

# Town of Otsego Planning Board

Minutes – January 8, 2013

## **PUBLIC HEARING**

### **Darryl & Patricia Szarpa – Site plan review, special permitted use (bed & breakfast) – 629 County Highway 28 (#84.00-1-10.00)**

Chairman Donna Borgstrom called the Szarpa public hearing to order at 7:00 PM, and asked for questions or comments from the public. No one responded. Scottie Baker moved to close the public hearing. Tom Huntsman 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 Donna Borgstrom called the meeting to order at 7:02 PM, and clerk Bill Deane took roll call. Members present were Borgstrom, Steve Purcell, Rosemary Craig, Tom Huntsman, and the newly-appointed Doug Greene, replacing Paul Lord, who was not reappointed. With Joe Galati and Joe Potrikus absent, alternate member Scottie Baker joined the meeting table. Town Attorney Michelle Kennedy was also present; Zoning Enforcement Officer Tavis Austin arrived later and was present for most of the meeting.

The Board reviewed the minutes of December 4, 2012, e-mailed to the members. Craig moved to approve the minutes as written. Baker seconded the motion and it was approved, 6-0.

Chairman Borgstrom reviewed correspondence received since the last meeting:

- A December 11, 2012 letter from Lester Sittler, objecting to the Town's Code of Ethics which prevents Joe Galati from being in the meeting room during discussion of his application. The letter was filed with the 2012 Planning Board minutes, with a copy given to the Town Supervisor.
- The November/December, 2012 issue of *Talk of the Towns & Topics*, copies of which were distributed.

There was no Zoning Enforcement Officer report available.

Acting Chairman Borgstrom asked if there were any public comments on non-agenda items. Bill Deane read aloud a note from John Phillips, decrying the Town Board's manipulation of the selection process for Planning Board members.

Town Attorney Michelle Kennedy introduced herself, and distributed copies of her curriculum vitae. Although the Planning Board had reappointed Jim Ferrari as Board Attorney during last month's meeting, the Town Board later dismissed Ferrari and expanded Kennedy's duties to include the Planning Board. Chairman Borgstrom expressed concerns over the legality of this process, and said that she would be communicating with the Town Board about it.

The Board moved on to applications.

## **APPLICATIONS**

### **Darryl & Patricia Szarpa – Site plan review, special permitted use (bed & breakfast) – 629 County Highway 28 (#84.00-1-10.00)**

Tom Huntsman read aloud from the minutes of December 4, 2012, relevant to this application. The Board briefly reviewed the application and supporting documents, including those requested during the previous meeting.

The Board discussed the State Environmental Quality Review Act (SEQRA) process. Attorney Kennedy said that the project qualifies as an unlisted action. The consensus of the Board was that a short environmental assessment form (EAF) was appropriate. Chairman Borgstrom completed the Planning Board section of the EAF with member input. Doug Greene moved to make a negative declaration and authorize the chairman to sign the form. Huntsman seconded the motion, it was approved, 6-0, and Borgstrom signed the EAF.

Scottie Baker moved to approve the site plan and the special permitted use (bed &

breakfast) as submitted. Steve Purcell seconded the motion and it was approved, 6-0. Chairman Borgstrom stamped the site plan “approved” and signed it. Bill Deane said he would prepare a special permit for Borgstrom’s signature and mail it to the applicant.

**Tripp & Davis (Kurt Ofer) – Site plan review, family athletic building in steep-slope area – 200 Huff Road (#84.00-1-3.01)**

Applicants Tripp and Davis want to build a private family athletic building on their property in a steep slope area. It would include a squash court, workout room, and golf putting area. Architect Kurt Ofer submitted an application package including a letter of authorization, site map, floor plan, exterior elevations, a survey, and a short EAF. He also displayed a cardboard rendering of the proposed project, and described it.

Ofer said the applicants hoped to complete the building by the end of the summer. He said there would be no new roads or utilities. Doug Greene discussed the importance of grading plans in a steep slope area, and said that Ofer was doing a good job in that regard. The consensus of the Board was to discuss SEQRA after the public hearing.

Chairman Borgstrom went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus was that the only missing item was a list of neighbors (and addresses) within 200 feet of the property. Tom Huntsman moved to deem the application complete contingent on the neighbor list being submitted by January 22, and to schedule a public hearing for February 5. Steve Purcell seconded the motion and it was approved, 6-0.

**Addison Bissell – Site plan review, special permitted use (bed & breakfast) – 6515 State Highway 80 (#84.12-1-6.00)**

Applicant Addison Bissell sent a December 31, 2012 e-mail to the Zoning Enforcement Officer, asking to be removed from tonight’s agenda. He said he would be in touch at a later date.

Bill Deane suggested that, in light of the circumstances, the Board should choose its vice-chairman at this point. Steve Purcell moved to appoint Doug Greene as vice-chairman. Rosemary Craig seconded the motion and it was approved, 5-0, with Greene abstaining.

**Susanne Adsit & Joe Galati (Jon McManus) – Site plan review, special permitted use (multi-family housing with 12 apartments) – 6855 State Highway 80 (#69.44-1-5.00)**

Donna Borgstrom recused herself from this application and left the meeting table. Applicant Joe Galati left the meeting room. Tom Huntsman read aloud from the minutes of December 4, 2012, relevant to this application.

Bill Deane said that coordinated review packages were prepared for the New York State Department of Transportation (DOT), Department of Environmental Conservation (DEC), Historic Preservation Office (SHPO), U.S. Army Corps of Engineers, Otsego County Planning Department, and Town of Springfield on December 27, 2012. Deane left them for the Town Clerk to mail out. Engineer Jon McManus said he planned to have on-site meetings with representatives of the DOT and Town of Springfield.

Acting Chairman Doug Greene admitted his limited familiarity with the project. McManus noted that the correct address of the property is 6855 State Highway 80, and went through the documents requested at the previous meeting, covering exterior lighting, signage, and on-site presence. The consensus of the Board was to discuss SEQRA after the public hearing in February.

The Board discussed “The Point,” a strip of Otsego Lake-access property owned by Galati across the road from the project. Huntsman noted that neighbors have previously expressed concern that Galati’s guests will use this property for lake access. Attorney Lester Sittler said that The Point is not germane to the application, because it is a separate parcel from the proposed project, and is covered by easements not under the jurisdiction of the Planning Board. Scottie Baker said that the neighbors’ concerns are logical, and Attorney Kennedy said she thought the Board should consider this issue. McManus noted that there are at least six other properties which have lake access and

advertise it, so Galati should not be singled out for scrutiny.

The representatives will return for the public hearing already scheduled for February 5. McManus and Sittler said that they do not plan to respond to neighbors during the hearing. McManus also asked that each speaker be allowed to speak only once, and with a time limit. Borgstrom returned to the meeting table.

**Otsego Land Trust (Joe Homburger) – Sketch plan conference, proposed improvements to Brookwood Point – State Highway 80**

This item was added to the agenda by agreement between Zoning Enforcement Officer Austin and Chairman Borgstrom. Austin gave a brief overview of the project. J. Joseph Homburger is the Chairman of the Brookwood Point Committee of the Otsego Land Trust. They wanted a brief opportunity to inform the Board of their plans.

Homburger displayed a plat on an easel and explained their proposed projects. The Land Trust acquired the Brookwood Point property on October 28, 2011. They are working on funding for their projects, with what they do dependent on how much they raise. They want to keep the Planning Board informed every step of the way. Scottie Baker said that the Land Trust had polled the public and is following their wishes on what should be done with the property.

Bill Deane asked Homburger to give the Board two weeks' notice whenever he is ready to return before the Board.

**Anna Gabrosek 9/4/09 Revocable Trust (Lester Sittler) – First lot split – Bedbug Hill Road (#97.00-1-17.01)**

This item was added to the agenda by consensus of the Board. Attorney Lester Sittler had sent a December 26, 2012 letter about the Gabrosek property, and what he believes is a simple lot split. The property owners want to divide the large lot into two parcels of 131.7 and 76.45 acres, respectively.

Board members checked the tax maps and determined that no previous subdivisions had been done on the property since the *Land Use Law* was enacted in 1987. Attorney Sittler said that a conservation easement prevents any further subdivision of the property after this split.

Steve Purcell moved to deem this a first lot split. Rosemary Craig seconded the motion and it was approved, 6-0.

**OTHER BUSINESS**

The Board discussed Paul Lord's work on proposed revisions to the *Land Subdivision Regulations*. Doug Greene said that he had some ideas based on the subdivision regulations of other municipalities with which he has worked. The consensus was to revisit this subject during the February meeting and possibly schedule a workshop for February or March.

Doug Greene said that he had prepared a library of training CDs for Montgomery County, and could make them available for the Planning Board members. Chairman Borgstrom noted that the Town Board would have to approve the materials in order for them to qualify toward the members' required training credits.

The Board discussed the proposed agreement with the County Planning Agency, originally brought before the Board in August, 2012. Bill Deane read aloud from the Planning Board's minutes of August 7, 2012, and the Zoning Board of Appeals's minutes of September 18, 2012, at which time the ZBA approved their portion of the agreement with a modification. Zoning Enforcement Officer Austin urged the Planning Board to sign the agreement as well, waiving everything. After discussion, Chairman Borgstrom checked each box in the first two sections, specifying "Any subdivision with less than 10 lots and less than 50 acres," and "Reuse of an existing building if the proposed use will not have more than 5000 square feet of new construction." Tom Huntsman moved to authorize the chairman to sign the agreement. Steve Purcell seconded the motion and it was approved, 6-0. Deane will make a copy for the "general correspondence" file, and give the original to the Town Supervisor.

John Phillips expanded on the note he had left for the “public comments” part of the meeting. This touched off a long discussion about the strained relationship between the Planning Board and Town Board, with speculation as to the latter’s motives. The general feeling is that the Town Board is making decisions affecting the Planning Board behind closed doors, disregarding the Planning Board’s recommendations, with the Planning Board finding out only after the fact. Rosemary Craig suggested planning a joint meeting of the two Boards to help clear the air.

Bill Deane discussed the agenda for the February 5 meeting. Applicants expected to return are Tripp & Davis and Galati, both with public hearings. Tom Huntsman noted that Bill Miller would be back, requesting another extension to his LLIB conditional approval. Also discussed will be the *Land Subdivision Regulations* revisions.

Zoning Enforcement Officer Austin asked whether he could be authorized to approve simple lot line adjustments, without Planning Board intervention. After discussion, the consensus was that he could.

The Board discussed the continued absence of Joe Galati, and the need for at least a second alternate member. Steve Purcell moved to recommend to the Town Board that John Phillips be added to the Planning Board as either a regular or alternate member. Rosemary Craig seconded the motion and it was approved, 6-0.

With no further business, at 10:12, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk