

Planning Board Meeting

August 19, 2020 Minutes

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

Roll call:

Al Kozakiewicz — present

Fred Franko — present but recused

Lynne Delesky — present

Karen Dutcher — present

Mike Voght — present

Matt Cooper — present

Rick Gilmour — present

Burt Wilson — absent (alternate for [P2020-04 NLH](#))

Attendees: Robert Britton of Nathan Littauer Hospital, Fred Franko representing Nathan Littauer Hospital, ZBA Chair Douglas Purcell

Al Kozakiewicz said no member of the public was present so he suggested skipping the public presentation. He asked if there were any objections.

There were none.

Al Kozakiewicz opened the meeting up for the board to ask questions.

Rick Gilmour asked if the ZBA variances had been granted.

ZBA Chair Douglas Purcell said that meeting is scheduled for tomorrow [August 20] at 7:00pm.

Fred Franko asked to confirm the side setback was now moot due to the rezoning.

ZBA Chair Douglas Purcell confirmed that was true.

Fred Franko continued by asking about moving the building back three feet to avoid the ZBA variance hearing.

ZBA Chair Douglas Purcell said that would obviate the need to have a public hearing tomorrow at the scheduled ZBA public hearing.

Fred Franko said he would have to clear it with the owner, but it would not really affect his plan. He then stated that the building would be moved back three (3) feet to bring the building in compliance with the Caroga Hamlet front setback.

Clerk James McMartin Long said if he did this, there's no application needed before the ZBA.

Fred Franko asked Robert Britton if he would have any problems moving the building back three feet.

Robert Britton said he didn't think anyone would even know it had been moved back three feet. He had no issue with moving it back three feet.

Fred Franko said he was formally declaring that he was moving the building back three feet.

Douglas Purcell asked the Planning Board to make any Site Plan approval contingent on moving the building back three feet.

Clerk James McMartin Long asked for a letter or email from NLH that he could post to document this change.

Matt Cooper asked if the building was now being moved back three feet.

Fred Franko confirmed this.

Al said that the Planning Board could consider the change done and this renders the ZBA application moot.

Matt Cooper asked why was there a wait until the night before the ZBA meeting to do this.

Mike Voght said, good question.

Fred Franko said that he only realized the setback requirements were different when the zoning change was made.

Al Kozakiewicz said this makes the project more compliant with the zoning ordinance and anything done to avoid area variances is a good thing.

Matt Cooper said the original application was done before the zoning was changed.

Clerk James McMartin Long, speaking as a Town Board member, said we, the Town Board, just changed the zoning on that parcel: the zoning didn't change until the Town Board actually passed that change in the zoning for that parcel.

Al Kozakiewicz asked if this was just a week ago tonight.

Clerk James McMartin Long confirmed that.

Mike Voght said a week ago tonight.

Al Kozakiewicz asked if there were any other questions.

Al Kozakiewicz said, hearing none, he would go through the Environmental Assessment Form. He said the applicant has already filled in the [SEAF part 1](#). [Included in these minutes by reference.] He then went through the SEAF part 1, line by line.

Al Kozakiewicz noted the answer to question 12(b) was marked yes: “Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?” He asked Fred Franko to explain this.

Fred Franko said yes, the state designated the site area as documented archaeological site as noted on the maps attached to the SEAF. He said the state provides that mapping.

Al Kozakiewicz said he thought there was another building there.

Clerk James McMartin Long said the prior building was set farther back.

Matt Cooper asked why the state listed the site.

Fred Franko said he could not answer the question. He suggested several possibilities.

Matt Cooper asked how it would affect the project if some artifact was found on the site.

Fred Franko said they were required to report it and get SHPO involved to determine the significance of anything found.

Matt Cooper said OK.

Al Kozakiewicz asked if there were any more questions on 12(b). There were none. He said he thought Cy Durey had donated the land.

Clerk James McMartin Long said the Busch family next door had sold the property to the school.

