesky — present

Rick Gilmour — present

Attendees: Zoning Board of Appeals Chair Douglas Purcell, Gavin Vuillaume with Environmental Design Partnership, Kim Hart, Applicants James and Marcia Johnson, Robert Britton with Nathan Littauer Hospital, Mary Gilmour, and Planning Board Alternate Burt Wilson.

Al Kozakiewicz said the Planning Board was here for two pieces of business: P2020-03 Johnson for a Special Use Permit which would be addressed first and decide whether P2020-04 Nathan Littauer Hospital micro-clinic application is complete.

Al Kozakiewicz displayed the information on P2020-03 application.

Application Number [P2020-03](#)

Owners James and Marcia Johnson, PO Box 883, Caroga Lake NY 12032 of the property located at 115 Avery Road in the Town

of Caroga and identified as parcel [SBL#83.10-5-12](#), in Zoning District LFA, for a Special Use Permit as per the Town of Caroga [Zoning Ordinance](#) Owner Desires to install an accessory structure (10 foot by 14 foot prefabricated shed).

Al Kozakiewicz asked the the applicant to speak.

Marcia Johnson said she is applying to get a permit for an accessory structure.

Al Kozakiewicz stated, for the benefit of the public and that the board that any building over 100 square feet (an accessory structure) in LFA requires a Special Use Permit.

Al Kozakiewicz asked if that was all Marcia Johnson had to say.

Marcia Johnson said it is a 10 foot by 14 foot storage shed with vinyl siding and a metal roof.

Al Kozakiewicz asked Douglas Purcell to unmute everyone and asked the Board to ask questions.

Fred Franko asked if it would have a foundation or piers.

Marcia Johnson said they had stone brought in, as advised by the Code Enforcement Officer. The Code Enforcement Officer said the stone had to be of a certain depth and that's been done. The shed vendor said it would sit on cinder blocks.

Mike Voght asked about the location of the road.

Marcia Johnson said the house sits about five feet from Avery Road and the proposed shed will sit behind the house. She reminded the Board that the dimensions are on the drawing she submitted.

Rick Gilmour asked about what he thought was a property line that appeared to go right through the house.

Marcia Johnson said it was a distance measurement from a survey marker. Marcia Johnson said if you go back to 1977 survey, it is all one lot.

Lynne Delesky said she observed on site where the shed would be placed and it will be in an unobtrusive spot and will fit right in there.

Marcia Johnson thanked Lynne Delesky.

Al Kozakiewicz said he would ask the board if the board would need to include any conditions with the Special Use Permit. He said he personally did not see any need for conditions with respect to this application.

Rick Gilmour said he did not see any issue.

Al Kozakiewicz said that if there are no more questions, would a Board member make a motion.

Motion: Lynne Delesky moved to approve the application. Matt Cooper seconded the motion.

There was no further discussion.

Al Kozakiewicz called the question.

Roll call vote:

Al Kozakiewicz — yes

Fred Franko — yes

Karen Dutcher — yes

Mike Voght — yes

Matt Cooper — yes
Lynne Delesky — yes
Rick Gilmour — yes

Al Kozakiewicz said the motion carried and he will let the Code Enforcement Officer know of the decision by email.

Clerk James McMartin Long will draw the decision notice for Al Kozakiewicz and it will be posted and distributed.

Marcia Johnson thanked the Board.

Application Number [P2020-04](#) by Nathan Littauer Hospital.

Al Kozakiewicz asked who would be presenting the plans that are on TownOfCaroga.com.

Gavin Vuillaume said he did not have the plans with him.

Douglas Purcell offered to present the plans on the GoToMeeting.com screen.

Fred Franko recused himself at this point as he is the architect for the applicant, Nathan Littauer Hospital.

Planning Board Alternate Burt Wilson joined the meeting at this point to fill in for Fred Franko.

Douglas Purcell put the site plan up on the screen.

Rick Gilmour asked if this was a subdivision.

Al Kozakiewicz said no. This is on town land, in a conservation district. The two parcels may get joined.

