

Planning Board Meeting

May 20, 2021 Minutes

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

Roll call:

Chair Al Kozakiewicz — present
Fred Franko — present
Lynne Delesky — present
Karen Dutcher — present
Mike Voght — absent
Matt Cooper — present
Roderick Gilmour — present

Attendees: Michael F Patino, Mark VanEtten, Rick Ruby, Kyle Barrett Price, Steven E. Smith PE.

Chair Al Kozakiewicz said we have two things tonight: [P2021-01](#) Copeland to Stock Lot Line Amendment and [P2021-05](#) CAC Site Plan Review.

Chair Al Kozakiewicz, opened [P2021-01](#) by asking if there was anyone representing Stock or Copeland. There was not. He then asked if the board had looked at the application. There were some affirmative answers. He said the piece of property was up by the Washington Square triangle.

The Chair was contradicted by multiple members.

Clerk said it was at the intersection of State Highway 10 and State Highway 10A at the very southern edge of the Town of Caroga.

Chair Al Kozakiewicz reminded the board that this application does not require a public hearing or SEQR. It simply requires discussion and approval by the board. He said it could be discussed or someone could make a motion to approve it at any time.

Rick Gilmour asked if there was any communication.

Clerk said there was communication online all with the Adirondack Park Agency because there is a significant amount of wetlands on Copeland and maybe Stock. He said we just received a [Non-Jurisdictional letter from APA P2021-01](#) two days ago which is why it is on tonight's agenda.

Lynne Delesky said the APA made Tim Stock aware of the wetlands issue. She said the rest looked fairly straightforward.

Chair asked if the board had anything else to discuss. He also asked the clerk to mute Caller 01, due to noise.

Motion: Lynne Delesky moved to approve the [P2021-01](#) Lot Line Amendment from Copeland to Stock. Matt Cooper seconded the motion.

Roll call vote:

Al Kozakiewicz — yes

Fred Franko — yes

Lynne Delesky — yes

Karen Dutcher — yes

Mike Voght — absent

Matt Cooper — yes

Rick Gilmour — yes

Chair Al Kozakiewicz said the motion passes. He asked the clerk if he needs to sign the plat.

Clerk said yes, but reminded the chair it was an after-the-fact application.

Chair asked to be notified on signing plat.

Chair Al Kozakiewicz opened the public hearing for [P2021-05](#) Caroga Arts Collective Site Plan Review.

Two neighbor US Mail notifications were returned as undeliverable: Richard E. Murray and Bry-Ann Lorenzo.

Chair Al Kozakiewicz asked if there were members of the public present.

Michael Patino said he would be wanting to speak.

Chair Al Kozakiewicz said that was good enough for him and he would therefore ask the applicant to make a full presentation.

Kyle Barrett Price presented: He said Steven E. Smith PE was also present and he helped draw up the designs as was Rick Ruby. First and foremost, the first phase is an addition and renovation of the carriage house: Making it into a six person residential space, with three bathrooms, laundry room, mechanical room, rehearsal space, presentation space, and a small kitchen. They are hoping to build this year, contingent on lumber prices coming down. Part of that is to support some of the residential space for the artists who come in from out of town, having a place to stay, a place to rehearse, and a way to engage the site throughout the year. They are hoping to do Winterfest in middle of December and other programs from September to May, utilizing the property more often. The other proceeding phases are more dream scenarios. With [SEQRA](#) rules,

were advised to get these plans on paper, to be transparent with the Planning Board. Plans include renovations of the existing tennis court; landscape changing. He noted that the word amphitheater is misleading: more poetry in the round, a wooden platform with a few benches next to it — more low-key and more for education presentation purposes. There are artist cabins. They typically have about 30 musicians a week in the summer who are coming from out of town. Their hope is to create programming outside of the summer months, again September to May. Their hope is to eventually house those individuals on site. The cabins are on the back right corner of the Site Plan. Also, they have a lodge which would be a later phase: more administration, reception areas, maybe eight classrooms, rehearsal space, presentation space, dining space, bathrooms, and some laundry. Those ideas are probably five to ten years out, but with SEQRA, they wanted to present all of that. The immediate project they are focused on is the carriage house. He asked Steven E. Smith PE if there was anything else.

