

Planning Board Meeting

October 14, 2021 Draft Minutes

Chairman Kozakiewicz called the meeting at town hall to order at 7:03pm.

Roll call:

Lynne Delesky — present

Fred Franko — present

Mike Voght — absent

Roderick Gilmour — absent

Karen Dutcher — present

Matt Cooper — present

Chair Al Kozakiewicz — present

Attendees: Kenneth J. Roberts, PE, Karl Ziemann.

Chair Al Kozakiewicz said the Planning Board is meeting tonight to continue the Site Plan Review ([P2021-11](#)) of a proposed storage building for Carol and Karl Management. He said the main holdup was that the proposed drawing, while meeting the setback from the road, did not meet the setback from the State Highway 10 property line. He said that this was a problem particular to those parcels that border state routes. He said it looks like the location of the proposed building was moved. He asked the applicant to speak.

Kenneth J. Roberts, PE said that in the Town of Caroga Zoning Ordinance it specifically mentions the setback from the edge of road. He said he thought there was a little confusion. He said it was brought to his attention that it was measured from the right-of-way line or property line. He said the right-of-way line is denoted on the Site Plan. He said it was the state road line. He said the 30 foot setback line has been adjusted on the Site Plan with a

parallel line to the highway right-of-way and the building had to be moved back and rotated slightly to avoid the 30 foot setback line and at the same time, avoid the back and side setback lines. He said he thinks it meets the Zoning Ordinance as shown on the Site Plan.

Chair Al Kozakiewicz said he thought it was implied, though he is beginning to wonder about the language in the Zoning Ordinance, that the setback was from the road or property line, whichever is less. He said most parcels in town, though not state routes, go to the middle of the road.

Kenneth J. Roberts, PE said that the applicant has added twenty spruce trees to the Site Plan within the 30 foot setback line, still on the applicant's property. He said the Site Plan also now shows the colors of the proposed building's walls, roof, and trim.

Chair Al Kozakiewicz said Karl Ziemann was kind enough to give him a tour of the subject property and a building he owns and operates next to Pine Lake Stoves. He said the applicant is planning to use the same colors on the proposed building.

Matt Cooper asked if the new Site Plan gave the applicant the room he needed for the agreement the applicant was making with the Caroga Lake Volunteer Fire Company [to access a standpipe for pumping water].

Karl Ziemann said it left even more room. He said when the Caroga Lake Volunteer Fire Company puts their pipe in, he will put down some crusher rubble so the CLVFC can get their fire trucks off the road. He said he still has to put in the application in to NYSDOT for the second driveway. He said CLVFC would use the second driveway.

Matt Cooper asked if nothing got lost in this revised Site Plan.

Karl Ziemann confirmed that.

Lynne Delesky asked if there was only eight feet from the spruce trees to the corner of the proposed building.

Kenneth J. Roberts, PE said that was the gravel pad and the building is probably an additional eight to ten feet.

Lynne Delesky asked eight feet to the gravel apron.

Kenneth J. Roberts, PE said correct.

Lynne Delesky asked where the second driveway would go.

Karl Ziemann said in front of the proposed warehouse to the road, through a couple spruce trees. He said they would move the spruce trees left and right of the driveway. He said he wants screening also, either a fence or screening as a theft deterrent.

Fred Franko asked about timeline for plantings.

Karl Ziemann said spring. He said he is told [by the contractors] that the building can still be put up this year. He said he already sold those spots.

Matt Cooper said that section of State Highway 10 is a blind turn when you are proceeding in this direction [south] and this revised Site Plan gives more visibility through that turn. He said that riding a motorcycle that this is a blind turn and this new Site Plan gives more line of site.

Fred Franko asked for confirmation that there was no power.

Karl Ziemann said no power, no water, no septic, no lights, no traffic, no parking.

Lynne Delesky asked if the building would have just one level of boats.

Karl Ziemann said no, there would be steel framing inside and when a ten foot garage door was opened, one boat would be on a trailer and one on the steel rack.

Lynne Delesky asked how many boats does the applicant anticipate going inside the building.

Karl Ziemann said forty.

Chair Al Kozakiewicz said he thought there should be room for eighty. He paused and then asked if there was only going to be one row.

Karl Ziemann said it is just one row in two levels. He said that between each garage door there would be a six inch by six inch stud. He said with each garage door, the building gets six inches longer. He said that is why the building is 212 feet long, because the trusses are four foot, so he has to put three extra trusses in to fit the extra six inches. He said that he would also be putting some jet skis in front of the shorter boats.

Chair Al Kozakiewicz said that what goes on behind those closed doors the Planning Board did not care and did not even want to know.

Fred Franko said it was not his department.

Lynne Delesky said it was good that the colors were specified on the new Site Plan. She said the setback lines are now straightened

out. She said the other requirement the Planning Board had made at the previous meeting was the number of boats outside and where they were going to be.

Chair Al Kozakiewicz said oh, right.

Karl Ziemann did not answer how many. He said he would store what the market bears, just like Canada Lake [Marina] does and just like Pine Lake Resorts does.

Chair Al Kozakiewicz said across the street currently is used for the storage of boats with no screening. He said the Planning Board would be hard pressed to say it is out of character with the neighborhood because of that.

Karl Ziemann said that five properties down [south on State Highway 10] is the Canada Lake [Marina] building with screening.

Matt Cooper said with boats in the open.

Karl Ziemann said there are about 300 boats in there.

Lynne Delesky asked the Planning Board if now nobody on the Planning Board cares how many boats are stored outside. She asked again if that was what she was hearing.

Chair Al Kozakiewicz said his opinion, after looking at the property, and after Karl Ziemann assured him that the applicant was going to put screening in, it became a “don’t care”. He said he could not think of a reason why it mattered. He said whatever fits, fits.

Lynne Delesky asked if that meant anywhere on the property.

Chair Al Kozakiewicz said yes, anywhere on that property.

Karl Ziemann said he can't put the boats across the back because of the trees and if a tree falls. He said that means he has to stay something like 30 feet from the back border and the side borders. He said the applicant would be putting as many behind the house and barn as possible.

Matt Cooper said his concern at the last Planning Board meeting was that compared to the other ones, there's no screening. He said it doesn't mean it's not there, it is just not slapping you in the face as you drive by. He said that if the applicant puts in screening, the aesthetic is helped out greatly.

Karl Ziemann said he would be buying the tallest trees he can.

Chair Al Kozakiewicz told a personal story about trees.

Chair Al Kozakiewicz asked if there were any other questions.

His query was met with silence.

Chair Al Kozakiewicz said he would go through the checklist. He said the Planning Board had discussed parking; means of access: one driveway currently, a curb cut to be determined; no signs; architectural features: steel building with colors as can be seen in the applicant's building next to Pine Lake Stoves; screening and landscaping: applicant's engineer places what the applicant is planning to plant on the Site Plan; location and dimensions of building; adjacent land uses and physical features to protect those uses: well on one side there is nothing because there is a stream there and the parcel next to it, which is Isabella's is also HC-1; any additional elements the governing board may specify: he did not think there were any in this case; whether the Planning Board has any conditions as part of the approval; and this is not a

residential approval so the last one does not apply. He said that if the Planning Board members think they have covered that, he would like to go through the SEQR and then go on to discussion of proposals. He asked for consent.

There was no dissent.

Chair Al Kozakiewicz asked the Clerk for the project number.

Clerk said P2021-11.

Chair Al Kozakiewicz asked for today's date.

Several members said October 14, 2021.

Chair Al Kozakiewicz said here was the evaluation form [holding [SEAF Part 2 & 3](#)]. He read from that form.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Chair Al Kozakiewicz said he believed the answer was no because it was zoned for this. He reminded the Planning Board members that if he got ahead of them, to ask him to stop to discuss the item. He continued reading:

2. Will the proposed action result in a change in the use or intensity of use of land?

Chair Al Kozakiewicz said it was already zoned for that use, so he would say no.

Fred Franko said that was fine.

Chair Al Kozakiewicz continued reading:

3. Will the proposed action impair the character or quality of the existing community?

Chair Al Kozakiewicz said he would wait for somebody else to answer that question.

Fred Franko said no.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Chair Al Kozakiewicz said it is not that, so he did not see how it could be that.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Fred Franko said no.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Chair Al Kozakiewicz said given that it is going to consume zero energy, he thought that question answers itself.

7. Will the proposed action impact existing:
a. public / private water supplies?

Chair Al Kozakiewicz said again no.

b. public / private wastewater treatment utilities?

Fred Franko said no.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Fred Franko said no.

Chair Al Kozakiewicz asked Kenneth J. Roberts, PE if he had prepared the SEQR form.

Kenneth J. Roberts, PE said no.

Karl Ziemann said he had.

Chair Al Kozakiewicz said he found out from Isabella's engineer was that [NYSDEC has software](#) to fill out the form and it knows whether there is any significant archaeological sites nearby, because Isabella's SEAF question 8 was answered yes.

Kenneth J. Roberts, PE he goes to the state website and when it comes to endangered species — animals and plants — the state provides the mapping on their website. He said it was the same with archaeological — they can't tell you where those sites are and they can't tell you where the endangered animals and plants

are because they don't want the public to disturb those. He said it was a general question and they give a broad area. He said it comes down to the property owner or engineer to locate those specifics.

