

# Planning Board Meeting

## July 7, 2021 Minutes

Chairman Kozakiewicz called the meeting at town hall to order at 7:01pm.

Roll call:

Chair Al Kozakiewicz — present

Fred Franko — present

Lynne Delesky — present

Karen Dutcher — present

Mike Voght — present

Matt Cooper — present

Roderick Gilmour — present

Attendees: Tammy Dorman, Rick Ruby, Zoning Board of Appeals Chair Doug Purcell, Steven E. Smith PE, Don Cropsey, Bruce Veghte, Town Clerk Linda Gilbert.

Chair Al Kozakiewicz said there are three things that he has on the agenda. He said he would address the simple ones first. He said the three items are: Special Use Permits for Arthur M. Forgue ([P2021-07](#)) and for Tammy Dorman ([P2021-06](#)), and then reopen the [P2021-05](#) CAC Site Plan Review.

Chair Al Kozakiewicz, opening [P2021-07](#), said this was a Mohawk Valley Sheds structure to be placed on a property in LFA zoning district. He said that because it was over 100 square feet, it is no longer a shed: it is an accessory structure. He asked if the board had seen the application.

All board members said yes.

Chair Al Kozakiewicz said that since the applicant was not present, he wanted to know if the board had any questions that would need to be answered by the applicant which would require tabling the application.

No board members had questions for the absent applicant.

Chair Al Kozakiewicz examined the application documents.

Rick Gilmour asked if there was any correspondence and Chair Al Kozakiewicz echoed his question.

Clerk said there was no correspondence.

Rick Gilmour asked if anybody had any issues.

No board member had any issues.

Chair Al Kozakiewicz asked for a motion.

**Motion:** Rick Gilmour moved to approve [P2021-07](#).

Fred Franko seconded the motion.

Chair Al Kozakiewicz asked if there was any further discussion.

There was no further discussion.

Chair Al Kozakiewicz asked for a vote.

Roll call vote:

Chair Al Kozakiewicz —yes

Fred Franko — yes

Lynne Delesky — yes

Karen Dutcher — yes

Mike Voght — yes

Matt Cooper — yes

Roderick Gilmour — yes

Chair Al Kozakiewicz said the motion passed.

Chair Al Kozakiewicz, opening [P2021-06](#), said the next item on the agenda was the same circumstances: Accessory Structure for 111 Channel Road for Tammy Dorman. He asked Tammy Dorman what her plans were.

Tammy Dorman structure to house summer items: kayaks, paddle boat, life jackets, outdoor furniture.

Chair Al Kozakiewicz asked the board members if they had any questions.

Rick Gilmour asked if there was any communication about this.

Clerk said there was no communication.

Rick Gilmour recognized Town Clerk Linda Gilbert.

Town Clerk Linda Gilbert asked if the Zoning Ordinance had any criteria for applications.

Chair Al Kozakiewicz asked if Town Clerk Linda Gilbert meant for Special Use Permit.

Town Clerk Linda Gilbert confirmed that was what she was asking.

Chair Al Kozakiewicz said there were no criteria in the Zoning Ordinance: only for Subdivisions and Site Plan Reviews. He asked if anybody else wanted to speak.

**Motion:** Fred Franko move to approve [P2021-06](#).

Lynne Delesky seconded the motion.

Chair Al Kozakiewicz — yes

Fred Franko — yes

Lynne Delesky — yes

Karen Dutcher — yes

Mike Voght — yes

Matt Cooper — yes

Roderick Gilmour — yes

Chair Al Kozakiewicz said the motion has passed and a Decision Notice would be issued and then the applicant could obtain a Building Permit.

Clerk said that if the Special Use Permit was within 500 feet of a State or County Highway [<https://codes.findlaw.com/ny/general-municipal-law/gmu-sect-239-m.html> 3.(b)(iii)].

Chair Al Kozakiewicz said [P2021-07](#) was not within 500 feet.

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

Chair Al Kozakiewicz asked who was representing the engineering part of the application — the [Site Plan](#).

Steven E. Smith, PE said that he would be speaking to the [Site Plan](#) and Don Cropsey would be speaking to the [SWPPP](#).

Chair Al Kozakiewicz said none of the Planning Board members was qualified to pass judgement on the [SWPPP](#) except perhaps Fred Franko. He said the [SWPPP](#) had to be part of the application and would be a reference document used by Code Enforcement. He then returned to the list of requests from the prior minutes. He

said the first thing on the list was total square footage of all existing or new structures.

Steven E. Smith, PE said it was on the last page of the [narrative](#).

Chair Al Kozakiewicz said that as long as the Planning Board had that figure he didn't care where it was located.

Matt Cooper asked if the [Site Plan](#) was stamped.

Steven E. Smith, PE said it was not stamped.

Chair Al Kozakiewicz said the second item was to check the distance for commercial septic setback.

Steven E. Smith, PE said it was 200 feet.

Chair Al Kozakiewicz asked if that meant that leach area number one.

Steven E. Smith, PE said that he may have to adjust that distance on the [Site Plan](#).

Chair Al Kozakiewicz continued with item number 3, the [narrative](#), noting that Kyle Barrett Price had submitted that. He then opened discussion up to the board to ask questions.

Rick Gilmour did not see any septic lines. He asked if the Site Plan was for all the phases.

Steven E. Smith, PE said the [Site Plan](#) was intended to be sufficient for the entire development.

Rick Gilmour asked if the applicant was planning to build just one part.

Steven E. Smith, PE answered yes.

Rick Gilmour noted again that he didn't see any septic lines or where things were going.

Steven E. Smith, PE said that the part of the septic system that was in the southwest corner will be tied into the expansion of the carriage house. He said the lodge will tie into this at a later date.

Rick Gilmour asked about how the Caretaker's house connected.

Steven E. Smith, PE said he was loathe to do that without knowing exactly where the lodge would be — without approval by the board. He said he was holding it in abeyance the design of the first septic system to wait for at least verbal approval that the lodge was really going to happen.

Rick Gilmour asked whether the Caretaker's house would also connect.

Steven E. Smith, PE said it probably will also have to be connected to that system. He said they would probably have to pump to that. He said the road from State Highway 10 bifurcates the site, north side and south side. He said the south side would go to the septic fields in the southwest corner. He said the buildings on the north side would go to the northwest corner.

Rick Gilmour asked if there was a well on the property.

Steven E. Smith, PE two wells.

Rick Gilmour asked if they were good wells.

Steven E. Smith, PE said the wells are not existing and would be drilled.

Rick Gilmour asked whether it would be two at once.

Steven E. Smith, PE said one at a time.

Multiple board members speaking simultaneously at this time.

Matt Cooper asked whether the septic for the dormitories was annotated on the map.

Steven E. Smith, PE said he did not.

Chair Al Kozakiewicz asked for confirmation that a septic system could not be put within 100 feet of a wetland.

Steven E. Smith, PE confirmed that.

Chair Al Kozakiewicz wondered if the [Site Plan](#) had 100 feet between the leach field and the well.

Steven E. Smith, PE said he was careful to measure that.

Rick Gilmour asked whether the driveway coming in from State Highway 10 was going to be upgraded.

Steven E. Smith, PE said yes.

Rick Gilmour asked if that was at the beginning of the project, phase one.

Steven E. Smith, PE said yes.

Rick Gilmour asked about the other [County Highway 112] driveway.

Steven E. Smith, PE said what they would like to do is when the carriage house is done, just improve the driveway from State Highway 10 and not install driveway from County Highway 112.

He said the County Highway 112 driveway was not required at this time. That would happen once funds become available for the rest of the project.

Mike Voght asked about width of the driveway from State Highway 10.

Steven E. Smith, PE said 20 feet.

Mike Voght said he just wanted to hear it from Steven E. Smith, PE.

Steven E. Smith, PE said it would be sufficient for two-way traffic.

Mike Voght said he was looking at getting fire trucks up there.

Rick Gilmour said that right now it was not that wide.

Steven E. Smith, PE confirmed that.

Karen Dutcher asked how the fire trucks would enter and then exit.

Mike Voght said that as long as there was a turnaround.

Chair Al Kozakiewicz addressed the board about the discussion in the first part of this public hearing, referencing the neighbors across County Highway 112, who he said were concerned about traffic and whether there would be 100 or so cars parking there or parking down at Sherman's. He asked the board whether it would be better to rely mainly on the State Highway 10 driveway. He thought it might be safer to have traffic enter and exit on County Highway 112. He asked for the board's thoughts.