Steve E. Smith PE said they revised the Site Plan submission. They changed the line type to a dashed line for some later phase — a function of fund raising. The only things that are proposed right now are in solid lines on the Site Plan: The carriage house, the parking that attends the carriage house — a slight widening of the road coming in from State Highway 10. Because the SWPPP is not required for disturbances under an acre, they are deferring changes on the proposed entrance on County Highway 112. He noted that Chair Al Kozakiewicz may want to see an SWPPP anyway. The proposal is for an entrance from State Highway 10, having the driveway more or less where the current driveway is, up to the carriage house, and some additional parking for the carriage house, plus the addition to the carriage house. The square footages are currently 1104 square feet on the first floor and

roughly 500 on the second floor being removed. The new addition is 1348 square feet per floor, 2696 square feet total.

Rick Gilmour asked if the addition was marked FF1113 on the Site Plan.

Steven E. Smith PE said it was, but he was at home looking at an older plan.

Clerk reminded Steven E. Smith PE and the everyone else, that the most recent submission is online.

Matt Cooper asked if the caretaker house was existing.

Steven E. Smith PE says it is new construction and not proposed in the first phase.

Matt Cooper pointed out that it was in solid lines.

Steven E. Smith PE said that was his mistake: it should have been dotted.

Matt Cooper asked to confirm that the board isn't looking at the caretaker house right now, just the carriage house expansion.

Steven E. Smith PE said, exactly.

Chair Al Kozakiewicz asked the board to hold its questions until after the public portion is over. He then opened the questions to the public and recognized Michael Patino.

Michael Patino says he lives at 1865 County Highway 112, directly across from the old Schine property. Mark VanEtten is online as well at a friends house under the connection name "William Gogg". He claimed that this property is listed as a residential property. From looking at this Site Plan, he understands

it is being done in phases, but reiterated his claim that this is a residential property. He said the applicant is talking stage area, classrooms — basically having a venue and a large parking area for over a hundred vehicles and an entrance on County Highway 112. He claimed it was a safety hazard. He said that if you are talking entering or leaving even on State Highway 10. He also is concerned about the logging operation. He is concerned about the tall trees on the property harming his property. He claimed that would have a negative impact on property owners directly across from the property. He is totally against something other than residential use. He noted that the leech field is across the street from him and he has a shallow well. He asked how many feet from his well is the septic system.

Chair Al Kozakiewicz thanked Michael Patino for his comments. He then reminded the public that this lot is zoned Caroga Hamlet and all proposed uses are allowed under the current zoning: it is zoned for commercial use as is all property on State Highway 10 up to the town hall [on the west side]. The use being proposed here is an allowed use since the original zoning ordinance was adopted. He asked if there was anyone else who wanted to speak.

Mark VanEtten said he owns the former Saint Barbara's Chapel. He said the applicant used every square inch of the property in the Site Plan. He talked about 128 parking spots. He has concerns about storm drain runoff. He claimed the whole place is blacktop and roofs. He claimed there's no retention pond on the plan. He spoke of the wetlands adjacent to State Highway 10. He said the whole property slopes that way. He claimed to have been the one who cleared the place after Bruce and Dick Veghte purchased it. He said nothing in the plans is new: the driveways are exactly the same. He is concerned about traffic. He is also concerned about the septic field. He said was required to put in a system for two

bedrooms and one bath that is bigger than what is planned. He said it will be a busy place and that is not why he bought his place. He said it was one of the biggest eyesores Caroga has ever seen. He wishes the applicants had come up with a different plan. He spoke of the history of his parcel as a chapel.

Chair Al Kozakiewicz thanked Mark VanEtten. He asked if there was anyone else who wished to speak.

Clerk said there was no correspondence.

Chair Al Kozakiewicz closed the public session at 7:40pm. He said he made some phone calls, including Don Cropsey. He said it was a mixed use property. He said the amount of parking on the plan was more than the board wanted and more than the applicant wanted. He said the project appeared to be mixed-use. He said the parking for a commercial use would be based on square-footage. He said the parking for the residential portion would be whatever is normal for a residence. He said this approach would solve the problem of the parking. He then turned the floor over to Kyle Barrett Price and Steven E. Smith PE to make some more comments.

Kyle Barrett Price acknowledged the comments by Michael Patino and Mark VanEtten. He said what is interesting and cool is that when the Schines owned the property there was an educational component: The Schines used to run a fresh air camp or day camp. The Schines also had movies being shown there. He said that even Elvis Presley was reported to have visited. He noted that there was an interesting history that involved education and film presentation. He said the fun thing to look into is how CAC can update the property that is not that different from how it was used historically. He noted the artist in residence concept, including the artist cabins. He then spoke about how it fits in with Sherman's.

