

Town of Otsego Planning Board

Minutes – February 3, 2015

PUBLIC HEARING

Roger Heroux (Jon McManus) – Site plan review, special permitted use, service trade establishment: excavation, storage, office space, light fabrication – County Highway 26, Fly Creek (#114.00-1-74.01)

Chairman Donna Borgstrom called the Heroux public hearing to order at 7:00 PM. She and Joe Potrikus recused themselves and left the meeting table, leaving alternate member John Phillips in charge. Phillips asked if anyone from the public had comments or questions about the proposed project.

Former neighbor Eileen Kukenberger read aloud from a January 22 letter (filed) signed by her and Shirley Dickison. Kukenberger cited *Land Use Law* definitions and guidelines. She said that the project does not fit into the character of the neighborhood, and that approving it would set a bad precedent. She considers this a “baby step” toward a future expanded project by Heroux.

Town Board member Carina Franck read aloud from a note (filed) which asked the Planning Board to limit the scope of the project to one building, and to disallow external storage.

Joe Potrikus said that he had no problem with the proposed project, but was concerned about the security of his property across the road.

Mary Tedesco of 616 County Highway 26 asked what the purpose of the proposed building is. She is concerned about the change in the neighborhood and the increase in commercial traffic on County Highway 26, particularly if there is future expansion. Clerk Bill Deane pointed out that, if the applicant wanted to expand the operation in the future, he would have to submit a new application, precipitating a new public hearing.

Representative Jon McManus explained the proposed project, including the installation of down-lighting and screening to mitigate impact on neighbors. He asked the Board to focus on the application at hand, and not place restrictions on future development. He mentioned the nearby gravel mine and the commercial traffic it creates. Ed Kukenberger replied that his former mine had been operating since 1961 and was grandfathered from the *Land Use Law*.

Board members Tom Huntsman and Scottie Baker asked questions of the applicant (see “applications”). With no further public comments or questions, Rosemary Craig moved to close the public hearing. Ed Hobbie seconded the motion and it was approved, 6-0. Borgstrom and Potrikus returned to the meeting table.

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 7:21 PM, and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Members present were Borgstrom, Joe Potrikus (Vice-Chairman), Rosemary Craig, Tom Huntsman, Ed Hobbie, and Scottie Baker. Alternate members John Phillips and Darryl Szarpa, Planning Board Attorney Jim Ferrari, and Zoning Enforcement Officer Tavis Austin were also present. With member Steve Purcell and alternate member Trevor Fuller absent, Phillips joined the meeting table.

The Board reviewed the minutes of January 6, 2015, e-mailed to the members. Potrikus moved to approve the minutes as written. Phillips seconded the motion and it was approved, 7-0.

Deane distributed copies of the 2015 Planning Board directory. The only other correspondence received since the last meeting was a letter (filed) from Attorney Bob Schlather to Zoning Enforcement Officer Austin, concerning a potential subdivision.

Chairman Borgstrom asked if there were any member disclosures regarding potential conflicts. She and Potrikus said they again would be recusing themselves from the Heroux application. Craig said she again would be recusing herself from the Miller application.

Chairman Borgstrom asked if there were any public comments on non-agenda items. No one responded. The Board moved on to applications.

APPLICATIONS

LLIB, LLC (Bill Miller/Jon McManus) – Request to extend conditional approval of Upper West Side major subdivision to May 22, 2015 – County Highway 28, Pierstown (#84.00-1-15.62)

Rosemary Craig recused herself and left the meeting table. Applicant Bill Miller is again requesting a 90-day extension to his conditional approval for the Upper West Side major subdivision approved in 2011; the current expiration date is February 21, 2015. He said there were no changes.

Joe Potrikus moved to extend the approval for another 90 days, to May 22, 2015. Ed Hobbie seconded the motion and it was approved, 6-0. Chairman Borgstrom advised Miller to return at the May 5, 2015 meeting at 7:30 if he wants another extension. Craig returned to the meeting table.

Roger Heroux (Jon McManus) – Site plan review, special permitted use, service trade establishment: excavation, storage, office space, light fabrication – County Highway 26, Fly Creek (#114.00-1-74.01)

Chairman Donna Borgstrom and Vice-Chairman Joe Potrikus recused themselves and left the meeting table. Second alternate member Darryl Szarpa joined the table, and John Phillips took over as acting chairman. Clerk Bill Deane read aloud from the minutes of January 6, 2015 relevant to the Roger Heroux application.

Representative Jon McManus distributed copies of the documents requested at the January 6 meeting, which he had submitted by the January 20 deadline. The Board reviewed the documents.

During the public hearing, Tom Huntsman expressed concern with the vague *Land Use Law* definitions of “service trade establishment” and “home occupation” as they apply to this project, particularly regarding external storage of vehicles. Scottie Baker asked what would be in the building. McManus said Heroux would follow the guidelines for a service trade establishment.

Rosemary Craig said that she hopes the Town Board expedites the clarification of the *Land Use Law*.

Acting Chairman Phillips noted that the proposed building is within the size limits specified by the *Land Use Law*. He said that, in absence of clarity in the law, the Board should consider the precedent set by Potrikus’s “Greener World” establishment across the road. Phillips noted that the Planning Board doesn’t make the Town laws, only tries to follow them.

McManus said there would be eight employees. He said the project represented “staging rather than storage.” He noted that, if there were no proposed building, Heroux could park as many vehicles as he wanted on the property. Heroux said that he simply wanted to be able to store his expensive equipment indoors.

The Board discussed State Environmental Quality Review (SEQR). Acting Chairman Phillips read aloud from the short environmental assessment form (EAF) submitted by the applicant, asking for member input and noting that the form had changed. Phillips then read aloud from the Planning Board section of the form, completing it with member input. No moderate or large impacts were found. After discussion, Baker moved to declare a negative declaration and deem this an unlisted

action per part 617, page 14, paragraph 3 of New York State publication 6NYCRR. Ed Hobbie seconded the motion and it was approved, 6-0.

Huntsman reiterated his concerns about the vagueness of the *Land Use Law* definitions, and the potential proliferation of off-site vehicles.

Hobbie moved to approve the site plan and special permitted use applications as submitted. Craig seconded the motion and it was approved, 5-1, with Huntsman opposed. Clerk Bill Deane prepared a special permit which Phillips signed as acting chairman and gave to McManus; a copy was filed. Phillips also stamped the site plan "approved" and signed it. Borgstrom and Potrikus returned to the meeting table.

OTHER BUSINESS

Tavis Austin distributed copies of his February 3 Zoning Enforcement Officer report (filed). He discussed situations involving the Bissell brothers and Rudy Burkhart.

Bill Deane discussed the March 3, 2015 agenda. As of now, the only potential applications are from the Bissells, provided their area variances are granted on February 17 and they submit Planning Board applications by that date. Tom Huntsman and Scottie Baker both said they would be absent for the March 3 meeting.

With no further business, at 8:45, Baker moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk