

State of New York
County of Fulton
Town of Caroga

Minutes of a Caroga Town Board meeting held Wednesday October 11, 2023 at the municipal building located at 1840 State Highway #10 at 6:22 pm with the following persons in attendance by roll call. The flag salute followed.

Supervisor Scott Horton - Here
Council Member John Glenn – Here
Council Member Barbara DeLuca – Here
Council Member Richard Sturgess – Here
Council Member Donald Travis – Here

Tor Shekerjian – Confidential Secretary to the Supervisor facilitated the hybrid meeting using Zoom. Also in attendance were Ralph Palcovic - Caroga Tourism Commission (CTC) member, Steve Stedman – Greens keeper. There were 26 members of the public in attendance and an additional eleven people were on using Zoom.

A moment of silence for former Town Clerk Diane MacGregor she served the town for 26 years very, very well. Her passing is a loss for our community and a loss to Supervisor Horton's family, she was his second cousin.

Council Member Sturgess made a motion to waive the reading of the September minutes. Council Member Glenn seconded the motion. All Board members present were in favor of the motion. Horton, Glenn, DeLuca, Sturgess, and Travis.

Department Reports:

Wheelerville Bike Trail – Supervisor Horton noted that Mr. Manning could not attend the meeting this evening. The Supervisor noted that the trails are closed now until the snow season.

BTI – Mr. Kunath could not attend the meeting this evening but sent a report. He interviewed and hired one person (Jason Young from Bleecker) on Monday. He is interviewing another applicant and hopefully hiring on Friday. He will be teaching the required pesticide training classes in mid-December for the newly hired to prepare for the Department of Environmental Conservation pesticide exam. A lunch meeting for the BTI team was held this past Saturday and all paperwork was collected from the team. Over the next few months, he will be reviewing all submitted paperwork and preparing for data entry on the DEC website as required by the state.

Sole Assessor – Leigh Anne Loucks submitted a written report. Council Member DeLuca stated that she has asked for permission to discuss the 5/31/2023 Board of Assessment Review meeting with the Town Attorney. Supervisor Horton stated he didn't agree with holding a discussion on this. The Supervisor stated that it didn't go as smoothly as she would have liked and making more of a deal of it than what it really is. Council Member DeLuca again noted that she asked if she could have authorization to talk to the attorney. She has been asking for this since June it was noted. Supervisor Horton stated that we had just gone through a lawsuit that used up all of

our time, so every hour we spend is costing taxpayers more money. Supervisor Horton stated he investigated it, he talked to the parties, and the members. He understands personal feelings were hurt. He didn't think the town board should get involved every time someone doesn't like something that has happened, we will not have a town government. That is his determination.

Council Member Glenn asked if she wasn't entitled to that opportunity, to discuss this with the attorney. The Supervisor replied "there is nothing in the statutes" and "if the board wants to spend the money." It would be a privilege. He cautioned the town board about setting a precedent for any employee that has a grievance.

Council Member Sturgess stated we don't have a Human Resources Department so where are the employee in the town supposed to go with a matter.

Supervisor Horton noted that he has spent plenty of time – he met with her four times. She has brought up issues that had nothing to do with our town. He is empathetic but the results of the hearing were proper. The accusation of favoritism that the assessor made were completely unfounded because the applicant did not like the BAR decision and is suing the town.

Council Member Glenn wanted to put this matter to bed and move on. Supervisor Horton stated they came to a resolution; the assessor firmly believes that she was wronged but he did not see any evidence of it. There was nothing improper about the way she was treated. The Supervisor did not see a reason to go forward with this.

Council Member DeLuca was concerned because over her tenure as a Council Member this woman has never complained about anything until this incident and she continues to be concerned about it. Council Member DeLuca was concerned that the board is not looking at this enough – she wants some resolution for this. Supervisor Horton asked if Council Member DeLuca knew what her resolution to this is. Council Member DeLuca did not know as she has only spoken to the supervisor on this. She did not talk to the town board like she's asked to do.

Council Member Sturgess suggested having a meeting with the town board, then we can make the determination if she should talk to the town attorney or not. Council Member DeLuca thought that was fair. Supervisor Horton stated her resolution is to relieve the chairman of the BAR of his position. Council Member DeLuca stated that she deserves an audience with the Town Board.

Mr. Livingston stated that "we cancelled and she cancelled on that same day it was June 26th. Supervisor Horton gaveled Mr. Livingston.

