



FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, OCTOBER 17, 2023 | 8:45 AM

1 EAST MONTGOMERY STREET, JOHNSTOWN, NY 12095

MEETING NOTES

PRESENT:

Dave Rackmyre, Jr., Chairman (Code Enforcement Officer for Town of Oppenheim & Town of Stratford)
James Anderson, Vice Chairman (City of Gloversville)
Walter Fitzgerald (Town of Northampton)
Peter Goderie (City of Johnstown & Farmer in Town of Perth and Mayfield)
Colleen Ioele-DeCristofaro (City of Johnstown)
John Kessler (Town of Mayfield)
Jerry Moore (Town of Mayfield)
Sheila Perry (Town of Broadalbin)
Jay Pierz (Town of Stratford)

Aaron Enfield, Senior Planner

OTHERS:

Don Cropsey, Board Member, Caroga Arts Collective

1. CALL THE MEETING TO ORDER:

The meeting was called to order at 8:45 am

The Planning Board stood for the pledge of allegiance.

2. APPROVAL OF THE AUGUST 15, 2023 MINUTES:

MOTION: To approve the minutes of the August 15, 2023 meeting.

MADE BY: Jay Pierz
SECONDED: Colleen Iole-DeCristofaro
VOTE: 9 in favor, 0 opposed

3. **GENERAL MUNICIPAL LAW:**

In accordance with New York State General Municipal Law §239-m, the following applications were forwarded to the County Planning Board for review:

A. **Town of Caroga Zoning Board of Appeals – Caroga Arts Collective – Use Variance for Maximum Building Height & Structure Setback to Shoreline at 106 Caroga Lake Shore Road:**

Caroga Arts Collective at 106 Caroga Lake Shore Road (Tax Map Parcel Number 68.18-1-25) which is approximately 7.946 acres over three (3) parcels. This project will have several phases that include construction of an open-air Stage House with tiered seating; relocation of the Ferris Wheel; Carousel Restoration; electrical, and plumbing infrastructure; modify landscape and hardscape; rebuilding the bridge over the tributary creek; main building stabilization; septic repairs/upgrades; creation of a Boardwalk from Caroga Lake Drive to Bumper Car Pavilion; boat dock systems, and over 130 parking spaces which includes amending the intersection at NYS Route 10 and Caroga Lake Shore Drive.

The site is located within the Hamlet section of the Adirondack Park Agency Land Classification. These are the growth and service centers of the Park where the Agency encourages development. Intentionally, the Agency has very limited permit requirements in hamlet areas. Activities there requiring an Agency permit are erecting buildings or structures over 40 feet in height, projects involving more than 100 lots, sites or units, projects involving wetlands, airports, watershed management projects, and certain expansions of buildings and uses. Hamlet boundaries usually go well beyond established settlements to provide room for future expansion.

Earlier this year, the Caroga Arts Collective submitted an application to the Town of Caroga Zoning Board of Appeals seeking a Use Variance for the following:

- Maximum Building Height: 2018 Town of Caroga's Zoning Ordinance indicates the maximum height in the Town Center Zoning District is 35'. The maximum allowed within the Hamlet Land Use Area is 40'.
- Structure Setback to Shoreline: Article 5: Supplementary Regulations II Shoreline Regulations of the Town's Zoning Ordinance states that a building within the Town Center Zoning District is 50' away from the shoreline, the same as the Adirondack Park Agency.

PLANNING BOARD DISCUSSION:

Senior Planner Aaron Enfield reminded Planning Board members that a 239-m endorsement came from the Fulton County Planning Board when they reviewed the project in June of 2023 from the Town of Caroga Planning Board.

Mr. Enfield indicated that, in 2015, the Fulton County Planning Board amended its rules so that Variances are reviewed by Planning Department staff. Additionally, upon speaking with Fulton County Planning Board Chairman Dave Rackmyre Jr., it was recommended that the Planning Board review this project.

Mr. Enfield stated that, as a result of the property being within the Hamlet Land Use Area of the Adirondack Park Agency (APA), which is encouraged to spur growth, there is no review from the APA on this project.

Planning Board Vice Chairman James Anderson indicated a concern about allowing for Variances, as it will open the doors to other concerns within the community.

Structure Setback:

Mr. Enfield gave an overview of the request for a structure setback, stating that APA and the Town of Caroga allow for a 50' setback. Caroga Arts Collective would be a Variance to the shoreline. He stated that on one side of the band shell would be 15' to 48' on the other side. He stated that the existing structures on the property predate the APA and that they have roughly 20' between them and the shoreline.

Mr. Enfield stated that he spoke with Steve Santa Maria of Fulton County Emergency Management on the parcel indicating if there has been any flooding, as it is not highlighted in the 2021 Fulton County Hazard Mitigation Plan. Mr. Santa Maria indicated that the property has not had a history of flooding. He did state that the stream on the north side of the property has had an excess of water, but during the spring months when snowmelt occurs.

Planning Board Member John Kessler expressed concern with the potential noise coming from the band shell going out on the project onto the lake.

Mr. Enfield stated that there was a concern that moving it closer would impact the noise of the nearby neighbors.

Planning Board Member Peter Goderie inquired what the Planning Department has done with this project.

Mr. Enfield stated that Caroga is not a community the department attends monthly Planning Board meetings, indicating that the information provided to the Planning Board is all that he knows on this project.

Mr. Enfield inquired to Chairman Dave Rackmyre Jr. if Don Cropsey of Caroga Arts Collective could speak on the project to further educate the Planning Board.

Chairman Rackmyre indicated he had no concern with it.

Don Cropsey, Board Member of Caroga Arts Collective, gave an overview of the project. He stated that the band shell would be enclosed in glass in the back so that patrons can listen to music and look out at West Caroga Lake at the same time. Subsequently, he indicated that, as part of a multi-phase process, Caroga Arts Collective plans to erect a boardwalk along the shoreline.

Maximum Building Height:

Mr. Enfield stated that the band shell's proposed height is 39'8", however, within the Zoning District, 35' is the maximum height. He stated that APA allows for buildings to be 40' in height and Caroga Arts Collective would like to allow for a maximum height of 40'.

Mr. Cropsey stated that two (2) of the buildings on the property, the ferris wheel and the main building are both over APA allowed height restriction.

FURTHER DISCUSSION:

Planning Board Member Jay Pierz indicated that the project will have important implications for the economy.

Planning Board Member Walt Fitzgerald stated that this project will bolster tourism.

Vice Chairman Anderson agreed, indicating that perhaps a recommendation could be put in approving the project but to state that the Applicant seek to have a specific zoning district for the Caroga Arts Collective property, so it is not out of compliance with the zoning district.

Planning Board members had a back-and-forth conversation on the matter.

Planning Board Member Jerry Moore inquired if Caroga Arts Collective could move their setback 50' into the water?

Mr. Enfield indicated that may not be allowed as it would potentially have a regional impact on the neighboring properties along Caroga Lake such as flooding.

Vice Chairman Anderson stated that the APA would regulate the lakes but not the Hamlet Land Use Area.

Mr. Enfield asked the Planning Board if the variances would have regional implications on the surrounding area? He stated that, if they do not, what the Board has done in the past was to offer no recommendation and let the municipality handle the issue.

Mr. Kessler concurred that the variances will not have regional implications.

PLANNING BOARD ACTION:

MOTION: Recognizing no regional implications that could occur from Caroga Arts Collective's two (2) Area Variance requests: Maximum Building Height; and Structure Setback to Shoreline at 106 Caroga Lake Shore Road and offer no recommendation to the Town of Caroga Zoning Board of Appeals.

MADE BY: John Kessler
SECONDED: Walt Fitzgerald
VOTE: 9 in favor, 0 opposed

4. PLANNING BOARD MEMBERSHIP:

The Fulton County Planning Board is a 9-member board with one (1) Alternate member. As of the March 21, 2023 meeting, membership is currently at eight (8) members. On July 20, 2023, Sheila Perry (Town of Broadalbin) submitted her resume for consideration being the ninth member of the Fulton County Planning Board. On Monday, September 11, 2023, the Fulton County Board of Supervisors voted to add Sheila Perry as the ninth member of the Fulton County Planning Board. Currently, there is full membership on the Board.

PLANNING BOARD DISCUSSION:

Mr. Enfield stated that the Planning Board now has a full board.

Planning Board Member Sheila Perry mentioned that she was excited to be on the County Planning Board, indicating that it is an important Board for Fulton County.