Gavin Vuillaume of Environmental Design Partners began his presentation. EDP is the site engineering firm. The proposed building is 1,350 square foot micro-clinic. It is on the town property. The existing Town Hall sits on the main parcel (1.5 acres). The clinic will sit on the south parcel, approximately 0.2 acres. We'll assume that it is sitting on one parcel. We are in a "C" conservation zoning district which has very few permitted uses. There are forty existing parking spaces. The building would be on the south edge, facing north towards the town hall.

Al Kozakiewicz asked everyone to mute their microphones due to heavy background noise.

Gavin Vuillaume continued, saying it would be 22 feet from side yard and 22 feet from the front yard. Those are two other variances that would be required. This would be 8 feet variance from the side yard and 28 feet from the front yard. Within this Conservation zoning district, the minimum lot area is 2 acres. Even after combining the parcels, the parcel would be at 1.7 acres and the project would need an area variance. There would be a sidewalk, leading towards two building entrances. The building would make connection with the existing well that services the town hall. They would run a force main around the town hall and make connection to the septic system at the north end of the parcel. They would use approximately 8 parking spaces in the existing parking area. Storm water would be directed west towards a new storm water basin. They are also proposing a trash enclosure. They will have a planting plan. This is just the first presentation. They will have additional information about landscaping and lighting.

Al Kozakiewicz thanked Gavin Vuillaume and asked Douglas Purcell if he can bring up the elevation renderings and asked Fred Franko to describe the building.

Fred Franko described the building. The entry is located on the north side, facing the town hall. The reception area faces east towards State Route 10. They will finish off the exterior with Hardieplank cement board. He described the color palette: “Autumn tan” Hardieplank, “Navaho beige” trim, and “Timberbark” base Hardieplank. The stone facade will be Eldorado Stone “Rustic Ledge Cascade”. The colors were chosen to be rustic. It will include exposed wood trim detailing. The intent is to make it in style that is sympathetic to the Adirondack style.

Lynne Delesky asked about lighting.

Fred Franko said just underneath the eaves and under the entryway.

Lynne Delesky asked this isn’t needed.

Fred Franko said the town hall has exterior lighting and this building will only be occupied during regular business hours.

Lynne Delesky asked if there would be a sign.

Fred Franko said they had included a provision to have a sign, but they don’t have a design. That will be permitted separately and contracted separately.

Karen Dutcher what will be the hours of operation.

Fred Franko asked Robert Britton of Nathan Littauer Hospital to address the question.

Robert Britton said most of the clinics run no more than 7 AM to 7 PM.

Karen Dutcher asked about lighting needed in the fall when the time changes.

Fred Franko said the town hall is so well lit.

Matt Cooper about the setbacks and the well proximity.

Gavin Vuillaume said the existing well is at the southwest corner. The well is well beyond 100 feet of the cabin septic system to the south and the town hall septic system is way to the north. The new septic tank is over 50 feet away.

Rick Gilmour asked about the distance to the septic field.

Gavin Vuillaume said they would recommend a duplex grinder pump.

Matt Cooper restated his question: it was about the proposed building and the existing cabin well and septic to the south.

Gavin Vuillaume said there is no requirement for the building to be any distance from the well or the septic. Even if their septic system were right on the property line, the design would still be acceptable.

Mike Voght asked Fred Franko would the existing septic system be able to handle another building.

Fred Franko said yes, absolutely, it was sized for a much bigger complex, including the old original portion of the school that was torn down. We have a lot of excess capacity with that field.

Al Kozakiewicz said so you are going use a grinder pump. Is this just a leach field? Where are you going to catch the sediment?

Gavin Vuillaume said you can see the 1,200 gallon precast septic tank. It then goes to the grinder pump then to the existing tile field. You can also see the existing tanks near State Route 10.

Al Kozakiewicz on the business side, on the end of life, when it is no longer a micro-clinic. It sounds like you are leasing the land.

Fred Franko referred the question to Robert Britton.

Robert Britton said really a question for Larry Kelly. Robert Britton said he can get the answer.

Al Kozakiewicz said it is not a concern getting it started and it is a conservation district, we want to make sure to address when the building is at the end of life.

Robert Britton said he thinks NLH is making a long-term commitment.

