

State of New York  
County of Fulton  
Town of Caroga

Minutes of a Planning Board Meeting held May 24, 2023 at the municipal building located at 1840 State Highway #10 at 7:06 pm with the following persons in attendance by roll call.

Chairman, Al Kozakiewicz- present  
Matt Cooper - present  
Karen Dutcher - absent  
Lynne Delesky - present  
Rick Gilmour - present  
Tom Wojciechowski - present  
John Ivancic - present

Previous minutes will be discussed at the end of the Site Plan Review.

Chairman Kozakiewicz indicated that he has spoken with Aaron Enfield from Fulton County Planning regarding this project. It was explained that any final action on this project will be postponed until Fulton County Planning has reviewed the project.

Chairman Kozakiewicz asked those present on behalf of the CAC to introduce themselves:

Dan MacIvor, presenter, Board member CAC  
Don Cropsey - building committee for CAC  
MaryKate Farber - Executive Director for CAC  
Mark Thaler - architect  
Pete Parent - Civil Engineer

Dan MacIvor introduced the plans for the CAC with a brief presentation.

Don Cropsey explained that applications will be made to the zoning board for shoreline setbacks and building height

Mark Thaler presented a video explaining the master plan of the CAC for the Sherman's site. The location of the Stage house was shown and briefly explained. The Main building will be restored for musical performances, dining, community events and have dressing rooms for the performers. The original dance hall portion of the building will become a jazz club and the wrap around porch will be restored. There will be a boardwalk to allow access to the lakefront and docks to allow for access by water. The carousel will be restored and stay in it's current location while the former bumper car pavilion will be relocated across Mead Creek and repurposed as an outdoor classroom.

Mr. Thaler explained that the video was a twenty year look ahead. The first, and current, phase is construction of the Stage house. He pointed out that the ferris wheel will be relocated back by the carousel, which deviates from the original plan that had the ferris wheel closer to the road. Mr. Thaler explained that his firm worked very closely with acoustical engineers to enhance the quality of the sound, which was the driving force for the the materials used in the renovations. The Stage house will have an LED screen on the building. There will be some paving in front of the stage. The lawn area will increase in later phases and there will be a ramp for access to the stage.

Chairman Kozakiewicz explained the public comment rules: 3 minutes or less, state your name clearly and place of residence. The floor was then opened for public comment

Linda Gilbert - She asked what chapter of the zoning ordinance was this being reviewed under. The public hearing notice did not quote the section that was being reviewed. Chairman Kozakiewicz stated it was a site plan review and asked her to clarify her question. Lynne Delesky stated it was all of the site plan section. Chairman Kozakiewicz stated that it was Article 6 - all of it. Linda also stated that according to the project description there will be relocation of certain buildings, and asked for it to be clarified. She asked for the whole project to be carefully reviewed.

Joe Huba - Grove Avenue - he has concerns about traffic and how it will be directed and what the parking situation will be. He does not want a SPAC situation here in Caroga Lake. He is also concerned about the impact on the streets.

Jim Subik, Caroga Lake - He is also concerned about parking and maintains that it will be an issue. He also has concerns about moving the bumper car pavilion to the bank of Mead Creek. He owns the property next to it and doesn't think that there is enough room there.

Jeannie Em - Dolgeville point - chair of the capital campaign for this project - She clarified that the capacity will not increase drastically from where it is today. She pointed out that there will not be significantly more people present at any single event.

Christopher Wickham, West Caroga Lake, He is also concerned about traffic. He stated that people are going through the stop signs on East Shore Rd currently and is worried about traffic on this road and if there are any plans to change traffic. He also asked if there was going to be sewer brought in to preserve the lake.

Bob Sprung speaking for his wife Candice who owns the property behind Sherman's - He is concerned about flooding where the bumper car pavilion will be sited. He also has concerns about a sound barrier fence stating that he is very opposed to it. It will devalue their property and not stop noise. Also concerned, for later phases, about where East Shore Road right turns and if it will have traffic stopped on Rt 29. Chairman Kozakiewicz stated that he doesn't think that it's within the CAC's purview to request the road to be abandoned.

Scott Horton - town supervisor - The process would be that they would ask the town to abandon the road and then the town takes action to allow that to happen. That is not part of the plan as it stands now.

Tammy Subik - across from Sherman's - Asked if the site plan incorporates just CAC property or property owned by Balboa? It was clarified that it was just CAC property. Chairman Kozakiewicz clarified that the CAC does own the beach property.

Christopher Wickham - asked what the CAC plans for the beach. He was asked to hold his question until later phases are discussed.

Don Cropsey - asked that the board asked the applicant to provide some sort of speakers so that the concerts can be heard from the water.

Public hearing portion closed

Chairman Kozakiewicz explained that he would like to go over the long form environmental assessment at this meeting.

The board asked what the proposal for parking is. Mark Thaler presented a letter from Mr. Abdella to the board. The letter states that the CAC will be able to use land owned by Balboa for parking permanently; the land is located behind the post office and adjacent to the current parking lot. Don Cropsey noted that the volunteers will be directing cars for parking during events.

Rick Gilmour suggested that lighting be put in place for the bigger events. The parking is in a field and the terrain is uneven and people are crossing the highway, so for safety there needs to be temporary lighting.

Chairman Kozakiewicz pointed out that there is some history with the organization and said that it is very well organized. He asked how often the CAC expected to hold "significant" events in terms of increased traffic etc. Dan MacIvor indicated that there may be 2 or 3 this year. Once it's up and running there may be 2 a month.

The board asked what phase is the sound wall going to be built - Phase 1B - Mark Thaler explained the intent of the wall was basically to keep road noise from coming in to the site. Rick Gilmour asked if consideration was given to the Sprung's and what they would be seeing. The idea was that wall would be very naturalistic - the intent would be to have it look very natural.

Rick Gilmour asked if it was feasible to move the bumper car being moved across Mead Creek. Mr. Thaler indicated that they spoke to house movers and it can't be moved, raised up out of the flood plain etc. The restroom building will also be moved and repurposed on the site. The intent is to keep as much of the historic structures intact and incorporate them in to the new site as much as possible.

Scott Horton asked if the Planning Review process involved speaking about the moving of the buildings etc at this point. Chairman Kozakiewicz explained that yes - they need to see everything up front. Matt Cooper said that the board needs to review the whole plan to make sure that it doesn't violate any town ordinances. Scott Horton doesn't think that moving the bumper car pavilion is a good idea.

Rick Gilmour asked about the septic system - is the plan to have bathrooms for concerts or to incorporate the use of portable toilets. Peter Parent explained that the septic system is sized for regular daily use and is functional now. It's not designed for the bigger events so it will be augmented with portable toilets. It's rated for 5000 gallons a day.

Matt Cooper asked what the cover percentage was of the entire area for buildings etc will need to be determined. It wasn't put on the drawings. It's allowed to be 35% in the town square.

The board received one letter - it was read into the minutes. Note: Subsequently, an email was received but was not read into the minutes. It is attached to these minutes.

Chairman Kozakiewicz asked about the tiered seating, He asked if it would be stand alone or there would be landscaping to build it up into a hill. Mark Thaler explained that yes the intent is in the back there will be a structure that is 2 stories high with concessions and restrooms. Above that there would be box-type seating. Going down it would be graded and landscaped. Capacity will be approximately 700. A member of the audience asked what the total acreage for Sherman's is - 7.9 acres.

Rick Gilmour asked why the ferris wheel was not being relocated closer to the road as in the original plan. It is just to put it into the center of the activities. If it's moved the lake will still have the views of the ferris wheel. It will not be used as a ride, but as an icon.

Chairman Kozakiewicz asked the board about their thoughts on the bumper car pavilion being moved. Rick Gilmour was surprised that it will be moved. Lynne Delesky stated that whether or not the board likes the building is irrelevant. Rick Gilmour stated that the issue to be considered is how does it impact the other owner. Matt Cooper stated that he would rather have them keep it than destroy it.

Lynne Delesky had a question about signage. She didn't see any indication of signage in the plan. It hasn't been determined what will be in each phase. Stage one will not have any increase in signage, Lynne asked if there will be a site plan review for each phase. Chairman Kozakiewicz stated that yes there will be a review at each phase.

Matt Cooper stated that there must be some sort of vision for signage even in later phases, and questioned what that may be.

Bob Sprung asked if there was discussion about the fence location and height. Matt Cooper explained that the fence can't be any taller than 3 feet at a corner of an intersection for visibility. Matt Cooper explained that once the ferris wheel moves, which is a change to the plan, why wouldn't the fence be moved to run along the intersection. There was discussion between Mr.

Thaler and Matt Cooper as to the fence and where it is going to run. Mr. Thaler stated that the fence was planned to be 8 feet in height as an acoustic barrier. The board members reviewed the zoning regulations for fencing height. The CAC will need to get a variance for the fence.

Lynne Delesky if the architect planned on petitioning the town to abandon the road. Mr. Thaler indicated that they may in the future. They stated that they would have discussions with the town. The compromise is that now the Town just shuts down the road for the bigger events.

Linda Gilbert asked if all 29 criteria were reviewed and examined for this site plan. She asked about the wetlands. Chairman Kozakiewicz stated that they have a letter from the APA concerning the wetlands.

The board reviewed the Full Environmental Assessment Form. The board reviewed the first part so that the second part can be completed at the next meeting.

The first 2 ½ pages are administrative, the review started on page 3 with section D - project details.

Section A - Commercial

Section B - Chairman Kozakiewicz asked if the 4 ½ acres that will be disturbed is all excavated. Yes - that will be the max buildout. It was explained to the engineers that they will need a storm water pollution prevention plan, since it's more than one acre.

Section C should be yes since they are adding a building and units will be moved around and possible shortened. There may not be any additional concerns where this is concerned but that will be determined in the review. Peter Parent will correct.

Section D - no issue since it's not a subdivision

Section E - Will there be multiple phases - yes. The end date was verified as 2035.

Section F - New residential uses? No

Section G - New non-residential construction including expansion? Yes

Section H - Impoundment of liquids? - no

D.2. Project Operations

Section A - no

Section B - yes due to alteration of shoreline

Sediments are considered to be anything at the bottom of a body of water

Section C - increase demand for water? Yes 1500 gallons per day during events

Section D - liquid waste generated? Yes

Section E - yes - question was already answered and a storm water pollution plan will need to be created before any final disposition can be made.

Section F - air emissions and fuel combustion? No

Section G - NY State Air registration? - No

Section H - Methane? No

Section I - air pollutants? No

Section J - Substantial increase in traffic? Yes. Chairman Kozakiewicz asked if the engineers had any contact with the NYS Department of Transportation regarding traffic impact. Matt Cooper believes that DOT did a traffic study for the Sawyer Fredericks concert. Chairman

Kozakiewicz advised the engineers to obtain something from DOT indicating that they didn't have an issue with anticipated traffic.

Section K - new demand for energy? Yes 15000 KWH

Section L - Hours of Operation - 7 am to 5 pm Monday - Friday. Events typically take place nights and weekends from June-August

Will noise be produced that will exceed existing ambient noise? Yes

No natural barriers.

Section N - outdoor lighting - Chairman Kozakiewicz indicated that the board will want to see the lighting fixtures that direct light downward.

Section O - odors for more than one hour a day? No

Section P - bulk storage of petroleum? No

Section Q - use pesticides? No

Section R - management or disposal of solid waste? No

Section S - Construction of solid waste management facility? No

Section T - Any hazardous waste generation or disposal? No

#### E. Site and Setting of Proposed Action

Section A - existing land uses on or adjoining: commercial, residential, rural, aquatic

Section B - This will give the percentage coverage. The total acreage of the site is 7.9 and 35% of that is allowed to be impervious.

Section C - Chairman Kozakiewicz advised the engineers to also consider that the public swims at the beach on a regular basis.

Section D - facilities serving children or elderly? No

Section E - Existing dam? No

Section F - site ever been used as a solid waste management facility? No

Section G - Hazardous wastes been generated at the site or adjoining sites? No

Section H - Reported spill? No Within 2000 feet of remediation site? Yes. But the site has been remediated in 2007.

Section I - limited property use? No

#### E.e Natural Resources

Section A - depth to bedrock - 6.7 feet

Section B - bedrock outcroppings? No

Section C - Predominant Soil - fine sandy loam

Section D - average depth to water table - 1.2 feet

Section E - drainage status - 90% well drained, 10% poorly drained

Section F - proportion of site with slope - 0-10%

Section G - unique geological features? No

Section H - Surface water features - yes to all

Section I - designated floodway? No

Section J - Is project site in 100 year floodplain? Yes

Section K - Is project site in 500 year floodplain? No

Section L - Project site near sole source aquifer? Yes principal aquifer

Section M - predominant wildlife - gray squirrel, white tailed deer, various birds, garter snake, racoon, amphibians common to area  
Section N - designated significant natural community? No  
Section O - any endangered plants or animals? No  
Section P - Any rare or special concern species of plant or animal? No  
Section Q - Site or adjoining used for hunting, fishing, shell fishing or trapping? Yes, fishing in the lake

### E.3 Designated Public Resources

Section A - project site designated agricultural? No  
Section B - highly productive soils present? No  
Section C - any registered National Landmark present? No  
Section D - Critical Environmental Area? No  
Section E - Archaeological site or register of historic places? No  
Section F - Sensitive to archaeological site? No  
Section G - additional archaeological resources been identified? No  
Section H - within 5 miles of scenic or aesthetic resource? No  
Section I - within designated river corridor? No

The updated Full Environmental Assessment Form Part 1 will be resubmitted by the applicant. Part 2 will be done at the next meeting. Lynne Delesky asked that at least one stamped copy of the plans be dropped off to town hall.

The next meeting will be held on June 28th at 6:00 pm for the review Part 2 of the Full Environmental Assessment Form.

The board moved to application P2023-02 - submitted by Cassandra Lemery to reopen Tammy's Diner with the same use.

The board reviewed the drawing and decided that the drawing is sufficient but needs to go through the site plan review process. A public hearing will be scheduled tentatively on this application for July 5, 2023 at 7pm. As long as the modifications are all interior the drawing is acceptable, but there are concerns with the septic. The Code Officer will be contacted and informed of this so that he can contact the applicant.

Motion to adjourn made by Lynne Delesky seconded by Rick Gilmour. Meeting adjourned at 8:53 pm.

Submitted by Laura Nealon 6/6/2023, Clerk, Planning Board