5. ACTIVITIES REPORT:

Each month, County Planning Department staff put together an Activities Report for the Public Works Committee of the Fulton County Board of Supervisors. This Committee is responsible for overseeing the

work undertaken by the Planning Department staff. In an effort to give County Planning Board members an idea of the types of issues that are being examined and the types of projects that are currently being worked on by Planning Department staff, the Activities Report is included on the Board's monthly Agenda.

PLANNING BOARD DISCUSSION:

Planning Board Member Jerry Moore stated that the County received a low bid for the paving of the Rail Trail at Dennie's Crossing. He indicated that \$150k was saved in the process and that individuals have been using it a lot, indicating the Gazebo near the property.

Mr. Moore also indicated that the concrete milepost is missing.

Mr. Enfield mentioned he would look into this.

6. **TOURISM REPORT:**

Each month, County Tourism Coordinator puts together an Activities Report for the Economic Development and Environment Committee of the Fulton County Board of Supervisors. In an effort to give County Planning Board members an idea of the types of work being done by the County Tourism Bureau, the Tourism Report is included on the Board's monthly Agenda.

PLANNING BOARD DISCUSSION:

Mr. Moore indicated that, in the past, the Mayfield Historical Society has received \$500 on a yearly basis for marketing and never received it this year.

Planning Board Member Peter Goderie indicated that his business had received matching funding for \$1000 and that the process with Fulton County has been harder than when dealing with the Fulton-Montgomery Chamber of Commerce.

Mr. Enfield indicated that Tourism Coordinator Carla Kolbe has been handling monies for nonprofits and businesses. He stated he would speak with the department and introduce Ms. Kolbe to both via email for marketing funds from the County.

7. **OTHER BUSINESS:**

Chairman:

Boralex Solar Project:

Chairman Rackmyre inquired if any communication has occurred with Boralex and the County following the meeting in August.

Mr. Enfield stated there has not been. He indicated that he has checked the website for updates on when the public comment period is.

Mr. Enfield asked if John Kessler or Jerry Moore has heard anything from the Town on when the comment period will be.

Both indicated they were unaware of when it would be.

Chairman Rackmyre inquired if the letter had been sent to the Office of Renewable Energy Siting (ORES)?

Mr. Enfield stated that he had not sent it but could should the Planning Board wish to.

Chairman Rackmyre stated that it would be a good idea to do so.

Several other Planning Board members agreed.

Fulton County Planning Department:

Planning and Zoning Training – HVCC

Mr. Enfield stated that the Capital District Regional Planning Commission will be hosting a training at Hudson Valley Community College on Friday.

Mr. Pierz indicated that he planned on attending.

UAlbany Master’s Program – Studio Project

Mr. Enfield stated that the Masters of Urban and Regional Planning Program at the University at Albany reached out to him regarding a capstone project with dam infrastructure within the County. He stated that the Hazard Mitigation Plan did not have this highlighted and the State would like to add dams as critical infrastructure into the County’s plan. Mr. Enfield mentioned that the students are looking at municipal dams of the City of Gloversville, Johnstown, Village of Canajoharie, and other dams such as Ingham’s Dam at Herkimer County and Fulton County border, as well as Pine Lake.

Chairman Rackmyre brought up the Halloween storm that was a concern for the Ingham’s Dam.

Mr. Enfield indicated the students are also looking at evacuation routes should a dam breach and make County or State Roads impassable.

Snowmobile Trails:

Mr. Enfield indicated that the Planning Department has taken over the snowmobile trails from Highways and Facilities from a tourism perspective and will be disbursing the money to the snowmobile clubs.

Other:

Conklingville Dam:

Chairman Rackmyre inquired when construction would be starting on the project?

Mr. Enfield indicated he was made aware it would be in 2024 or 2025. Subsequently, he stated that the New York State Office of General Services would be involved with the repair.

Planning Board members had a back-and-forth conversation regarding regional impacts that would occur on the Great Sacandaga Lake for the snowmobile community, as well as the boat community.

8. CLOSE OF THE MEETING:

MOTION: To close the meeting at 9:21 am.

MADE BY: John Kessler

SECONDED: Sheila Perry

VOTE: 9 in favor, 0 opposed