Fred said if there are no records, the site may come up with a positive.

Chair Al Kozakiewicz said that would make sense: no records equals positive, because less harm.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Fred Franko said no.

Chair Al Kozakiewicz said the only flora he saw there was dirt.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Chair Al Kozakiewicz said that question actually gets him back to a question he didn't ask. He asked the applicant if the applicant considered stormwater runoff.

Kenneth J. Roberts, PE said no.

Chair Al Kozakiewicz said he assumes it is all pitched back towards the creek and it is going to drain in that direction.

Karl Ziemann said he would say so. He said the only thing that would be laser level is the crusher rubble pad. He said the rest of it is going to stay the same as it is.

Lynne Delesky asked about putting in gravel.

Karl Ziemann said just in the 70 foot by 40 foot area.

Lynne Delesky asked if that was in front of the building.

Karl Ziemann said yes.

Kenneth J. Roberts, PE said he thought the soil was well drained. He said if there was anything from the roof, it would percolate into the ground.

Karl Ziemann said it was very sandy there.

Kenneth J. Roberts, PE agreed.

Chair Al Kozakiewicz asked the Planning Board if he was answering no to the question.

Matt Cooper said yes, he was answering no.

11. Will the proposed action create a hazard to environmental resources or human health?

Chair Al Kozakiewicz said he should certainly hope not. He said none of the questions were answered “Moderate to large impact may occur”. He said thus the Planning Board does not need any explanation.

Motion: Chair Al Kozakiewicz said that the Planning Board should vote now to see if we have determined based on the

information and analysis the Planning Board just filled out [SEQR] and any supporting documentation, that the proposed action will not result in any significant adverse environmental impact. He asked the Clerk to call the roll on the preceding sentence.

Roll call:

Lynne Delesky — yes

Fred Franko — yes

Karen Dutcher — yes

Matt Cooper — yes

Chair Al Kozakiewicz — yes

Chair Al Kozakiewicz said he believed the Planning Board is now ready to discuss the application.

Motion: Chair Al Kozakiewicz moved to approve application P2021-11.

Matt Cooper seconded the motion.

Fred Franko said he is happy with changes to the Site Plan. He said it is a commercial district so he is happy with the building. He said the Planning Board has every reason to approve it.

Matt Cooper said he has already voiced his issues or concerns with the application, so he is good with the application.

Lynne Delesky said her only concern is she still would like to see some limit on how many boats can be stored outside.

Chair Al Kozakiewicz said he is not viscerally opposed to that. He said the problem is twofold. He said he didn't know if the Planning Board could really calculate that: it depends on the size

of the boats. He said that more important than that is he did not know how it would be enforced. He said you know how this works — the Planning Board is going to file this, it is going to go into a drawer someplace and the Code Office will never ever look at it again. He said he thinks he's being realistic when he says that. He said he believes we have this problem in town where there are no resources put towards enforcement and there is a lot of stuff you can see. He said you don't have to count and look up a file someplace. He said you can see our violations and we aren't even going after those. He said to Lynne Delesky, be careful what you wish for, because you may end up creating a condition that nobody is going to do anything about.

Matt Cooper said he understands the concern also and voiced it last week, citing Kenny's Marina down on the edge of Gloversville, how that turned into a wasteland. He said here everyone needs to be treated the same. He asked that if three properties down, they are putting three hundred boats, we're going to let them put three hundred boats but the Planning Board is going to limit these to two hundred? He said again that he thinks everyone needs to get treated equal in that situation.

Chair Al Kozakiewicz said he thinks that the Planning Board could add as a condition that no storage is to take place between the screening and the road. He said that was obvious and he was sure the applicant was not intending to do that, but future owners — who knows.

Fred Franko said that would be a good amendment.

Motion: Matt Cooper moved to disallow storage between the screening and the road.

Fred Franko seconded the motion.

Clerk asked the Planning Board Chair if the Chair accepted the amendment.

Chair Al Kozakiewicz said yes. He then asked if there was any other discussion.

The query was met with silence.

Chair Al Kozakiewicz asked for a roll call vote.

Roll call:

Lynne Delesky — yes

Fred Franko — yes

Karen Dutcher — yes

Matt Cooper — yes

Chair Al Kozakiewicz — yes

Chair Al Kozakiewicz said the motion carries, the application is granted. He said to the applicant, “thanks for not making a shit hole of your property up there”.

Clerk said the Decision Notice would be sent to the Code Office, because they have to have a record of it before they can issue a building permit and the Records Officer would receive a copy.

Chair Al Kozakiewicz said unspoken in this was that this was contingent on no adverse findings on the § 239-m review by Fulton County Planning Board. He said the Planning Board is supposed to consider any objections they have, not once, come back with objections over anything. He said what he routinely does is if the County comes back with objections, they Planning Board would vote again. He said the applicant should be safe because the requirement to overrule the County was a majority plus one.