Supervisor Horton stated it takes three votes. Council Member Glenn recommends this person gets a voice with the town board at a set meeting date and time. Council Member Sturgess suggested at the next town board meeting in an executive session. He did not think that was unreasonable to hear one of our employees. Council Member DeLuca agreed. Council Member Travis agreed. Supervisor Horton stated he disagreed and asked who was putting together the agenda for this. The Supervisor stated that he has informed the board on this. Council Member Sturgess stated she wanted to sit down with the whole board and that is not unreasonable.

Town Clerk/Tax Collector/Registrar/RMO –Linda Gilbert submitted a monthly report and a monthly financial report. The clerk researched the cost of a Polycom SoundStation 2 as requested by Council Member Sturgess. Northeast IS quoted \$1,169.00. Online the same model could be found for \$150.00 to \$323.55.

It is records retention month and as records management officer I have asked the bookkeeper to work in the records room with me for an hour or so next week to make room for inactive records she would like to put in the room.

RESOLUTION #2023-107 to purchase a Polycom SoundStation 2 was offered by Council Member Sturgess at the regular monthly meeting of the Caroga Town Board held on Wednesday October 11, 2023.

WHEREAS, Council Member Sturgess asked the getting a sound station to use when in an executive session with the Town Attorney to better hear what is being said. Now therefore be it

RESOLVED, that the clerk is authorized to order Polycom SoundStation 2 model 2200-16000-001 in an amount not to exceed \$150.00.

Seconded by Council Member Glenn

Adopted by a vote of 5 Ayes, Horton, Glenn, DeLuca, Sturgess, Travis

Code Enforcement & Sanitation – Mr. Fancher submitted a written report. From 9/1/2023 to 9/30/2023 - 31 permits were issued for the month for a total of \$5425.00 in fees being collected with a valuation of \$664,200.00.

Mr. Fancher also issued a stop work order for the Baker project on Kasson drive until engineered plans are submitted and approved by the Planning Board. He also met with the Planning & Zoning Board Chairs in reference to the CAC Project at Sherman's.

Dog Control – No Report

Golf Course – Mr. Stedman noted the fall weather and the work being done to keep the leaves and pine needles off the greens. They begin work at 5:30 am. All outings are done for the year so he has done a lot of aerating this past week. He still has 13 fairways left to aerify, all of the greens have been done. He has 6 tee boxes to aerify. He will probably begin working on projects on #4 & #10 ladies and seniors tee box next week. New grass will come from Saratoga Sod next spring. Any sod put down now may not have a chance to survive.

Irrigation draining will begin the first week in November. First, he will use gravity then he will borrow a compressor from Fulton County Soils and Waters. It will take about 5 full hours to blow the system out. He is watching the weather for snow mold application. He will submit the pesticide report to DEC prior to February 2nd.

Council Member Travis asked about the trees over by hole #9. Mr. Stedman has contacted the company that is taking them down. He stated this would be done in November.

Highway – Mr. Voght submitted a written report. He has found a new source for winter sand that is much cheaper than buying it from Cushing. He has been using town vehicles to haul and stockpile it for the winter. He is filling pot holes and checking all road signs and culvert markers. It was noted that there is an open house at the highway barn on Saturday October 14th from 8 am – 11 am. Those who want to see the condition of the barn and look at the proposed plans were encouraged to attend.

Lakes Management Program – Council Member Glenn noted Mr. Hogan submitted a written report. The second open educational forum and interaction on the ProcettaCOR project will be held on Wednesday October 18th at 5 pm at town hall.

Mr. Harazin noted that Mr. Olm sent in a report on the boat inspection and decontamination program for the season. He stated about 1/3 of the weekends had torrential downpours there were approximately 4800 visitors. About 2800 boats were inspected with 4,652 visitors. Mr. Harazin stated that 255 boats were decontaminated that is near the top of the stations in the Adirondacks. Boats came through Caroga from approximately 100 different lakes/waterbodies. Approximately 2/3 of those waterways have invasive species. He thanked Mr. Olm, the staff, and the volunteers who filled in early mornings and late afternoon evening hours from the Canada Lakes Conservation Association for coverage of the station. There was a very successful youth training session with 50 kids from the Caroga Youth Program. Mr. Harazin is putting together a grant application to DEC for the decon station and stewards. It is due November 1st.

Town Hall Building – Council Member Travis reported the furnaces are on and the building is warm.

CTC (former PLRT) – Council Member DeLuca reported that the town of Caroga has withdrawn their support of the Witches and Warlock Ball based upon Article 8 Section 1 of the New York State Constitution that prohibits the town from providing gifts in the form of money and services to private entities and individuals. This determination, Council Member DeLuca noted, requires research and clarification for future use of town resources. An example given was of the rounds of golf given as gifts. This information came from the Association of Towns.

Short Term Rental Committee- No Report

Supervisor's Report: Supervisor Horton noted the work he has been doing on the budget. He was able to secure over \$8,000.00 of reimbursed expenses for the bike trail from Fulton County. The Supervisor also got another \$25,000.00 commitment from the County for the bike trail as part of their tourism program. The Tourism program is funded from the bed tax he noted. The Supervisor thought this was one of the most gorgeous towns in the Adirondacks. We have a number of lakes and a lot of challenges. He noted the need for long term planning. Over the years he has sketched out a plan and figures there could be about \$100,000.00 of revenue to the town with his plan for the club house. If there were an Adirondack Inn in town there could be another \$100,000.00 of extra revenue to the town.

The Supervisor would like to see more kids in our school. Currently the town has a large amount of seasonal homes which do not provide the town with growth and development. An inn he noted would service snowmobilers, the bike trail and Caroga Arts Collective. Since moving back to the area, the supervisor noted that people also like to have family reunions and an inn

would serve that purpose. No one will invest in the community unless we continue to develop the amenities that we have like the golf course. Last week 40 people spent three days playing golf.

Supervisor Horton had Troon a Golf Course management company look at the Nick. They are the best in the world. The one manager played the course and thought it was wonderful and that a lot of things could be done to improve the course. Someone in the public asked a question, the Supervisor stated more information is needed. He keeps all of these things in mind when building a budget. This budget keeps the services we've had, it keeps the golf course funded, and protects our environment. Supervisor Horton stated there is a lot to be proud of in this community.

The year-to-date revenues on the course are \$309,000.00, budgeted was \$285,000.00. That is up from \$125,000.00 with no one that is a golf expert. We have really good help and have consulted with golf professionals.

Supervisor Horton wished there was a way without going through lawsuits, and by talking civilly to one another and work out our differences to bring this community together. Visitors recognize the beauty and potential of this town. The Supervisor thought we should have more faith in ourselves and have pride in our community and work towards that goal. However, he sees the town regressing again and that discourages him.

Public Comments:

Lynne Delesky stated she did not know the particulars but that when an employee has a complaint and the only place, she has to go is the town board the whole board should listen to her. If this is something she has been asking for since June the board really has to do this. Otherwise, there may be a bigger problem. If someone asks to be heard they deserve to be heard.

As a member of the Planning Board Ms. Delesky sees that a public hearing is supposed to be scheduled for changes to the zoning ordinance. She was expecting the Chairman of the Planning Board Mr. Kozakiewicz to give a report/presentation of what those zoning changes are going to be before the public portion of the meeting. She would like to reserve the opportunity to speak to the changes if they are not what was discussed previously. She asked if everyone on the town board knew what the changes were. Council Member DeLuca stated the board was handed a piece of paper when they came into the meeting tonight.

Supervisor Horton stated the process is to make a proposal of the changes and schedule a public hearing and at the public hearing there can be the dialog.

Ms. Delesky thought everyone on the Planning Board and the public should know what the zoning ordinance changes are.

Karen Dutcher (Planning Board Member) has been going through the zoning ordinance. She wanted to also address the resolution on the agenda to have a public hearing on November 8th at 6 pm to amend the ordinance. She stated the proposed changes should have been discussed with the Planning Board Members and their voices heard. But all she received was an email of the proposed changes. No formal vote or discussion has been done. On October 6th there was an unethical meeting held with Town Supervisor Horton, Code Officer Anthony Fancher, and the Chairman of the ZBA and Planning Board. Their discussion is unknown to the other board

members since the Planning and Zoning Board members were not involved. Therefore, until the board members can go through the ordinance and discuss and vote on these changes there should be no upcoming hearing to amend the zoning ordinance. She has asked her fellow board members to go over the gray areas of the ordinance. There are too many interpretations that can be made of the zoning. She gave the examples of principal buildings, accessory structures, and a new title standalone buildings – a garage by themselves on lots. “NO.”

Another resolution tonight is to modify the building permit fee schedule to remove the permit for excavation. She asked why that was. The problems in town are getting worse and worse with code enforcer refusing to follow this ordinance. This would mean that anyone can do excavation without a site plan review, Ms. Dutcher reads Article 6 Paragraph 2-line c. Until the site plan has been approved and the zoning/building permit issued no building shall be erected, moved, structurally altered, added to or enlarged, and no excavation or site preparation activities shall commence. Reference was made to the parcel on Kasson Drive.

Doug Purcell found out about the removal of the excavation permit last night when he looked at the agenda. He wrote a letter on this to the board this morning and distributed it (via email). He did not presume that everyone had a chance to read it. He fears that the removal of this permit requirement will adversely impact the ability of the Code Enforcement Officer to enforce the current Town of Caroga Zoning Ordinance and jeopardize the town’s Comprehensive Plan.