Sherman's is not a good place for people to live. He said Sherman's is great, but it is really a seasonal venue: May to October, depending on how cold things are. CAC is doing a collaboration with Wheelerville School and CAC is hoping to be more involved in the education and presentation side: allowing kids to perform also. He said this would be in the September to May time frame. It is not as easy to utilize Sherman's for indoor teaching and presentation activities. He said that's where Myhill comes into the picture, both for people living and teaching. He said those were some of the creative thoughts behind what CAC was doing. He stressed that the amount of time the property would be used for performance during the summer was minimal. He said the chances of it being used in the summer for performances is slim to none. He said that in the summer it is really a residential spot where individuals can practice in their rooms. He said it would be a bit more intimate: the less parking the better. He said that traffic and safety was a concern of CAC. He said CAC spoke with Fulton County Highway and Fulton County Highway created an earmark [curb cut] on County Highway 112 where CAC could have a more safe entrance and exit and a better flow of traffic. He said Steven E. Smith PE would speak to that. He said CAC was doing its best to address the concerns expressed by the two members of the public. He returned to the issue of the SEQRA prohibition against segmentation: CAC put in everything that might happen in the future. He noted that some of the wording like "amphitheater" is not accurate: it is really a platform for poetry or similar presentation space — it is not like Sherman's and CAC does not want it to be like Sherman's. CAC wants Myhill to be a quiet space for the artists and wants to be a good neighbor. He invited the two members of the public who spoke to contact him directly.

Steven E. Smith spoke with regard to the septic: it is 15 feet from the Myhill boundary and the County Highway 112 right-of-way is 60 feet, so the distance from the Myhill septic system to anything on Michael Patino's property is at least 75 feet. He said that assuming Michael Patino's well met Department of Health standards, the Myhill septic system would be at least 100 feet from the well, which is the standard separation between septic systems and wells. He noted that the number of parking spaces has been reduced by 42 from the original Site Plan submitted to the current one which was submitted the previous week. He reiterated what Kyle Barrett Price had said, that CAC was concerned with the large amount of parking and CAC wanted to reduce the parking and traffic.

Kyle Barrett Price added that the carriage house is a three bathroom situation, not the six bathrooms mentioned by one public speaker. He said that even still, in Caroga if 70 people show up to an event off season, that would be a big event.

Rick Ruby said to the two members of the public that he would be happy to come see them about any trees that are in question.

Mark VanEtten said the garage was like 1200 square feet and it looks like that lodge is 2500 square feet and then all the cabins — a lot of square footage. He asked if that was all allowed.

Chair Al Kozakiewicz said the answer is yes.

Chair Al Kozakiewicz said he wanted to query Steven E. Smith PE about a few Site Plan deficiencies. He understands the need to and CAC's desire to avoid a segmented SEQR. He said the board would need to know the total square footage of the residential cabins. He thought it still looked like it is too much parking for non-residential use. He said that without knowing the ultimate

square footage, the Planning Board could not do the parking calculation itself.

Steven E. Smith PE said, with regard to the residential parking spaces: CAC believes it has looked at the town's residential parking schedule and with the number of spaces required by the zoning code. He said CAC would give the Planning Board that square footage anyway.

Chair Al Kozakiewicz thanked Steven E. Smith PE.

Matt Cooper stated that he thinks the parking needs to be based off of the residential square-footage and commercial square-footage. He said he knew CAC talked about busing people in, but he claimed the bottom line was that the property needs to stand by itself: Sherman's doesn't exist. He said the setback for a well for commercial property is 200 feet, not 100 feet. He said residential is 100 feet. He asked if the cabins were accessory dwellings.

Chair Al Kozakiewicz said he does not think the cabins are accessory dwellings. He said he didn't want to say campground, because it wasn't open to the public, but he thought it was more along those lines in terms of use than an accessory dwelling.

Matt Cooper said that the board needed to make sure that what it does stands the test of time for all properties. He said it was apples and apples and oranges and oranges. He asked if they were all primary dwellings.

Chair Al Kozakiewicz said because it is "Commercial" or "Educational, private", the reality is that the use is not "Residential" and the board can not apply those standards, in his opinion.

Matt Cooper asked what is the board going to call it.

Chair Al Kozakiewicz said he encouraged the applicants to call it “mixed use”, which he said would be mixed “Commercial” and whatever the other one was called.

Kyle Barrett Price reminded the chair that it was “Educational, private” and “Commercial’ which is a mixed use.

Matt Cooper claimed that when we build structures it has to meet the requirements for the structure. He asked if it needed to fit in one of the categories.

Chair Al Kozakiewicz said he personally thinks it fits into “Educational, private”. He said it was no different than dormitories in a college.

Matt Cooper said he did not see “Educational, private” in the Town of Caroga Zoning Ordinance.

Chair Al Kozakiewicz said “Educational, private” is there.

Matt Cooper said “OK”.

Fred Franko started to speak, but was interrupted.

Rick Gilmour, interrupting Fred Franko, asked how the building permits were being issued.

Chair Al Kozakiewicz said each separate disturbance of the property will require a new building permit. He said if the Planning Board is doing anything, it is passing judgement on the Site Plan, however long it lasts, in other words, the Board is passing judgement on the Site Plan. He said that if the Board approves this, that allows the applicant, as they get money and as their requirements change, they can go back and implement parts of this plan.

Rick Gilmour asked if the Board would be approving the whole thing in one shot, but that it would be separate applications.

Chair Al Kozakiewicz clarified, separate building permits.

Karen Dutcher said she believed the project should be segmented into separate phases. She reiterated that she thought segmentation phase-by-phase as the way to go. She wanted CAC to segment this and go before the Planning Board phase-by-phase and not obtain Site Plan approval all at once.

Chair Al Kozakiewicz said to Karen Dutcher that the Planning Board can't do that: the Planning Board has to see the whole plan and approve it all at once. He reminded Karen Dutcher that it was against the law for the applicant to keep coming back to the Planning Board and asking for more. He explained the law to Karen Dutcher by using the example of an incremental change being allowed by the Planning Board when it may not have been allowed if the Planning Board saw the ultimate project up front. He said it has got to be done this way. He said they have to show us what they intend to do up front.

Fred Franko said, addressing Karen Dutcher, that this was the important part in knowing where this is going in the long run, in being transparent. He said to Karen Dutcher, with regard to the building permit process, every time it comes up, it is going to have to go by the numbers as well, whether it is square footages or available space for septic, the Planning Board is not approving buildings at this point: the Planning Board is approving the overall concept. He noted that the Planning Board did a similar sort of venue for the rodeo. The Planning Board had concerns about traffic and what not that were reasonably well addressed. He said that was Highway Commercial. He said there is a precedent for

that. He said with the rodeo that there was parking right on State Highway 29A, which made him nervous.

Chair Al Kozakiewicz said he understood Fred Franko's point. He reiterated that he didn't like the clearing for parking and he thinks the applicant would not like the clearing either and it would be best to minimize the disturbance and runoff. He would prefer that the Planning Board work with the applicant, and it is within the Planning Board's power to approve parking offsite. He said it would be up to the applicant to figure out how the applicant was going to get people from the off-site parking to the venue and back. He said the Planning Board would want to know how often is this going to happen; what hours are they going to be; how many people expected at these events; do we have to worry about amplified sound or noise. He said these are the same questions we ask each applicant developing a commercial property in the town — lighting.

Kyle Barrett Price said he was happy to address that. He said the performance aspect will be minimal. He said there will be rehearsals and practice spaces will be the same spaces as the bedrooms. He said that right now, artists stay in people's homes and they practice in people's homes. He said most of CAC are acoustic musicians. He said the sound of a cello or a harp was different than the sound of a rock band coming out of a garage. He said definitely musically speaking it is a little different. He said CAC is looking at September to May. He said he would be thrilled to get a hundred people at an event that happens outside of the summer months. He is looking at a fall culmination concert, a Winterfest concert, and the spring residency. He said that would be maybe three major events that have an educational component to them. He said events at Myhill would be more education-

driven. He does envision film and visual arts, because film is what is tied to the Myhill property historically.

Chair Al Kozakiewicz said what he would ask of Kyle Barrett Price is to document what he just said, describing what he is planning to do with the property and make that part of the application.

Kyle Barrett Price asked if he should add that to the narrative.

Chair Al Kozakiewicz replied, yes.

Rick Gilmour said, regarding what Michael Patino brought up before is before he bought the church and the church had plenty of people attending mass for years there and there was a lot of parking along County Highway 112: it is something that has been done in the past.

Matt Cooper returned again to the issue of Commercial property and buildings that are Commercial and that the parking needs to meet that requirement. He further said there was no definition for dormitory.

Chair Al Kozakiewicz said, speaking to Matt Cooper, because this is a mixed use and because it is not strictly commercial, and only in some of the very narrowest senses, for example a food cart, and if the Planning Board is going to approve this, he wants to take that into consideration, because it gives the applicant the maximum amount of flexibility. He said he doesn't want there to be complaints in the future about a use that wasn't brought forward during the Planning Board process. He said that in the interests of preserving the nature of that parcel, the Planning Board and applicant will want to keep the parking to a minimum.

