

Caroga News Flash

Town Board Meeting Highlights

August 9, 2023

TownOfCaroga.com contains all issues of the ***Caroga News Flash***.

This monthly Board meeting at Town Hall began at 6:00 PM and lasted 155 minutes with 38 minutes in executive session to review the work history of an employee. Thirty citizens attended the meeting in person, and twelve households attended via zoom.

Citizen comments asked for fair and even application of the *Town of Caroga Zoning Ordinance* that protects us all, as town officials continue to ignore basic permitting and review requirements (see <https://townofcaroga.com/ordinances/zoning.htm> and ***Transcript*** below).

Resolutions / Local Laws:

1. **Public Hearing September 13, 2023 at 6:05 PM** — Set a public hearing on the Cable Television Agreement between Spectrum Northeast LLC and Town of Caroga for 4% at 10 years (5-0 vote)
2. **Invasive Species Program ProcellaCOR Pilot Study** — Approved additional \$13,900.00 for site mapping with \$8,900.00 from A8090.41 and \$5,000.00 from A1990.4 (5-0 vote)
3. **Highway Department** — (5-0 votes)
 - Transferred \$2,600.00 from DA5142.1 Snow removal P/S to DA9050.8 Unemployment
 - Accepted 2023-24 Fulton County Highway Department Snow Removal and Ice Contract for 5.13 miles at \$5,500.00 per mile, including insurance for a total contract of \$28,215.00.
4. **Golf Course** — Awarded contract for \$3450.00 with TSB Contracting and Tree Service to remove 4 dead trees along the first fairway near a resident's house (5-0 vote)
5. **Caroga Tourism** — Defined Sue Collins' term to run until December 31, 2028 (5-0 vote)
6. **2002 White Ford F-150** — After Councilman Travis proposed spending \$900.00 for transmission replacement, others rejected this proposal and the board approved a contract to sell this truck with a failed transmission with Auctions International (5-0 vote)
7. **Supervisor Records Audit** — Approved Supervisor getting an estimate to audit a limited part of his own town financial records by Phil Beckett, CPA (5-0 vote)
8. **Other Business** —
 - Agreed Supervisor will talk with Fulton County attorney about a solar farm tax local law
 - Donated 2 18-hole golf certificates to Saratoga Ancient Order of Hibernians (4-1 vote)
 - Donated 2 18-hole golf certificates to Dolgeville Violet Festival Golf Tournament (4-1 vote)
 - Donated 4 rounds of golf and 2 carts to Nick Stoner Trailers for 2023 golf outing (5-0 vote)
 - Approved fireworks displays on 8/19 for Pine Lake Park and 9/3 for Caroga Arts (5-0 vote) [On 8/21/2023 the Caroga Arts fireworks display date was corrected as Saturday 9/2/2023]
 - Approved paying bills as edited (5-0 vote)

Upcoming Meetings and Events:

<https://TownOfCaroga.com/calendar>

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Public Comment: Town of Caroga Zoning Ordinance (Transcript 8/9/2023)

Dr. Allen Farber: Last month I submitted 2 complaints to the Town and to the Code Enforcement Officer regarding projects in Town. I do not want to go through both of them. I just want to focus on one of them, and that is the project on Kasson Drive. The reason I am referring to that one is that it is actively going now. Today I was driving along the road, and the road was blocked by the excavator that was working on it. It is an ongoing problem.

(see https://townofcaroga.com/ordinances/zoning.htm#undertake_1 By definition, “undertake” is: “commencement of a material disturbance of land, including...clearing of building sites, excavation...or... landscaping...”)

When I submitted my complaint last month, I was talking about a specific ordinance in the Town. The size of that property is 0.3 acres. It is zoned at 2.5 acres, so it is well below that. It is a non-complying property. By being a non-complying property, the vacant lot would have to go through a site plan review and be presented to the planning board.

(see <https://townofcaroga.com/ordinances/zoning.htm#A9VID> Noncomplying Lots Article 9, Section VI(D): “The development of a noncomplying lot shall require site plan approval from the Planning Board” and Article 6, IIC: <https://townofcaroga.com/ordinances/zoning.htm#A6IIC> “Until...approv[al]...no excavation...shall commence”)

I do not know that any of this has happened. I would ask the Town, if it has not happened, to make sure that work is being done and having a site plan review. **Until that site plan review is done, they really should have a Stop Work Order on that project. That is, again as I understand it, required before any type of work is done on that property. My concern here with all of this is one of just making sure that the Town is having its Ordinance being followed accurately and consistently.** I don't see that happening right now. I would encourage the Town as a whole to look at it. My objection is not just to the Code Enforcement Officer, but also to the Town as a whole to make sure that these problems do not continue to occur.

Councilman Rick Sturgess: Allen, can I ask you a question?

Dr. Farber: Yes.

Councilman Sturgess: So, you're insinuating that he's started building on this property so far?

Dr. Farber: He's not building on it. He's excavating and he's...

Councilman Sturgess: So, he's moving dirt on property that he owns that he pays taxes on!

Dr. Farber: But you cannot... **Councilman Don Travis:** No buts!

Councilman Sturgess: That's all I ask! It's property that he owns!

Dr. Farber: Right.

Councilman Sturgess: That he pays taxes on! That we cannot police! Until he buys a hammer, a nail, and a board, it's his property! We can't go down this rabbit hole! Otherwise, every single time somebody grabs a lawnmower and mows their lawn, we're gonna hear, 'Wait a minute, guys! You can't mow your lawn!' This is his property!

Supervisor Horton: It's privilege of the floor. Anyone can ask questions, but we don't get into discussions. Mr. Farber, I will follow up, because I'm not aware that you have been given an answer to your question. Is that correct?

Dr. Farber: I have not been given an answer by either. I asked in my original letter to get a response from the Code Enforcement Officer. I haven't gotten it. And again...

Supervisor Horton: Let me follow up on that. It's not just a non-conforming. Is it a pre-existing non-conforming? So, I don't know if that makes a difference, because that gives them a right to develop?

Councilman Sturgess: When they decide they're going to build a house and put in a septic and all of that stuff, correct? Then they will go through them channels. Right?

Supervisor Horton: I don't know. I don't think there's anything in violation of that. There's one section that I'm, if I recall correctly, and this was several years ago, that you're supposed to do a site plan review with the Planning Board to develop a non-conforming lot.

Dr. Farber: That is Article 9, Section VI. (see <https://townofcaroga.com/ordinances/zoning.htm#A9VID>)

Supervisor Horton: Let me look at that. I haven't had time to do that.

Dr. Farber: That is exactly what my original complaint was about, again referring to that specific section. I'm talking about staying within the code of the Town. **It appears to me that the Town is not following its own code.**

Supervisor Horton: Thank you very much.

(see <https://www.nysenate.gov/legislation/laws/EXC/807>; <https://www.nysenate.gov/legislation/laws/TWN/A16>)