

State of New York
County of Fulton
Town of Caroga

Minutes of a Planning Board Meeting held July 5th, 2023 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by roll call.

The meeting was called to order at 7:00

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

Chairman Kozakiewicz presented the agenda and then opened the floor for public comment on P2023-02, P2023-04 and P2023-05.

Matt Cooper recused himself from the vote on P2023-04

P2023-04 - Subdivision for DonVitto and Haskin. The applicants were not present. Chairman Kozakiewicz clarified that the applicant is actually DonVitto and Haskin even though Raymond Coons paid for the application.

The location of the property was clarified as being in the Hamlet district.

The neighbor objected. The road is not maintained by the road and her concern is that there is very poor maintenance on the current lot and she is worried that if the subdivision were to occur the newly formed lot would also fall into disrepair.

The property doesn't meet the criteria since it's under 25,000 square feet, at 24,806 and 24,356 square feet. There were no further comments from the public.

The application was tabled until next meeting.

P2023-05 Subdivision for Rick Ruby. The applicant was not present. The floor was opened for public comment. A number of neighbors were present who have no idea what the proposed use is for the land, there isn't any detail on the application. The question was asked as to whether there was an environmental impact statement done. Chairman Kozakiewicz explained the application process and tabled the application until the next meeting since there is no clarity on what the proposed use is.

P2023-03 Royal Mountain lot line amendment

Chairman Kozakiewicz asked the board to determine whether or not there was information to approve or deny the application without the applicant present. Chairman Kozakiewicz stated that it doesn't create a non-conforming lot.

Lynne Delesky asked if there was any correspondance - there wasn't any.

There was a discussion as to what parties are involved. Lynne Delesky stated that there were two lots owned by Royal Mountain. She asked what lot the parcel is being conveyed to since there were no SBL#'s on the application. It isn't critical information, but it should be on the application. John Ivancic stated that he believes that it's coming out of the parking lot. Chairman Kozakiewicz stated that both of the lots are around 40 acres so it's not critical which parcel it's coming from and going to.

Chairman Kozakiewicz asked the board if they wished to table the application until the applicant can attend the meeting. Karen Dutcher voted yes, Chairman Kozakiewicz, Rick Gilmour, John Ivancic, Lynne Delesky, Tom Wojciechowski and Matt Cooper voted to proceed. A motion was made to grant the application by John Ivancic and seconded by Matt Cooper. 6 Ayes, 1 Nay by roll call. Karen Dutcher dissented.

Motion granted.

P2023-02 Lemery Site Plan Review

Chairman Kozakiewicz clarified that this was a type 2 action so it does not require an environmental impact statement, since it's to re-use a commercial or residential building for the same use as it was before so no environmental assessment form is required.

The floor was opened for public comment.

The applicant stated that she would like to open it for breakfast and lunch as she did before. She will be adding ice cream in the previous storage area location. There will be longer hours and open 7 days all season. And there will be picnic tables outside to accommodate more people.

Chairman Kozakiewicz asked if there were going to be any exterior structural modifications? There will not be. Rick Gilmour asked if there was already an ice cream window - yes it will be the previous take-out window.

Rick Gilmour asked if there was a health department permit. She will obtain one once the planning board makes a determination.

Brian Yates, the owner of the building, was present at the meeting and stated that the septic system has been checked and cleaned, along with the water chlorination system. There was frustration as to how long the application process took. The process was explained to the applicant and where the delays may have occurred.

No members of the public wished to comment on the application.

Chairman Kozakiewicz reminded the board that this was to approve an application of a business that was already opened. Karen Dutcher asked if the board had to wait until the Health Department approved the application - no. She needs Planning Board approval first.

Karen Dutcher asked if the business would be open year round - yes that is the plan.

Lynne Delesky asked where the picnic tables would be located. By the takeout window away from the parking.

Motion made to approve the application by Tom Wojciechowski, seconded by Lynne Delesky. All in favor, motion carried.

This application will require a 239 M review. The application will be sent to Fulton County Planning. The process was explained to the applicant.

Chairman Kozakiewicz amended the motion to be contingent upon there are no negative findings on 239M review.

Chairman Kozakiewicz explained that the CAC action is not a type 1 action- which constitutes a building over 250,000 square feet, parking for over 1000 or water usage over 2 million gallons per day. The CAC does not meet those thresholds, so a long form environmental assessment is not required. He asked Pete Parent to re-submit the SEQR with the correct environmental impact statement (the short form). Chairman Kozakiewicz explained the different types of actions and the board's role in determining whether or not the EIS is required.

Karen Dutcher asked how many parking spaces the CAC had available - not 1000. There was only between 200-400 proposed.

The Planning Board expressed concerns regarding attendance from the applicants. Chairman Kozakiewicz will send a memo to Code Enforcement and the Town Board. It was agreed that the public hearing will only be scheduled once the applicant has affirmed that they will attend the meeting. There was also a discussion on the number of copies that are being submitted by applicants since there aren't enough to distribute to all the members and the Town Clerk.

Rick Gilmour asked if the two applications that were tabled tonight will be scheduled for next meeting.

Chairman Kozakiewicz re-visited P2023-04. The application does not meet the square footage requirement for a subdivision and involves creating two non-conforming lots.

Chairman Kozakiewicz made a motion made to approve the application, P2023-04 - the motion was not seconded. Therefore, the motion was denied.

The next meeting will be August 2nd at 6:00 pm

Motion made to adjourn by Lynne Delesky seconded by Rick Gilmour. Meeting adjourned at 7:59 pm.

Submitted by Laura Nealon, Planning Board Clerk