Lynne Delesky asked if the health clinic is expected an increase in volume of people using the clinic?

Robert Britton said we are assuming it will remain the same and hoping for a moderate growth. The building is larger than we started out planning for.

Karen Dutcher said a lot of people don't know about the clinic.

Robert Britton said we hope it is the case.

Karen Dutcher asked how many rooms?

Fred Franko said one dedicated exam room and a multipurpose and education room. There will be an office that will double as a consultation space. It is not likely to have two exam rooms.

Al Kozakiewicz said that's pretty much what the existing clinic has.

Mike Voght asked what the capacity would be.

Fred Franko said two exam rooms, full tilt would be a dozen people a day.

Lynne Delesky asked about the timeline for construction.

Gavin Vuillaume said they want to start this year.

Robert Britton said they wanted to put it out for bid within the next week or so and start in a month. They want to get it in this year.

Al Kozakiewicz asked if anybody else have anything. He asked Doug Purcell to stop sharing his screen.

Al Kozakiewicz has a checklist for Site Plan Review. He said a Special Use Permit and Site Plan Review go hand-in-hand.

Douglas Purcell said, speaking as the Zoning Board of Appeals Chair, he didn't know what the Special Use Permit is all about because the use the applicant is looking for is not permitted period. The application would need to come before the Zoning Board of Appeals for a Use Variance in addition to an Area Variance.

Al Kozakiewicz said, correct, that is what he thought. That is why he was surprised when he looked at the first page of the application. He saw that both Site Plan Review and Special Use Permit were and he was wondering why.

Douglas Purcell said he thought it was probably a misunderstanding about the difference between a Use Variance and a Special Use Permit.

Al Kozakiewicz agreed. He will talk to Code Enforcement Officer John Duesler. Maybe the Planning Board will not be dealing with a Special Use Permit at all: maybe it is just a Site Plan Review.

Douglas Purcell said that if it comes before the Zoning Board of Appeals, the criteria for a Use Variance are pretty stringent with regard to reasonable return on the property for all of the uses that are permitted.

Al Kozakiewicz agreed and said that was an issue for the Zoning Board of Appeals, not the Planning Board. Al Kozakiewicz went through his checklist for a Site Plan Review, item by item.

These minutes do not include all of Chair Al Kozakiewicz reading every item on the [checklist](#), because that checklist is available online and covers items already discussed or documents already submitted.

Al Kozakiewicz asked about a fence on the south side.

Gavin Vuillaume said there was an existing fence.

Fred Franko said there is a six-foot stockade fence noted on the survey.

Al Kozakiewicz asked about approvals.

Gavin Vuillaume said it was using existing facilities, so he didn't think it needed to be submitted.

Al Kozakiewicz asked about fire and other emergency zones.

Gavin Vuillaume said there is plenty of room for a fire truck to access the parking lot.

Al Kozakiewicz asked about heating.

Fred Franko said propane on a pad toward the rear of the site. He also thought there would be heat pump as well.

Al Kozakiewicz said signs aren't part of the application.

Mike Voght asked to back up to checklist item 16, the sign.

Al Kozakiewicz said there is no plan for the sign. The owner of the building would probably put up a sign on the building.

Mike Voght said they weren't that far in the design.

Douglas Purcell said there was a sign on the plan, ground mounted.

Fred Franko said that was basically a bookmark: there would be a monument sign toward the east side of the building. That will be developed in collaboration with Nathan Littauer Hospital in compliance with sign regulations of Caroga.

Al Kozakiewicz said he didn't remember offhand if the sign calls for a permit or a hearing.

Al Kozakiewicz asked about foundation planting.

Gavin Vuillaume said they can show foundation planting.

Al Kozakiewicz said the Planning Board would require this.

Al Kozakiewicz he was not concerned about the schedule, given the small size of the project.

Al Kozakiewicz asked about permits required. He assumed it didn't need Department of Health.

Fred Franko said this will need complete and final from the Department of Health.

Robert Britton said the Certificate of Occupancy would be needed before the Department of Health inspection.

Gavin Vuillaume said they are not proposing any changes to curb cuts on State Highway 10.