Karen Dutcher said that it was very hard to come out of County Highway 112 on to State Highway 10.

Mike Voght agreed, saying you are out there a ways.

Karen Dutcher continued, saying you are out there and you got to go.

Rick Gilmour said the Caroga Arts Collective made it clear that there wasn't going to be huge performances at the application site; that there wasn't going to be that kind of car parking. He said that CAC planned to only have on rare occasions a minimal size performance at the site. He didn't think this was an issue. He did think the plan was to have an "in and out thing".

Steven E. Smith, PE confirmed that they had talked about that, but it was a function of the greater build-out at a later date. With only the Carriage House it would be just a single entrance.

Chair Al Kozakiewicz asked if that was the one on State Highway 10.

Steven E. Smith, PE confirmed that.

Rick Gilmour asked if the driveway would have a loop at the end.

Steven E. Smith, PE said yes.

Karen Dutcher asked if a fire truck could turn in there and get in and out.

Rick Ruby said the fire truck turn is at the top. He said the driveway would be shaped like the number "9".

Matt Cooper asked for confirmation that it would be up, turn right, and loop around.

Rick Ruby said yes, either that way or the other way around.

Chair Al Kozakiewicz concluded that the primary access for phase one would be the driveway off State Highway 10. He said it was a better road, better access for emergency vehicles, and less of a reason for neighbors to complain.

Rick Gilmour agreed that the neighbors made a big deal about any possible traffic on a driveway on County Highway 112.

Lynne Delesky asked whether the County Highway 112 driveway was simply not going to be created at this time.

Steven E. Smith, PE said not immediately.

Rick Ruby said to some degree it is in. He said the culvert is in. He said the loggers have put in fill. He said with 4-wheel drive one could enter and get to the other driveway.

Matt Cooper asked if one was coming in from State Highway 10, which entrance: the first or the second entrance.

Rick Ruby said the county put in the culvert last year for the second entrance.

Matt Cooper said that this was brand new.

Rick Ruby said the culvert was put in the ditch last year and then the logger put fill in, for staging of the logging.

Matt Cooper asked if this was the first entrance or the second entrance.

Rick Ruby said the first entrance was just for logging.

Matt Cooper said that would have saved a lot of problems with Michael Patino [member of the public who spoke at the first part of the public hearing] because the logging entrance was directly across from their buildings.

Don Cropsey said he wanted to address the board on the issue ingress and egress of the parcel. He said the application before the board is for phase one of the project. He said that phase two and three were depicted for SEQR purposes. He said that with respect to the State Highway 10 entrance, that driveway would be improved, twenty foot wide and the radii to the highway would be improved to accommodate fire trucks and other emergency services. He said the trees at the entrance would be cleared to improve sight distance in both directions on State Highway 10. He said that once they got into phase two, the driveway off County Highway 112 will be improved. He said that driveway was approved by Fulton County: the culvert is in there and the stabilized construction entrance has been built by the logger to prevent siltation. He said the sight distance on the County Highway 112 entrance is thousands of feet to the east and it is 340 feet to the crest of the hill. He said there isn't any sight distance issue on County Highway 112. He said that once the second phase starts, that entrance will accommodate emergency services — fire trucks — and sight distance will far exceed the minimum standards for ingress and egress for a county highway.

Matt Cooper said he did not think anyone was questioning the sight distance. He said it was the volume of traffic coming out of there. He said “as one car, it is dangerous; as fifty cars, it is fifty times more dangerous.” He said that intersection [County Highway 112 and State Highway 10] sucks.

Mike Voght asked if anyone has spoken to DOT about the mouth of the driveway, whether they want it wider or not. He said he thought somebody should contact DOT.

Steven E. Smith, PE said the applicant would have to do that.

Don Cropsey said the applicant would have to get a highway permit.

Steven E. Smith, PE said the applicant would have to do that.

Multiple persons spoke simultaneously at this point.

Mike Voght said, that while they are not talking about that at the moment, he could see a problem with fifty cars coming out of the driveway on State Highway 10 and fifty cars coming out of the driveway on County Highway 112, he could see a cluster there eventually. He said he understood that phase was not under consideration at the moment.

Don Cropsey reiterated what Steven E. Smith, PE said: any improvements that occur at State Highway 10 will be approved pursuant to a Highway Work Permit from the Department of Transportation and they have standards for radii.

Steven E. Smith, PE said he thought it was 35 foot radius, especially for fire trucks. He said DOT would be concerned about drainage and that the applicant would have to provide a plan similar to this [Site Plan](#), showing what the slopes are going to be, what the drainage will be, what the radius will be. He asked Don Cropsey whether a permit was required from Fulton County for the County Highway 112 driveway.

Don Cropsey confirmed that.

Chair Al Kozakiewicz said it got quiet all of a sudden. He asked if there was anything else.

Karen Dutcher asked if this would be seasonal or only in the summer.

Rick Ruby said that the hope was that when the Carriage House was built that this would be a four-season site. He said that whether it was used or not might be another story.

Matt Cooper said four-season capable.

Rick Ruby said yes.

Chair Al Kozakiewicz said he was going over the checklist for a Site Plan Review: is the application complete; did we do the notifications to other municipalities; public hearing; and the environmental review. He said that an important part of both the application and the environmental review is the Stormwater Pollution Prevention Plan ([SWPPP](#)).

Matt Cooper mentioned a stamped [Site Plan](#). He said the board shouldn't even look at it without a stamped [Site Plan](#).

Mike Voght said he agreed.

Matt Cooper said he was “not being a jerk”. He said the board has looked at this a couple times and things have changed and adapted. He said if the board was going to have a [Site Plan](#) and review it, he would like to have locked in, so when the board votes on it and says yes, the board would have a stamped [Site Plan](#) that the board approved.

Steven E. Smith, PE said he would be pleased to stamp the [Site Plan](#). He said he doesn't do it until it is final.

Rick Gilmour said it won't be final.

Steven E. Smith, PE agreed, saying that depending on what the board needs to still be provided, he would provide that.

Chair Al Kozakiewicz said he guessed that there was some miscommunication. He said the lack of a stamp would prevent the application from being complete. He said that had the application been complete, the board probably would have voted on this tonight, to approve or not approve. He said the board would have to adjourn this again. He noted that the northwest leach field is not on here. He asked the board if there was anything else.

Matt Cooper said he thought the applicant was going to adjust the space off the wells to 200 feet.

Chair Al Kozakiewicz said that given that's the case, what the board was going to do is to dispose of as much of the requirements as possible, but we're not going to be able to vote on this tonight.

Don Cropsey asked if there was a way the application could move forward with approval with certain conditions to the approval. He noted one was the septic placement. He said that typically the septic design is not done until the applicant has final approval. He said that the final design is submitted to the Code Enforcement Officer for a permit.

Chair Al Kozakiewicz agreed.

Don Cropsey continued, asking whether the applicant could move forward with an approval with a condition that says septic design and placement shall be submitted to the Code Enforcement Officer and signed by the applicant's engineer.

Chair Al Kozakiewicz said he would let Matt Cooper address this.

Matt Cooper said this just happened at Pine Lake Park. He said there were conditions that were supposed to be met and weren't met and then when they were met, the applicant never came and got a permit and started work. Based on that claim, he said he would say no. He continued, saying that for that simple reason: you put stuff in, go through the zoning, and the process, you take shortcuts, and then you end up eating your shortcuts afterwards, and you have to treat everyone equal on it.

Don Cropsey said he didn't think the applicant was trying to take a shortcut. He said what the applicant was asking for tonight was not approval for the whole site. He said the applicant was looking for phase one...

Matt Cooper said that the board had to look at the whole site.

Don Cropsey said the board had to look at the whole site in terms of SEQR...

Chair Al Kozakiewicz said that was one reason. He said that was the legal reason in terms of SEQR but that SEQR wasn't the only process here. He said the board wants to see what the total plan is. He said the main reason is that the board does not want to take an incremental approach where the board approves something where the board can see what is coming in the future. He said the board approves something based on what it can see and the board might find out the real plan had something the board might not have liked. He said that's why the board wants to see everything now. He said the benefit to the applicant was that the applicant goes away and, as long as the applicant doesn't deviate from the plan, if it is ten years from now, and the applicant is going for a building permit, to do the dormitories, the applicant does not have to come back to the Planning Board: it is already approved. He said the benefit goes both ways: the board gets to see what the whole plan

is and base its approval on that and the applicant has the assurance going forward that some other planning board with different people on it might take a different view of the application.

Rick Gilmour said that if the board is waiting, he would love to see how the sewer pipes are going to attach to this, in the first phase of this anyway. He said the applicant knows where the phase one buildings are going to be, so he would like to see how the whole thing is going to be attached.

Matt Cooper had questions about the dormitories: what type of structures they are and what the setbacks are. He went back to asking if it was an accessory dwelling or primary structure.

Chair Al Kozakiewicz said the board went through this: it is an “Educational, Private” use.

Matt Cooper said that the town’s “zoning doesn’t put Educational, it puts primary structure, accessory dwelling, and accessory structure.”

Chair Al Kozakiewicz said that if they were all primary structures this parcel would not be nearly big enough.

Matt Cooper said he did not think they needed to be primary structures. He said that they were accessory dwellings. He said they weren’t primary dwellings.

Chair Al Kozakiewicz said that the thing with accessory dwellings, is, going back to when the board wrote the ordinance, that applies to residential lots, when you are building an in-law house or something like that. He said he did not think it was meant to cover commercial use like a motel where one would have separate buildings set up. He said it was not meant to cover that either in terms of coverage or primary structure, because one



would not be able to build any of those things. He then read from the zoning ordinance definition of “[Educational, Private](#)”:

A structure or use dedicated primarily to teaching/education but not defined as public that may include business, trade, artist, evening or similar types of uses.

Matt Cooper said that was a definition. He said when he looks at the structures, that’s a use.

Chair Al Kozakiewicz corrected Matt Cooper, saying “No, a structure is a structure. What is your worry?”

Matt Cooper said that ten years from now when we have thirty buildings up there, and someone asks how did we get there, and this gets subdivided or something else happens, what is our plan on this?

Lynne Delesky said that’s why the board is looking at this today.

Rick Gilmour said they were like cabins.

Steven E. Smith, PE said his understanding in speaking with Kyle Barrett Price was that he is interested in putting in tiny houses. He said they were not intended to be 3,600 square foot Victorian monstrosities. He said they would be sufficient to house...

Matt Cooper said he understood what the intent was.

Chair Al Kozakiewicz said he was trying to understand where Matt Cooper was coming from. He said he thought the answer was: that’s why the board is in this process now. He said that for any of the uses that require Site Plan Review, what the board is looking at is the use is allowed. He asked rhetorically, what does

that consist of, one building, ten buildings, twenty buildings. He said the board should look at this and see if it is consistent with the town's [Comprehensive Plan](#) and if it is, are there problems with the [Site Plan](#) that needs remediation. He said there is no fixed criteria. He said setbacks you can't violate.

Matt Cooper said that's where he was going.

Chair Al Kozakiewicz asked where Matt Cooper saw a setback violation.

Matt Cooper said that it was between the buildings.

Chair Al Kozakiewicz said that would make sense if they were on different parcels.

Mike Voght said fire code.

Chair Al Kozakiewicz said if there was a fire code issue, that's something else: one has to meet all the codes. He said he's trusting the engineer who comes before us that these drawings are consistent with fire code.

Rick Gilmour asked Steven E. Smith, PE about the term 500 square feet per unit.

Steven E. Smith, PE said it was 500 square feet per occupant. He said the regulation for fire code for exterior exposure depends on the materials of construction. He said that the buildings need to be separated by a certain number of feet so that when one building catches fire, the radiant heat doesn't start the other one too quickly. He said that's typically on the order of 15 or 20 feet or so. If one uses cement board siding, it becomes less than that. He said that it was not an onerous requirement to meet.

Chair Al Kozakiewicz said that reinforces the need for more dimensions on the plan that show what the separations are.

Steven E. Smith, PE said the applicant wasn't sure what the appropriate use was.

Chair Al Kozakiewicz said he was putting the burden on the applicant. He said he wanted the stamped drawing and related documents to be the bible.