Mr. Purcell noted the word “excavation” appears a total of eight (8) times in the ordinance. Karen Dutcher mentioned Article 6, it is also in the special use permit (SUP) and in the SUP application section. The term excavation while not defined in the ordinance, it does appear by definition in the term “undertake,” He quoted from the ordinance: “Any commencement of a material disturbance of land, including the commencement of road construction, grading, the installation of utilities, clearing of building sites, excavation (including excavation for the installation of foundations, footings, and septic systems), or any commencement of landscaping or any other material disturbance of land preparatory or incidental to a proposed land use or development or subdivision.” Mr. Purcell stated in the Site Plan Review and SUP occurrences of the term excavation, the ordinance states the following: “Until such (Site Plan/SUP has been approved and a Zoning /Building Permit issued, no building shall be erected, moved, structurally altered, added to or enlarged, and no excavation or site preparation activities shall commence.”

The work “undertake” is used six (6) times in the Zoning Ordinance. There occurrences are in the definitions, district regulations, class A and class B regional project review and the Nonconformance and Noncompliance sections Article 9. In these cases, the property owner is restricted from undertaking development until such time as a review and approval of the scope of the work has been completed.

Mr. Purcell noted the agenda was adjusted because you feel is it redundant. He agreed it is redundant. But by removing excavation you now remove the requirement for an excavation permit. By leaving it there the code officer has the authority to question a property owner in the process the excavation of a site and issue a Stop Work Order as outlined in Article 10 Administration and Enforcement, thus assuring that the development is authorized within the zoning ordinance and consistent with the Comprehensive Plan. For this reason, Mr. Purcell asks that the board consider what has been said here by both Karen and him before there is a vote on the resolution.

Now Mr. Purcell spoke on behalf of the Museum as president. He will not be able to attend the next meeting. He agrees that Article 8 Section 1 does say that not for profits cannot be given money. But he has read through the rest of the article and there is a sentence that says, "Payments by counties, cities or towns to charitable, eleemosynary, correctional and reformatory institutions and agencies, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required, by the legislature." This board is the legislative body for this town. He will be drafting a letter to give the board reasons why he feels the museum does not use the money unwisely. They use it to support the community. They put on free events. They rely solely on anticipated donations. He has to prepare a budget for the museum based on what he thinks people will be willing to give.

Mr. Steele wanted to talk about ProcellaCOR. He was very happy to hear the decontamination report and thought the board was doing a good job supporting them. He has talked to many summer residents with a range of reactions, from just put the chemical in the lake to anger – don't you dare put that in the lake. He thought the timing of the upcoming meeting could be construed by some people as wanting to exclude the summer lakeside property residents. He urged the board to use Zoom so the summer lakeside property residents can be there. The first meeting was on July 21st. He understands why the board could not get another meeting until now. Most summer residents (those with children) have left.

Mr. Steele and his wife attended the New York State Invasive Species Expo on September 25 in Saratoga. There they met two important people Dr. Katherine Lynn the DEC person who was here when the lake was mapped and Dr. Jane Oppenlander who is the Parks and University Chair of Bioethics in Schenectady NY. She is a resident of Lake Luzerne and has been involved for the past 20 years. She impressed upon Mr. Steele to be judicious. She stated that ProcellaCOR was very helpful for Lake Luzerne but only as a part of a multi prong approach. Education, prevention (decon station) and enforcement are the primary means to control invasive species. Mr. Steele stated we will not eradicate milfoil. The best we can hope for is management. He noted the weed boat and divers will continue. He urged the board to consider a reserve fund for a new dive boat. He is researching it. He thought New York State bears big responsibility for invasive species especially in East Caroga Lake. The bottom of the lake in front of the campsite is loaded with all kinds of weeds. He understands why people wanted the pilot program over there too. New York State for years did not control the affluent/sewage from their campsite and that has a direct bearing on the nitrogen that is in the lake. He applauded the town for going after DEC grants. He urged that the town makes the details of the grants easily accessible to the public. The water quality reports that he's seen indicate that sodium chloride is one of the biggest contaminants in the lakes. That is from road salt. He knows more research needs to be done on material that can keep our roads safe and deiced without using undue amounts of sodium chloride.

Council Member Glenn will respond to some of Mr. Steele comments at another time.

Supervisor Horton noted the town has a reserve fund already in place on the weed harvester. It has \$56,990.19 in it. It has not been added to lately.