Clerk said that because he received the electronic version of the updated Site Plan before 5:00 pm on Tuesday October 12, 2021, he was able to submit the full § 239-m application for review. He said there was a technical issue: the Planning Board never saw that document before submittal. He said the Fulton County Planning Board will meet at 8:45 am next Tuesday [October 19, 2021].

Chair Al Kozakiewicz said, one other thing: the APA. He asked if the applicant got a jurisdictional letter.

Karl Ziemann said he was [only told the County from the Code Enforcer](#).

Chair Al Kozakiewicz said he thought it was only if it was a subdivision would the APA want to know about that and anything that was a regional project, a type B or type A, but he didn't know. He said for Planning Board business, it was subdivisions and regional projects. He said the Planning Board does not tell the APA about Lot Line Amendments and he said he didn't think the Planning Board did for anything done before.

Clerk said that we do for wetlands. He said he would call the APA "just to make sure I didn't screw up".

Chair Al Kozakiewicz told the applicant he was all set and should be able to get his permit by next Wednesday.

Chair Al Kozakiewicz asked if there was any other business.

Lynne Delesky said minutes.

Chair Al Kozakiewicz said he actually read them this time.

Clerk said the minutes requiring approval were May 13, 2021, May 20, 2021, July 27, 2021, and October 6, 2021.

Motion: Chair Al Kozakiewicz moved to approve Planning Board minutes for May 13, 2021, May 20, 2021, July 27, 2021, and October 6, 2021.

Lynne Delesky seconded the motion.

Chair Al Kozakiewicz asked if all were in favor.

All were in favor. None were opposed.

Chair Al Kozakiewicz asked if there was any other business.

Lynne Delesky said that ZBA Chair Doug Purcell had sent an email to the Planning Board asking to meet with the Planning Board. She said she thought the Planning Board should address that.

Chairman Al Kozakiewicz said he told Doug Purcell that he was happy with any date. He said he would prefer it to be a date the Planning Board would normally meet anyway, so that the Planning Board was not getting together just for a work session. He said he thought Doug Purcell said the beginning of November he was still officiating and had proposed November 17.

Lynne Delesky asked if the ball was in Doug Purcell's court.

Chair Al Kozakiewicz said yes. He said that Code Enforcement Officer Jennifer DeRocker-Blowers had sent an email to ZBA Chair Doug Purcell and himself, wanting to discuss issues. He said as far as he can tell, she is starting to put together checklists and he didn't say anything back yet. He said he thinks what she wants is she wants to have a seat at the table at the proposed meeting in November. He said she also attached some checklists. He said he thought she might be putting together checklists for Planning Board.

Matt Cooper said he thought the checklists were more for the Code Office, so that people submitting applications know what the process is, so that it is a complete application when the Planning Board meets. He said Planning Board doesn't really mesh good with Codes. He said Planning Board doesn't interface all the time.

Fred Franko said that maybe the Planning Board should recommend that applicants fill out the SEAF using the online tool because it answers questions that the applicant would otherwise have to make a guess at.

Chair Al Kozakiewicz said he wanted to differentiate between a fill-in PDF or using the software that all the engineers have access to.

Fred Franko said everybody has [access to it](#).

Clerk said NYSDEC has [consumer-oriented tools for automated fill-in](#).

Chair Al Kozakiewicz said to stop selling because he was now convinced.

Lynne Delesky asked about accuracy of the tool.

Clerk said it was wetlands and the answer was legitimate in the case of Isabella because there were wetlands across the road, but the mapper picked it up because the wetlands were on the adjacent property.

Fred Franko said the tool isn't correct all the time. He cited the new Caroga Nathan Littauer Clinic being listed as as being in a flood zone. But the Planning Board has the ability to say "right", "wrong", or "indifferent".

Chair Al Kozakiewicz said that online tool would be a net benefit to everybody: the applicant and the town.

Motion: Chair Al Kozakiewicz moved that the consensus of the Planning Board is to recommend to the Code Office the [NYSDEC online tool](#) for Planning Board applications.

Fred Franko said you enter county, town, and tax parcel.

Chair Al Kozakiewicz said oh, it goes by tax parcel. He said that was awesome.

Matt Cooper said it creates consistency.

Fred Franko said it saves anybody having to get an engineer to fill it out.

Chair Al Kozakiewicz agreed. He asked Lynne Delesky if she had anything else.

Lynne Delesky reminded Planning Board members about upcoming training available online.

Motion: Lynne Delesky moved to adjourn.

Matt Cooper seconded the motion.

All were in favor. None were opposed.

The meeting adjourned at 8:01 pm.