Fred Franko said he thought it was important to define what was going on with the small areas. He asked for the building type and separation to be specified.

Steven E. Smith, PE said many planning boards have their clerk write a letter defining all those pieces of information that the planning board wishes to see.

Chair Al Kozakiewicz volunteered to write the letter.

Rick Gilmour said the planning board needed to discuss what was needed. He said he wants to see a complete phase one of where the septic will be, how it will be hooked up, where the one well is going to be drilled.

Chair Al Kozakiewicz asked Rick Gilmour why he was concerned with how the septic would be hooked up.

Rick Gilmour said just so he could see it.

Al Kozakiewicz said the things the planning board has identified include but not limited to: redrawing the leach fields where they have to be to meet the 200 foot setback, draw the leach field for the future expansion in the northwest corner to show where it is

relative to wetland boundary and the well, dimensions on the closest spacing on the buildings.

Don Cropsey asked, with regard to the distance spacing on the tiny houses, to put a note saying all distances shall comply with the fire code of New York State rather than specific distances between specific buildings. He cited the issue of placing buildings based on trees and topography.

Chair Al Kozakiewicz asked the board its thoughts.

Lynne Delesky and Rick Gilmour said they were satisfied with that solution.

Don Cropsey said the state building code covers any placement, except zoning setbacks from the sides of the parcel.

Chair Al Kozakiewicz asked the remaining board members for input.

Mike Voght asked about building dimensions.

Don Cropsey said the drawing had simple rectangles that may change based on the interior layout, but the [narrative](#) references 500 square foot. He asked if the applicant would be limited to a box.

Mike Voght said the measurements would be nice.

Chair Al Kozakiewicz said he would settle for some nominal range of dimensions with square footage specified.

Don Cropsey asked if that would allow changing length and width ratios but achieving the same square footage.

Chair Al Kozakiewicz agreed but said don't go to 50 foot by 10 foot.

Don Cropsey agreed and said it would be architecturally attractive. He said he just wanted to get the plan to the point where it satisfies the Planning Board's concerns.

Chair Al Kozakiewicz said that as long as the Planning Board could look at number of buildings and coverage, and maybe the aesthetics of how they are arranged, he didn't think there was anything wrong with that approach.

Matt Cooper said the key was having the coverage.

Karen Dutcher asked how one would get to the cabins.

Chair Al Kozakiewicz answered that there was a road in front of it.

Steven E. Smith, PE said there was a loop road. He said the trails were just walking trails.

Karen Dutcher asked if fire trucks could get it.

Steven E. Smith, PE said that was the intent of the design.

Don Cropsey said the fire trucks would stay on the road.

Steven E. Smith, PE said the loop road was close enough for fire purposes. He said that's why the loop road was put in to the design.

Chair Al Kozakiewicz asked Fred Franko to lead the board through the [SWPPP](#).

Fred Franko said that the applicant has a very comprehensive plan that they included.

Chair Al Kozakiewicz said he thought the board would want to know any warnings or cautions.

Fred Franko reviewed the [SWPPP](#) for the board. He asked the applicant whether the five acre disturbance threshold was met because the applicant plans to work on the phasing in small bites.

Don Cropsey said that was correct.

Fred Franko asked if that was acceptable.

Chair Al Kozakiewicz said he was not sure that it was.

Don Cropsey said the [SWPPP](#) is for phase one.

Mike Voght said that the applicant would need to submit another plan for phase two.

Don Cropsey said absolutely. He said when the applicant got to phase two, the plan would be modified to include any impervious surface anticipated for phase two and the same for phase three. He explained the phasing. He said the [SWPPP](#) would ensure that the project would not impact any waters of the State of New York or beyond. He said the water would be contained on site, that being the purpose of the [SWPPP](#). He said the plan discusses construction entrances and silt fencing to prevent any fugitive sediment from getting off of the site. He said there were washout areas for concrete washing. He said that was the premise behind the SWPPP. He said that when phase two comes, the applicant needs to go back to the engineer to modify the SWPPP. He said from the lodge east there would be a different area that the storm drains to and same for the tiny homes.

Chair Al Kozakiewicz said it looks like the property slopes from northeast to southwest.

Rick Gilmour agreed.

Don Cropsey said he spoke with [SWPPP](#) engineer Chris Longo and each phase would have an independent system.

Rick Gilmour asked if it was a retention system.

Don Cropsey said the site didn't need a retention system because the soils drain very well. The applicant dug some test pits in June going down five or six feet and below that was well-drained granular soil. He said the Fulton County soil map showed it as well-drained. He said there would not be any retention pond. He said the [SWPPP](#) calls for an eighteen inch deep sediment trap at the end of a swale with check dams along the way, any water that gets beyond that will be stopped by the trap and not get to the wetlands.

Rick Gilmour said everything would be graded in accordance to that.

Don Cropsey agreed and said it is designed to accommodate the increased flows from the impervious surfaces.

Chair Al Kozakiewicz said that to avoid segmenting the SEQR, the stormwater management has a potentially significant impact on the environmental characteristics of project. He read the [SEAF part 1 question 17](#):

Will the proposed action create storm water discharge, either from point or non-point sources?

Chair Al Kozakiewicz thought the answer was yes. He continued reading:

Will storm water discharges flow to adjacent properties?

Chair Al Kozakiewicz said he assumed the purpose of the [SWPPP](#) is to make the answer to be “no”. He continued:

Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

Don Cropsey said the answer is no.

Chair Al Kozakiewicz said he was concerned that if they do the SEQR and the [SWPPP](#) for future phases comes back and changes the answers to those questions, then there is an issue. He suggested that if the applicant could write some assurance into the plan that said the solution would be replicated for subsequent phases.

Lynne Delesky asked about phase two having a modified [SWPPP](#).

Don Cropsey said the [SWPPP](#) had to be modified for phase two.

Lynne Delesky asked if it then had to come before the Planning Board again.

Chair Al Kozakiewicz said no.

Don Cropsey said no, it goes to the Department of Environmental Conservation. He said DEC would inspect throughout the process.

Lynne Delesky said she was concerned about making a ruling on something we don't know.



Chair Al Kozakiewicz said the board lacks the expertise. He said the board is not qualified to assess the [SWPPP](#) but needs to understand it well enough to answer the questions in the [SEAF](#).

Fred Franko agreed and said that the fact is that it has to go to DEC for approval. He said there has to be a record that there is a phase two [SWPPP](#).

Matt Cooper asked if that is something the board would annotate in the SEQR.

Chair Al Kozakiewicz said that if the Planning Board was to get some assurance that what the applicant plans to do to mitigate stormwater will be no worse in future phases, then all the Planning Board has to do is answer the questions in SEAF based upon what the applicant tells the Planning Board, because it applies to the whole project.

Town Clerk Linda Gilbert asked if would help if somebody from Fulton County Soils and Water talk to the Planning Board.

Chair Al Kozakiewicz said it would put the Planning Board in the position of having to know more than the board is capable of knowing. He said it looks to him that there are a lot of technically competent eyes on this project. He said he wanted the board to be able to say the [SWPPP](#) is complete and that it makes sense and an engineer has wet-stamped or signed the document, putting his or her license on the line.

Steven E. Smith, PE said that frequently the applicant has to pay for a professional who is retained by the planning board.

Chair Al Kozakiewicz said the planning board has something like that. He said he's not seen a project during his tenure that was

complex enough to require that. He said storm water isn't something that the PB wants to get involved with.

Fred Franko asked the Chair if he should continue with reviewing the [SWPPP](#).

Chair Al Kozakiewicz said he would like a layman's technical overview and he said he thought he already heard it: There are no retention ponds, no drainage to the culverts.

Fred Franko said the [SWPPP](#) seems alright except there was a question as to whether the runoff go into a separate storm sewer system, including roadside drainage, culverts, swales.

Don Cropsey says is does not.

Fred Franko said that on the report it says yes.

Don Cropsey asked what page this was on.

Fred Franko said [SWPPP](#) page 5/15 question number 15. He said he thought it was just an error.

Don Cropsey said the drainage does not make it down to the wetland.

Fred Franko said everything stays on site and there aren't storm sewers.

Don Cropsey said the soils drain quite well and he would talk to engineer Chris Longo.

Fred Franko said that was the only thing that jumped out at him and everything else says the applicant will be in strictest compliance with the DEC.