Barto Brown said his grandfather built his family camp at 118 Pine Ave. before he was born. He guesses he is a member of the Lakeview Grove Association though there are no meetings or

board of officers. For that last few years an individual has taken it upon himself to build a 560 sq. foot parking lot on the beach for golf carts. There are also four kayak racks that block the view of the lake making a storage area for people who rarely use them. He thought permission was needed to dump sand on the beach. Tons of stone and sand have been dumped on this beach. He wondered if it had been tested for contaminants. He also thought permits were needed to erect signs. He asked who was legally responsible for anyone getting injured by the retaining wall that is built with tons of stone. Someone could walk off of it, or snowmobiles could drive into it. He noted the number of children driving golf carts on town roads. He has been given other places to look for help on this. The Dept. of Environmental Conservation has regulations. How did the town allow this to happen? There are shoreline regulations Article 5 II. SHORELINE REGULATIONS: The purpose of these shoreline regulations is to promote and protect the public health, welfare and safety and to protect economic property values, aesthetic and recreational values and other natural resource values associated with all lakes, ponds, streams, swamps or wetlands. Pictures were shown to the board members. He noted this is getting larger every year. It's a liability and about the value of those camps. He is also concerned about people riding around in golf carts. Kids do not have driver's licenses; they are crossing the main road. He does not understand how this is allowed to happen. He wished someone would do something about the parking lot at the beach. He may have to go to DOT about it. He wants to know who is responsible and liable for this.

Supervisor Horton noted that the board does not answer questions. The supervisor stated it was only a matter of time before these issues were raised. Supervisor Horton suggested Mr. Brown e-mail him to arrange a meeting to discuss this some more. Supervisor Horton stated he would bring codes in as well.

Karen Dutcher commented again saying this all falls back on one person the code enforcer. She also noted the dangers of the side by sides and golf carts on the roads.

Jed Potocar stated about ten years ago there was a discussion at the board level about possibly putting a constable on. Back when he was a kid there was a Judge named Ted Kuhn. The sheriff's department has been to the West Caroga Lake Association meetings and they have said they can only do what they can do to enforce things. He stated it is illegal to drive golf carts in New York State on a public road - 4 X 4's are illegal too unless you have a certain license. He noted there is no one around to enforce anything, Years ago there was someone on the lake who used to patrol. On certain weekends it is like the wild west with people on jet skis that are under age. He took a boating course this summer so he is more aware of things he was doing wrong. We don't have anyone to enforce anything. He asked the board to consider putting a volunteer system in place for people to enforce the laws.

Council Member Glenn stated on the lakes management program they had talked about enforcement problems too. It is a quagmire. He agreed that the board needed to look into something like that. Mr. Potocar had a conversation with Council Member Glenn at a lakes management meeting about the state law that says that everybody has to inspect or clean their boats to put them on the lake. But you can self-report. Mr. Potocar wondered if the town would consider passing an ordinance that you need to have the right sticker from a boat wash

station for that day to launch your boat showing proof your boat was inspected by a professional. Of course, you need someone to enforce this.

Ralph Palcovic stated he was in favor of the proposal for the highway garage. In 2007 the municipal complex as we know it was evaluated by CT Male. Reports were created in 2008, there were public hearings, and there was a public review committee. They solicited input to replace this building. Studies were done, engineering was done by CT Male, the code officer also worked on this project. The square footage of the proposed town hall building was going to be just over 7000 square feet at a cost of less than one million dollars. There was a bond issue and after public hearings we did not make any progress with the public vote. Mr. Palcovic recommended that the public really consider the age of the building, the structure and infrastructure of the highway garage and try to make the right decision. Mr. Palcovic noted Supervisor Horton has had preliminary plans drawn up. "We have to move forward." The building is not designed for the 2023 year we are living in. Mr. Palcovic looks forward to a new highway garage to improve the town's stature. We missed the boat back in 2008 to do the municipal building. In 2010 the town looked at renovating the town hall building. Again, there was a public support committee, public hearing, and a public mailing – there were cost analysis done. The bond issue was \$999,000.00 and that failed. Unfortunately, we are living some of the problems we had 17 years ago that were not remedied. He would like to see a remedy for the highway garage.

Anita Long thanked this board and the incoming supervisor for their work in pushing forward with infrastructure projects for this town. She also thanked the board for calling attention to the zoning issues. She reminded this town board that they received a letter just last month signed by 120 some people. Folks in town are talking about this. When she read the letter is seemed simple. Folks are asking that citizens' rights be respected, and that the town officials follow the process. Following the process takes time. When she saw the two resolutions on the agenda this month it is important that each board member recognizes that this is putting the cart before the horse. She encouraged the board to read the zoning ordinance which is online. There is a specific process to amending the zoning ordinance. It requires giving the public information on exactly what is going to be changed. That has not been done yet. Referrals are required before this proceeds. For the town board to ask this tonight is failing to do your duty to follow the process in amending the zoning ordinance. She urged this board to table the two issues and give this process the time it needs. (She handed out a sheet with a flow chart showing the steps to make amendments.) Wording that comes directly from the Adirondack Park Agency cannot be amended. (Section 806) It is a twelve-step process – scheduling a public hearing is #11. She wants this town board to do this properly, to follow the law, and to follow the process. The people want the board to respect citizens' rights and to follow the legal process.

Valerie Scribner was online but unable to unmute. VSCRI was the name on the screen. A voice could be heard talking in the background. They did not respond.

At 7:45 hearing no one else who wanted to address the board the public portion of the meeting was closed.

Old Business: No old business

New Business:

Seniors asked to have a bake sale on Election Day at town hall
Set Trick or Treat for October 31st 5 – 7 pm as discussed with the school
Set Meeting for ProcellaCOR Oct 18th at 5 pm

RESOLUTION #2023-108 to set Trick or Treat in the Town of Caroga was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on Wednesday October 11, 2023.

WHEREAS, the Wheelerville Union Free School contacted the town clerk about setting Trick or Treat in the town for 2023, now therefore be it

RESOLVED, that the Caroga Town Board does set Trick or Treat in the Town of Caroga for October 31st from 5 – 7 pm as suggested by the school.

Seconded by Council Member Sturgess

Adopted by a vote of 5 Ayes, Horton, Glenn, DeLuca, Sturgess, Travis

RESOLUTION #2023-109 to set the next meeting on ProcellaCOR was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on Wednesday October 11, 2023.

WHEREAS, the lakes management personnel have contacted various officials who have experience with the application of ProcellaCOR, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to set the next meeting on ProcellaCOR for Wednesday Oct 18th at 5 pm at town hall.

Seconded by Council Member Glenn

Adopted by a vote of 5 Ayes, Horton, Glenn, DeLuca, Sturgess, Travis

Correspondence:

9/27 note of thanks for the amazing trails, Doug, Emily and Ryan
Notice of foreclosure on 1116 State Highway 10
Notice to town of ZBA application Z2023-01 for CAC
Thank you letter from Nick Stoner Trailers Golf Tournament Committee

Supervisor Horton noted he received a late correspondence from James Zeitler. The town rents a garage bay from him for \$1,000.00 a month for the golf course equipment. In the beginning of

December, he wants to raise the rent to \$1,300.00. This would have to be approved by the board but the supervisor is not offering this at this time. He wanted to look at some other possible alternatives.

Mr. Kozakiewicz reviewed what was being looked at as changes to the zoning ordinance. He noted starting in 2021 he was asked by several people – the Supervisor, the code enforcement officer Jennifer Blowers, along with follow up conversations with Doug Purcell when he was Chairman of the ZBA. There were a number of things which were identified as either the ordinance doesn't address it now, or that need clarification. He met with the planning board over the course of seven months and they identified problems and decided what the proper course was to fix things. They then crafted language to deal with it. He cautioned the board and audience members that this is only a summery the actual meat is in the revised ordinance which he will post (he stated he has not looked at this in two years) on the town website tonight or tomorrow. You will be able to see all the edits in the text. What it was and what we are proposing it to be.

The first problem identified were shipping containers (specifically air modal containers) being used as permanent storage buildings on peoples lots. There are some legitimate uses like storage for tools and materials during construction, and storage during renovations. The consensus was they should not be permeant structures. The code office wanted to do permits that go along with building permits. A recommendation was that any existing permanent uses in town should be abolished – a year to come into compliance or to get a variance which is also an option. For commercial use they decided a Special Use Permit was needed.

Second was to make the use table clear. If a use is not allowed it is blank. He gave an example that someone wanted to put a restaurant in a LF2.5 district that use would not be allowed. You could go to the ZBA. If we are giving a variance to an applicant, they can't just get a building permit. They would have to come before the planning board as well.

Docks this was because of a situation in Stoner Lake. Part of the update in 2018 was a lot of properties got rezoned. On his lake a lot of the properties were zoned resort. There were a lot of uses that made sense on a lakefront lot like putting a dock in that don't make any sense on a landlocked parcel. It was brought to the Planning Boards (PLB) attention that some lots were not zoned lakefront they were residential. The PLB wanted to make sure that people know they have a right, limited however it might be, if you have lakefront to put a dock in. "What I did was borrow from the town of Horicon's zoning ordinance." Their dock regulations. The specifics will all be online. Mr. Kozakiewicz has talked to the APA and sent them the proposed changes. He also sent the changes to the County Planner Scott Henze. One comment he got back from Robyn Burgess of the APA was they would not allow a change to allow docks by right on Stoner Lake because of wetlands there.

