

Town of Otsego Planning Board

Minutes – January 4, 2011

PUBLIC HEARING

Barrett Clarke Estate (Justin & Megan Lindberg) – Major subdivision, 132 Parslow Road (#97.00-1-3.01)

Chairman Joe Galati called the Clarke Estate public hearing to order at 7:32 PM, and asked if anyone had comments about the project. No one responded. Galati noted that a letter addressed to neighbor Christine Olsen had been returned to sender. Donna Borgstrom moved to close the public hearing. John Phillips seconded the motion and it was approved, 6-0.

REGULAR MEETING

The monthly meeting of the Town of Otsego Planning Board was held on this date at the Town Office Building in Fly Creek, New York. Chairman Joe Galati called the meeting to order at 7:33 PM, and roll call was taken by Clerk Bill Deane. Members present were Galati, Donna Borgstrom (Vice-Chairman), Paul Lord, John Phillips, and Rosemary Craig. With Steve Purcell and Joe Potrikus absent, alternate member Dan Croft joined the meeting table. Planning Board Attorney Jim Ferrari and Zoning Enforcement Officer Hank Schecher were also present.

The Board reviewed the minutes of December 7, 2010, e-mailed to the members. Deane noted that, at the bottom of page 4, the note applied to the Robert Faller application, not the Donald A. Davis application. Attorney Ferrari asked a question which was answered to his satisfaction. Borgstrom moved to approve the minutes as amended. Craig seconded the motion and it was approved, 6-0.

Chairman Galati reviewed and passed around correspondence received since the last meeting, including informational letters from the Department of Transportation and Lorman Education.

Hank Schecher distributed copies of his January 4 Zoning Enforcement Officer report (filed). It itemized four applications pending Planning Board review.

Chairman Galati asked whether anyone from the public had a comment on a non-agenda item. No one responded.

The Board moved on to applications.

APPLICATIONS

LLIB, LLC (Bill Miller/Jon McManus) – Upper West Side major subdivision – County Highway 28, Pierstown (#84.00-1-15.62)

Joe Galati and Rosemary Craig recused themselves and left the meeting table. Donna Borgstrom read aloud from the minutes of December 7 relevant to the application. Borgstrom also summarized, passed around, and filed unsolicited correspondence related to the application, including a December 9 letter from Sonya del Peral, a December 10 letter from Beth Westfall, January 3 e-mails from Addison Bissell, Linda Hardin, and Carol Akin, a January 4 e-mail from Marilyn Bradshaw, and a January 4 letter from Eric Miller of the Otsego County Conservation Association (OCCA).

The Board discussed options to move forward with the application. Applicant Bill Miller said he was willing to “stop the clock” on a decision on his application, giving the Board time to go through the proper procedures. Paul Lord moved to stop the clock on the application, by mutual consent of the applicant and Board, and schedule a public hearing for February 1. John Phillips seconded the motion and it was approved, 4-0.

Miller requested that a notice on the hearing be posted at the Town building in addition to the Town’s web-site. Acting Chairman Borgstrom said that these procedures

were not followed by the Board for other applications. She asked Attorney Ferrari to look into it, and let Bill Deane know if any such procedures should be followed.

Galati and Craig returned to the meeting table.

Barrett Clarke Estate (Justin & Megan Lindberg) – Major subdivision, 132 Parslow Road (#97.00-1-3.01)

Donna Borgstrom read aloud from the minutes of December 7 relevant to the application. Mary Ann Ruggiero, a neighbor, said she had questions about the project. Borgstrom explained that these should have been asked during the public hearing. Paul Lord moved to reopen the public hearing, but there was no second. Applicant Justin Lindberg showed Ruggiero the proposed subdivision plat and answered her questions to her satisfaction.

The Board examined the file for the previous Clarke subdivision, finding no deed restrictions. They also examined the Lindbergs' plat and the *Land Subdivision Regulations*, noting missing items, including the seal of surveyor Brian Carso and a thumbnail depiction of the original subdivision. Chairman Galati advised the applicants to return the plat to Carso, asking him to include these and all items specified in Sections 5.3 and 5.4 of the *Land Subdivision Regulations*. They will also have to pay the \$175 subdivision fee.

The Lindbergs asked to be put on the February 1 agenda.

Robert Faller – Minor subdivision – Stone House Road (#98.00-1-44.01)

Donna Borgstrom read aloud from the minutes of November 9 relevant to the application. Applicant Robert Faller said he had three interested buyers for his house. Paul Lord advised him that he was prohibited from selling the proposed lot before the subdivision was approved.

Chairman Galati asked if there were any deed restrictions, and Faller said there were not. The Board discussed the State Environmental Quality Review Act (SEQRA). John Phillips moved to declare this an unlisted action. Borgstrom seconded the motion and it was approved, 6-0. With member input, Phillips went through the short Environmental Assessment Form (EAF) submitted by Faller. Lord moved to declare a negative declaration and authorize the chairman to sign the form. Phillips seconded the motion, it was approved, 6-0, and Galati signed the EAF.

The Board advised Faller that he would need the plat modified to show a statement from an engineer, indicating plans to comply with New York State law in specifying a wastewater treatment system. Lord moved to deem the application complete, contingent on this being received by January 18, and to schedule a public hearing for February 1. Rosemary Craig seconded the motion and it was approved, 6-0.

Jeff Haggerty – Sketch plan conference, expansion of Haggerty Ace Hardware – State Highway 28 (#131.00-1-7.00)

Per Zoning Enforcement Officer Schecher, this application was postponed to the February 4 meeting.

OTHER BUSINESS

Zoning Enforcement Officer Schecher asked the Board about the Randy Dean application. During Dean's previous application, various agencies (including the State Historic Preservation Office and Department of Environmental Conservation) had asked only to be updated about further activity on this site. Schecher asked whether he could contact these agencies himself. The consensus of the Board was that he could.

Chairman Galati informed the Town Board's changes to the Planning Board, including appointments of Galati as chairman, Rosemary Craig as a full-fledged member to replace the departing Wes Ciampo, and Dan Croft as the new alternate member. Members

applauded the newcomers.

The Board discussed holding a workshop to discuss potential changes to the *Land Subdivision Regulations*. Paul Lord said that he would be away, but would submit proposed changes and discussion items. The Board decided to schedule the workshop for January 18 at 7:30 PM. Chairman Galati said that he would ask Tavis Austin of the OCCA and the Village Codes Office to attend the meeting and discuss SEQRA with the Board. Bill Deane will advertise the meeting.

John Phillips reported on attending the two December Town Board meetings as the Planning Board's liaison. He noted that this position had required 28 hours of his time in 2010, and wondered if that could count toward his training requirements or, if not, whether the duties could be shared with other Board members. The consensus was that it could not be counted as training. Rosemary Craig volunteered to attend the January 12 Town Board meeting as Planning Board liaison.

Chairman Galati said that Supervisor Meg Kiernan had asked that the Planning Board follow the procedure done by the Zoning Board of Appeals: at the beginning of the meeting, to ask whether any member had a conflict with any applicant. Paul Lord said that this had been proposed before, and Lord feels the Town Board should make the procedure a Town Law if they want the other Boards to follow it. Lord noted that the criteria for "conflicts" are posted on the bulletin board in the Town building.

Bill Deane discussed the February 1, 2011 agenda. Expected to return are LLIB (public hearing), Lindberg, Fallon (public hearing), and Haggerty. Zoning Enforcement Officer Schecher said he knew of no other potential applicants at this time.

With no further business, at 9:12, Dan Croft moved to adjourn the meeting.

Respectfully submitted,
Bill Deane
Planning Board Clerk