Don Cropsey explained that the applicant has to have a copy on site in a mailbox, for DEC to come at its will to look at and if best management practices aren't being employed, DEC can fine the applicant.

Rick Gilmour said he thought DEC could shut the project down.

Don Cropsey said they sure can, he's seen it happen.

Chair Al Kozakiewicz asked if the applicant would be digging any really deep foundations.

Steven E. Smith, PE asked how deep was really deep.

Chair Al Kozakiewicz said more than eight feet.

Steven E. Smith, PE said no.

Chair Al Kozakiewicz asked for confirmation that the applicant had dug five feet and not hit groundwater.

Don Cropsey confirmed that.

Steven E. Smith, PE said they actually dug more than that.

Don Cropsey said that June 16 the applicant dug five to six feet and ran into very granular, sandy soil.

Chair Al Kozakiewicz asked with regard to future phases, did the applicant see any soil disturbance that would create an impound that would be there just for the duration of construction.

Don Cropsey said the applicant would follow best management practice, putting a silt fence, a washout area for concrete trucks. He said once construction is done, the silt fence will be gone, the disturbed areas would be seeded, and that would be the end of it.

Chair Al Kozakiewicz said that was one of the [SEAF](#) questions: whether there would be a worry about dams.

Don Cropsey said the applicant would have silt fencing to stop fugitive soils from leaving the property. He said that was all outlined in the [SWPPP](#).

Chair Al Kozakiewicz said the only thing that gets added to the prior list in the minutes is assurance in [SWPPP](#) that this would be, to the best of your capabilities, typical for whole project.

Don Cropsey said page two and three say the applicant will follow said best practices and DEC regulations.

Chair Al Kozakiewicz said yes, but more to the point, subsequent phases would have no catch basins or be out of character relative to phase one.

Don Cropsey said the applicant can provide that.

Chair Al Kozakiewicz asked if there was anything else from the board.

Matt Cooper said he had one item not related to the CAC application.

Chair Al Kozakiewicz asked if there was anything else.

Lynne Delesky asked what was next.

Chair Al Kozakiewicz said the applicant would be back with changes to the [Site Plan](#), whatever was read into the minutes...

Matt Cooper said that the Chair was going to draft a letter with all the requirements so Steven E. Smith, PE can meet the requirements.

Chair Al Kozakiewicz agreed and said also the modifications to the [SWPPP](#). He said he expected to briefly review those at the next meeting, because the board has beat things to death as far as what has been revealed to the board. He said then vote to certify application is complete; do the [SEQR](#) questions; make sure anyone who needs to be notified has been notified. He said then the only thing left is to have a discussion and vote on it.

Don Cropsey asked what the date would be.

The board and applicant discussed dates.

Chair Al Kozakiewicz chose Tuesday July 27 7:00 pm at town hall to reopen the application.

Don Cropsey asked if it could be a letter.

Chair Al Kozakiewicz said he'd like it to be bound in.

Clerk offered to GBC bind the addendum.

Chair Al Kozakiewicz said the applicant could leave at this point.

Clerk asked Chair about a motion to table and vote.

**Motion:** Chair Al Kozakiewicz moved to table application [P2021-05](#) until Tuesday July 27 7:00 pm at town hall to reopen the application.

Matt Cooper seconded the motion.

Chair Al Kozakiewicz called for a voice vote.

All were in favor. None were against. The application was tabled at 8:25 pm.

The Planning Board discussed issues with application P2021-02 and included input from the Zoning Board of Appeals Chair Doug Purcell and Town Clerk Linda Gilbert.

No motions were voted on during this discussion.

Chair Al Kozakiewicz said he would contact the town attorney with regard to P2021-02.

The Planning Board discussed additional possible changes to the [Zoning Ordinance](#) regarding stand-alone non-accessory structures not otherwise classified in the Zoning Ordinance and included input from the Zoning Board of Appeals Chair Doug Purcell and Town Clerk Linda Gilbert. No motions were voted on. Chair Al Kozakiewicz volunteered to draft some revisions to the Zoning Ordinance for the Planning Board's future consideration.

**Motion:** Rick Gilmour moved to adjourn.

Matt Cooper seconded the motion.

All were in favor. None were opposed.

The meeting adjourned at 9:05 pm.