Accessory dwelling units was a problem for the code office. For some reason when the ordinance was assembled the regulations pertaining to Accessory Dwellings was put at the end of Special Use Permit section and that made no sense. Consequently, the code office was not following the ordinance since they didn't know where the section was. This was moved to the supplementary regulations. Clarifications were made to tighten the requirements. Max size 750 sq. ft. or 1/3 area of primary or less. There must be parking for the guest house. You cannot

subdivide the property to have two parcels unless each parcel meets the requirements. In this town 97% of the lots don't meet the minimum requirements. "That is every house on the Caroga lakes."

Setbacks – the change is to make it clear that even though the ZBA can issue a variance for any of the setbacks in the ordinance they can't issue one for road setback. I thought, we thought it needed to be stated. Those are set by Town County and state governments. Council Member DeLuca asked if the setbacks were all the same. Mr. Kozakiewicz did not know. He stated the measurement was always from the center line he thought.

Standalone Accessory Structures was the one there was the most conversation about. This is introducing a new term. A garage, a shed, a greenhouse, is normally considered to be an accessory structure. Normally a garage is an accessory to a primary structure. We have an issue because the zoning ordinance is poorly crafted. There is a huge ambiguity on if a garage was a primary structure or not. If you are over 1250 sq. feet you can put a garage up on an empty lot. If you are less than that you can't. According to Mr. Kozakiewicz this was put in for APA density calculation reasons. But it is not clear. There was another meeting with Supervisor Horton, Doug Purcell ZBA Chair, Al Kozakiewicz, the code officer and James Long. They discussed what they wanted to do about this. He took their input back to the board and essentially came to a middle ground with, they are only allowed with a Special Use Permit. That is the most restrictive process the planning board has in its purview. A Site Plan use would be approved because it is by right. To deny a site plan it has to be incompatible with the town's comprehensive plan or an application has issues with lighting, noise, hours of operation but things can be mitigated. If the applicant doesn't agree then the PLB can deny an application.

Mr. Kozakiewicz noted the ZBA has the power to interpret the zoning ordinance.

The whole thing about garages (over 1250 sq. feet) being allowed because they are primary structures didn't mean what some people thought it meant. Mr. Purcell stated as interpreted by the code officer so it should be being enforced. Council Member Glenn buys a piece of property and wanted to put up a house but build a garage first to keep all their tools and equipment that is not allowed? Correct was Mr. Kozakiewicz response. However, Council Member Glenn stated if someone has a house and wants to put up a garage that's ok. Yes, was the response. It did not make any sense to the Council Member. There are two points of view. Council Member Sturgess explained otherwise the town is going to fill up with garages and have no residences.

Council Member Sturgess wanted to review accessory dwelling units – is that an in-law suits. "Yes." This is not an addition on your house. Council Member Sturgess wanted to know why this is an issue. Mr. Kozakiewicz stated it was an issue with the code office. Council Member Sturgess has 60 acres. He wanted to build a place for his father. But he can't. The property could be subdivided it was noted. Council Member Sturgess wanted to know why he had to do that. Supervisor Horton stated the original purpose was people getting older and still wanted to live in their own house an accessory dwelling unit could be built for a loved one. What we don't want is a lot and the family member dies and now you want to sell the house to a non-family member. Now you have two buildings on one lot. It is not a way to back into two structures on one lot that belong to two different people not related in any way. Mr. Kozakiewicz noted the

APA is over all of this. The APA's main concern is density. The APA was formed in the 70's. The properties around here were developed in the 20's. This already pre - exists. The APA deliberately made the zoning density for all of the residential parcels in town greater than what the parcel is to avoid this kind of problem.

Karen Dutcher stated her issue with standalones is where are families coming to live, in a garage or barn. We are going to lose our school. If all of the (vacant) parcels in town are sold for people to build big pole barns where will a family live.

Supervisor Horton stated there is some new information the supervisor was not aware of to do this process, but we are finally attacking this and going forward. He noted the need to slow it down a little bit. But at least the conversation is going. He asked Mr. Kozakiewicz to publish what he has. The Supervisor stated we won't be able to follow all of these steps. He thought first it was sent to the APA. Mr. Kozakiewicz noted most of the steps on the sheet involve the SEQR process itself.

Council Member Sturgess asked about shipping containers. He assumed the PLB did not want them on people's property because they don't look nice. "Have you taken into consideration if they can't be seen on people's property where they can't be seen from the road? Or into consideration if Adirondack siding was put on it." Council Member Sturgess did not think you could buy anything sturdier than a shipping container. Mr. Kozakiewicz stated the consensus of the board was if you put the container in the middle of the woods where no one could see it – go ahead and do it. You can get a variance to do it. Part of the conditions in granting it would be that it not be visible from the road. Supervisor Horton stated people get creative with them. You won't see it from the road but two months later all the trees are cut down and now it is visible and he has got around it. If it is by SUP, it could be revoked if in violation and have to be torn down. Council Member Sturgess noted they build houses out of them.