He said if it doesn't meet any of the definitions in the Zoning Ordinance, the applicant can get a variance.

Matt Cooper said if it doesn't meet the criteria, then let's go through that process. He said it was about the dormitory buildings being so close together.

Lynne Delesky said we have a description for dormitory in the Zoning Ordinance. She read the definition from the Zoning Ordinance.

Matt Cooper again asked if these structures were accessory or primary structures. He asked if they could be put on top of each other.

Chair Al Kozakiewicz said, if that's what the Planning Board approves, yes, it would be like any other commercial development.

Clerk reminded the chair that the term of art that had been used at the beginning and what he has written in the minutes was "Educational, private", not "Dormitory".

Chair Al Kozakiewicz said he was beginning to think that was a distinction without a difference. He said he was happy to be proven wrong or convinced otherwise.

Kyle Barrett Price said he thought the "Educational, private" use came into play because education is a big facet of the use of Myhill. He used the examples of artists in residence as faculty. He then cited the classroom space in the carriage house as residency space for the artists throughout the year. He then drew on a comparison with a college where there are different types of purposes: gymnasium, student union, dormitory, et cetera, and a lot of these colleges are non-profit organizations. He reminded the

Planning Board that CAC is a public charity: CAC is a teaching entity and has certain guidelines in its charter and it has a mission to serve the public.

Chair Al Kozakiewicz asked for more questions:

Karen Dutcher said she feels like the Planning Board is over our heads on this. I think that the Planning Board needs to have more and more meetings on this, in person, because she doesn't like the zoom-thing. She asked as Board members whether they could walk the property and get a better feel.

Chair Al Kozakiewicz said he has done that with a number of applications, without asking the applicants. He is sure the CAC has no problem with that.

Karen Dutcher proposed the Planning Board meeting as a group on the site.

Chair Al Kozakiewicz explained the basics of Open Meetings Law to Karen Dutcher, saying the Planning Board could do that but the Board would need to comply with Open Meetings Law, but individual members could visit the site anytime.

Rick Ruby said he would be happy to walk anyone along the property. He invited Board Members to give him a call. He'd be happy to show Board members what's there.

Chair Al Kozakiewicz said he wanted to enumerate what additional information the Planning Board would want.

Lynne Delesky asked whether the wells that are depicted on the Site Plan are existing or new.

Steven E. Smith PE said these were new wells.

Lynne Delesky asked if it was two new wells.

Steven E. Smith PE said eventually: the Department of Health is going to regulate this as a “community water supply” and two wells will eventually be required: a primary and a backup well.

Rick Gilmour asked if these wells would be in phase one.

Steven E. Smith PE said one of the wells would and the second well would be a function of the build-out of the other phases, when the Department of Health requires it.

Rick Gilmour asked if the Planning Board would get a design plan for the septic.

Steven E. Smith PE said yes.

Chair Al Kozakiewicz said that was one of the things on his list: to double-check the distance requirements for the septic system, assuming it is commercial because that would be the prudent thing to do: make sure that you are OK with where they are. He said that number 2 is make sure this is the absolute minimum parking required. He said number 3 is to call out the square footages of all the structures that are proposed or existing. He also said that any comments should be emailed to the Planning Board Clerk, James McMartin Long, and he will forward them to the Planning Board. He said that number 4 is fill out Part 1 of the SEAF and look at the Planning Board parts, part 2 and 3 of SEQR that the Planning Board runs through itself: there are two items: impacts on ground water or storm discharge. He said that’s why we need the SWPPP before we approve the project.

Steven E. Smith PE reminded Chair Al Kozakiewicz that the CAC had submitted SEAF part 1.

Clerk reminded Chair Al Kozakiewicz and the Board that SEAF part 1 was online.

Chair Al Kozakiewicz said he must have overlooked it and he apologized to Steven E. Smith PE. He said he still needs the SWPPP.

Steven E. Smith PE said that given the discussions at this public hearing, CAC may need to revise SEAF part 1.

Kyle Barrett Price asked if what was wanted from him is the updated narrative.

Chair Al Kozakiewicz confirmed that. He said the Planning Board would want to know traffic and noise, hours of operation, things of that nature.

Motion: Chair Al Kozakiewicz moved to table the [P2021-05](#) CAC Site Plan Review public hearing for a date not yet determined. Lynne Delesky seconded the motion. All were in favor. None were opposed or abstaining.

Motion: Rick Gilmour moved to adjourn. Matt Cooper seconded the motion. All were in favor and none were opposed or abstaining.

Chair Al Kozakiewicz said the meeting was adjourned.

The meeting adjourned at 8:26pm.