Clerk James McMartin Long reminded the Board that the application would still need an application for section 239-m review by the Fulton County Planning Board because it is on State Highway 10.

Al Kozakiewicz asked whose responsibility it was to fill out the application for section 239-m review.

Clerk James McMartin Long said it was his responsibility.

Rick Gilmour asked if there was a defined entrance to the town hall parking: it seems to him that it was like the Wild West.

Al Kozakiewicz said it was the status quo. Al Kozakiewicz said, in regard to item 25, it was a requirement and it mostly applies to the town. Al Kozakiewicz thought the application was complete contingent on receiving hours of operation and plantings sent to the Planning Board Clerk.

Gavin Vuillaume said that the area disturbed was only 0.25 acres, so SWPPP is not required.

Al Kozakiewicz said he reluctant to put the burden of an SWPPP on the applicant.

Al Kozakiewicz said EAF has been provided, but he didn't know if this project requires a long form EAF.

At this point, Chair Al Kozakiewicz had covered all 29 items on the Site Plan Review [checklist](#) and all Planning Board members were in agreement on each item.

Clerk James McMartin Long asked Chair Al Kozakiewicz for an electronic copy of the [checklist](#). Al Kozakiewicz agreed.

Al Kozakiewicz asked if there were any other questions, comments, or business. He said the Planning Board is required to give ten day notice for a Public Hearing for approving the Site Plan Review. After that is done, the Planning Board will have to do a SEQRA review at the Public Hearing. The Planning Board would usually vote the same night. The applicant also has to go before the Zoning Board of Appeals. As far as the Planning Board is concerned, the Planning Board can move quickly on this.

Clerk James McMartin Long asked both the Zoning Board of Appeals Chair and the Planning Board Chair about the logistics of the upcoming Public Hearings.

Al Kozakiewicz said this project is contingent on getting all the required approvals and this is but one of them. He wants to pass on the Site Plan Review without waiting for any Zoning Board of Appeals variances. He doesn't care what order things are done.

Clerk James McMartin Long reminded the Planning Board Chair that the 62-day clock starts when the application is declared complete and this will require a variance from the Zoning Board of Appeals and then a referral to the Adirondack Park Agency.

Further, under Executive Order 202, the APA has suspended their 30-day time limit. Thus, he just wanted to confirm with the Planning Board Chair that this would not impact the Planning Board.

Al Kozakiewicz said he did not have a problem with the Planning Board 62-day clock starting.

Douglas Purcell said he agrees with the position of Chair Al Kozakiewicz to run the two applications in parallel. Either board can add a clause that this approval is contingent upon the other board's approval. He said it sounds like the Planning Board will take the Lead Agency position on the SEQRA review.

Al Kozakiewicz said normally the Planning Board does. He asked for the consensus of the Planning Board that the application P2020-04 is complete once it receives the planting schedule and the hours of operation, number of employees, and expected volume. Al Kozakiewicz asked Clerk James McMartin Long about next steps.

Clerk James McMartin Long said that he would submit the application for section 239-m review to Fulton County Planning. He noted that Fulton County Planning had been kind to him in being willing to just grab what it needed off the website without him packaging everything together with the application for section 239-m review.

Fred Franko and Gavin Vuillaume said they could get the planting plan to the Planning Board Clerk by tomorrow.

Robert Britton confirmed he could get the requested memo to the Planning Board Clerk by tomorrow as well.

Clerk James McMartin Long said all documents would be on the web for use by the Fulton County Planning Department and by the Adirondack Park Agency for any Zoning Board of Appeals variance referral.

Motion: Al Kozakiewicz declared the application complete contingent on receiving hours of operation and plantings. The board had no objections.

Al Kozakiewicz asked if there was any other business, including minutes to vote on.

Clerk James McMartin Long asked the Planning Board to consider a motion to approve the March 25, 2020 minutes as published.

Motion: Al Kozakiewicz moved to approve March 25, 2020 the minutes as published. Rick Gilmour seconded the motion. The vote was unanimous in favor.

Motion: Al Kozakiewicz moved to adjourn. Lynne Delesky seconded the motion. The meeting adjourned at 8:31 pm.