This presentation and handout is only meant to be an overview. The vote will be in the actual language in the ordinance. The changes are highlighted in red.

Supervisor Horton noted there are a couple of other things he wanted looked at campaign signs was one of them, the supervisor suggested allowing political signs being up for 60 days and taken down the day after. Other event signs would also be taken down immediately. Also, the Supervisor wanted highway commercial being to the rear of the lot line instead of 100 to 150 feet (deep). This makes most highway commercial lots unbuildable. It was an oversight.

RESOLUTIONS:

A resolution for a public hearing to amend the Zoning Ordinance

A resolution to modify the building permit fee schedule to remove a permit for Excavation (It is redundant the Supervisor thought) was not offered. The supervisor gave an example of charging someone who is building a house to also charge for digging a hole and also for putting in the foundation. Mr. Purcell stated there is nothing that says the code officer couldn't take the fee off the cost to build the house. But by taking that away the code officer can't drive around and see excavation and wonder what is going on because he did not issue a permit. If he has to get a

permit to do excavation, he knows what is going on as does John Q Public. Because the permit should be visible. If there is a permit for excavation and that is all they are doing and he sees digging going on he can call the code officer to check what is going on. If the code officer sees there is no permit he can then go in and stop it. The supervisor understood that argument. The Supervisor wanted to add this to the ordinance deliberations.

Council Member Sturgess stated the definition may be a problem. Pulling rocks out of your driveway is that excavation? He has spent hours talking about this at his store in the mornings.

The clerk noted she had to get a permit for excavation around her house to put in french drains. If someone did not oversee the project the water could have been detoured on to someone else's property. That is why this has to be reviewed and watched over.

Supervisor Horton gave the example of land clearing, taking out trees less than four inches in diameter. Is that land clearing? Now some big trees are taken out to put in an access road. Where does it stop? How do you define it? It is one of the hardest things in codes.

Karen Dutcher noted the definition has to be clarified so there are no grey areas and not open to interpretation. Council Member Glenn noted the need to have a definition of excavation. Supervisor Horton stated there is on in the New York State building code, but then stated that was the word development. Supervisor Horton stated you are always going to have grey areas in zoning. There is no getting around it – you just try to minimize them.

Council Member Sturgess wondered if you have a piece of land you don't plan to build a house on. Do you need an excavation permit to go in there and clear a 1/3-acre parcel so you can play horseshoes?

RESOLUTION # 2023 -110 to adopt the following transfers as necessary to maintain a balanced budget: was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on Wednesday October 11, 2023.

WHEREAS, the bookkeeper has identified the need to make various transfers in order to maintain a balanced budget, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to make the following transfers which are necessary to maintain a balanced budget.

From: A7180.11 Club House Manager	\$ 3,000.00	
To: A7180.13 Club House P/S		\$ 3,000.00
From A7145.1 Trails P/S	\$ 1,900.00	
To: A7145.40 Trails C/E		\$ 1,900.00
From A7180.41 Porta John	\$ 450.00	
To: A7180.42 GC Merch		\$ 450.00

From: DA9060.8 Health Insurance	\$6,000.00	
To: DA9050.8 Unemployment		\$6,000.00
Seconded by Council Member Sturgess		

Adopted by a vote of 5 Ayes, Horton, Glenn, DeLuca, Sturgess, Travis

Council Member Sturgess made a motion to approve the minutes of the September 13th Town Board meeting, Council Member DeLuca wanted to make an amendment to the minutes. She was listed as absent but stated that she was on Zoom. She knows she could not participate on zoom but stated she was not absent. Supervisor Horton stated but as a Council Member you were not here. The Supervisor stated if you are not here you are absent. The clerk will amend the minutes to state that Council Member DeLuca was online with zoom. The motion was seconded by Council Member Glenn. All board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, Travis

Supervisor Horton made a motion to approve the bills as presented for audit. Council Member DeLuca seconded the motion. All board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, Travis.

At 8:26 pm Council Member Travis made a motion to adjourn. Council Member Glenn seconded the motion. All board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, Travis

Submitted by Caroga
Town Clerk

Linda Gilbert RMC, CMC

Highway #'s 113 – 127 \$75,940.76

General Park #'s 97 – 113 \$15,461.25

General #'s 312 – 340 \$78,123.32

Prepaid #'s 267 – 302 \$50,697.11