Al Kozakiewicz continued with the list of SEAF part 1 questions. He asked about “Early mid-successional”.

The board discussed the term.

Al Kozakiewicz asked about the “100-year flood plan”. The board discussed the designation.

Al Kozakiewicz asked about SEAF Parts 2 and 3.

ZBA Chair Douglas Purcell directed Al Kozakiewicz to the [TownOfCaroga.com ZBA Resources page](http://TownOfCaroga.com/ZBAResources).

Al Kozakiewicz said *Appendix B to 6 NYCRR 617.20 - revised January 1, 2019* had been met. He read the questions.

ZBA Chair Douglas Purcell directed Al Kozakiewicz to SEAF Parts 2 and 3 and the procedures for the form.

Al Kozakiewicz went through the eleven questions of [SEAF Parts 2 and 3](#). [The version signed by Al Kozakiewicz is incorporated into these minutes by reference.] He asked the board each of the questions. The board was unanimous in its answers of no to each of the questions.

Al Kozakiewicz moved to approve the SEQR. Rick Gilmour seconded the motion.

Rick Gilmour asked if there had been any correspondence from neighbors.

Clerk James McMartin Long said there has been no correspondence. He said he'd notified all of the neighbors. He said he'd telephoned Millie Busch, the neighbor to the north: She said she supports this project.

Roll call vote:

Al Kozakiewicz — yes
Fred Franko — recused himself
Lynne Delesky — yes
Karen Dutcher — yes
Mike Voght — no
Matt Cooper — yes
Rick Gilmour — yes

The motion carried.

Al Kozakiewicz asked Mike Voght about his issues.

Mike Voght said there are too many gray areas that aren't answered. He said he's not one hundred percent satisfied with the application.

Al Kozakiewicz ask what those gray areas were.

Mike Voght said there were quite a few gray areas. He said again he's not one hundred percent satisfied with everything. He said he didn't mean to throw a wrench, but he can not say yes to it.

Al Kozakiewicz asked Mike Voght how it could be made better. He said he really wanted the entire Planning Board to be on board.

Mike Voght said he no longer had a computer: it had crashed and he had no desire to get another computer.

Al Kozakiewicz said as a note for future, Mike Voght would be mailed complete packets. He said the project dragged on for a long time in the application phase. He said a lot of people were afraid it wouldn't happen during this construction season. He asked for a motion to approve the Site Plan Review.

Rick Gilmour moved approve the Nathan Littauer Site Plan Review for the microclinic . Lynne Delesky seconded the motion.

ZBA Chair Douglas Purcell reminded the Planning Board of the need to include an additional three foot set back.

Al Kozakiewicz said good point. He asked to amend the motion.

Rick Gilmour made a new motion and moved approve the Nathan Littauer Site Plan Review for the microclinic with the three foot additional setback. Lynne Delesky seconded the motion.

Roll call vote:

Al Kozakiewicz — yes
Fred Franko — recused himself
Lynne Delesky — yes
Karen Dutcher — yes
Mike Voght — no
Matt Cooper — yes
Rick Gilmour — yes

Al Kozakiewicz said the application is approved.

Mike Voght asked why can't we start meeting in town hall.

Lynne Delesky said the hybrid town board meeting was a disaster — worthless.

Al Kozakiewicz confirmed what Lynne Delesky said: he could not make heads or tails about what was said at the last town board meeting. He said the meeting would have to meet the needs of the participant wanting the most restrictive approach.

Mike Voght said he hoped he didn't stir up a hornet's nest. He just needed to get that off his chest.

Al Kozakiewicz said Mike Voght had not.

Al Kozakiewicz said he had spoken with Scott Henze about the various amendments to the Zoning Ordinance. He said he had no other business. He asked for a motion to adjourn.

Motion: Mike Voght moved to adjourn. Rick Gilmour seconded the motion. The meeting adjourned at 7:58pm.