

Town of Otsego Planning Board

Minutes – February 5, 2010

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 Paul Lord called the meeting to order at 7:30 PM, and roll call was taken by Clerk Bill Deane. Members present were Lord, Donna Borgstrom (Vice-Chairman), John Phillips, Steve Purcell, Joe Galati, and Wes Ciampo. With Doug Greene absent, alternate member Joe Potrikus joined the meeting table. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of January 5, 2010, e-mailed to the members. Borgstrom moved to approve the minutes as written. Phillips seconded the motion and it was approved, 6-0, with Galati abstaining because he was not at the meeting.

Chairman Lord reviewed correspondence received since the last meeting:

- The January/February 2010 issue of *Talk of the Towns&Topics*, copies of which were distributed to members.
- Packets on the “Understanding LEED for Sustainable Building” teleconference, which were ordered by the Board to save money on training.
- A February 2 memo (filed) from Galati, saying that he would be abstaining from any applications represented by McManus Engineering, due to his ongoing business relationship with them.

Zoning Enforcement Officer Schecher distributed copies of his February 2 report (filed). It itemized four land use permits issued, seven applications pending Planning Board or other review, and one item of other business.

Chairman Lord asked whether anyone from the public had comment on a non-agenda item. No one had any comments.

The Board moved on to applications.

APPLICATIONS

Estate of Shirley Bennett – Minor subdivision – Bristol Road (#112.00-1-13.01)

Zoning Enforcement Officer Schecher reported that the applicants requested their application be postponed until the March meeting.

Eugene & Elizabeth Bettiol – Site plan review, porch within 500 feet of Otsego Lake – State Highway 80 (#99.00-1-31.03)

Donna Borgstrom read aloud from the January 5 minutes relevant to this application. Applicants Eugene and Elizabeth Bettiol submitted a letter from their architect, detailing water runoff plans. Discussion on the Bettiol's application was postponed while they completed a short environmental assessment form (EAF).

Chairman Lord went through the EAF, suggesting corrections which the Bettiol's made and initialed. Lord then completed the Planning Board section of the form with member input. John Phillips moved to declare a negative declaration and authorize the chairman to sign the EAF. Borgstrom seconded the motion, it was approved, 7-0, and Lord signed the EAF.

Borgstrom moved to deem the application complete, waive the public hearing, and approve the site plan. Phillips seconded the motion and it was approved, 7-0. Chairman Lord stamped the site plan “approved” and signed it.

Englewood LLC (Jon McManus) – Site plan review, special permitted use, retail store – 4983 State Highway 28 (#146.00-2-18.00)

Joe Galati recused himself from this application and left the meeting table, per his aforementioned memo. Engineer Jon McManus is representing Englewood LLC, who want to turn the

old stone mill building (located on 3.03 acres in the GB2 district) into a retail store of some sort, possibly dry goods, crafts, and/or produce, depending on who the tenant(s) turn out to be. McManus submitted a letter of authorization from Karen Johannesen of Englewood, an application, a site plan, a survey map, and a list of neighbors within 200 feet of the property. He said there would be no changes to the building or road.

Discussion on the application was postponed while McManus completed a short EAF. Chairman Lord went through the form, suggesting corrections which McManus made and initialed. Lord then completed the Planning Board section of the form with member input. Joe Potrikus moved to declare a negative declaration and authorize the chairman to sign the EAF. Steve Purcell seconded the motion, it was approved, 6-0, and Lord signed the EAF.

The Board went through the site plan requirements in the *Land Use Law*. They determined that the engineering plans could be waived, but that McManus would have to submit plans on landscaping, traffic circulation, lighting, and signs.

Donna Borgstrom moved to deem the application complete, contingent on the aforementioned plans being submitted by February 16, and to schedule a public hearing for March 2. Purcell seconded the motion and it was approved, 6-0. Galati returned to the meeting table.

Tom Breiten – Site plan review, greenhouse – State Highway 80 (#84.08-1-34.01)

Tom Breiten wants to build a 14x16' greenhouse (in 40x50' building envelope including a potting shed, fenced garden, and compost bin) near his existing residence, about 250 feet from Otsego Lake. Breiten submitted application packages and went over them page by page with the members. Chairman Lord noted that the central location of the project would make the fence no issue.

The Board reviewed the State Environmental Quality Review Act (SEQRA) regulations. Donna Borgstrom moved to deem this a Type II action under SEQRA Section 617.5(c)(10). John Phillips seconded the motion and it was approved, 7-0.

Borgstrom moved to deem the application complete, waive the public hearing (due to the limited scope of the project, the accessory use to the residence, and the absence of significant impact to the Lake or environment), and approve the site plan. Phillips seconded the motion. Chairman Lord said he felt that waiving the public hearing would not be prudent, in view of Breiten's previous roles as Planning Board member and Town Supervisor. The motion was passed, 6-1, with Lord opposed. Lord stamped the site plan "approved" and signed it.

Breiten closed with some general recommendations about the Planning Board process and about amending the *Land Use Law*. He said he was working on a term paper about area lakeshore protection laws, and would submit it to the Board when complete.

Don & Sharon Oberriter – Sketch plan conference, minor subdivision – State Highway 28 (#114.00-1-7.03)

Don, Sharon, and Andrew Oberriter were present. They own a ten-acre lot in the GB2 district (formerly the home of Cooperstown Bat Company), and want to divide it into parcels of four and six acres, respectively, with the larger lot including the existing buildings.

Zoning Enforcement Officer Schecher examined the 1987 and current Town maps, determining that this would create the fourth lot from the original parcel, qualifying as a minor subdivision. However, there is also a small piece of land with a well-head, called "Gypsy Spring." The Board discussed whether this should count as a fifth lot, making it a major subdivision. The consensus was that, if the deed for this piece predates 1987, or if it is listed as an easement, it would not be considered part of the subdivision.

The Board advised the Oberriters to consult the regulations for a minor subdivision. They would need to submit a certified perc test and a survey, showing easements, power lines, wetlands, etc. Bill Deane asked them to give two weeks' notice when they were ready to return before the Board.

Fenimore Art Museum (Joe Siracusa) – Sketch plan conference, totem pole – State Highway 80 (#115.00-1-4.00)

Donna Borgstrom read aloud from the January 5 minutes relevant to this application. Pictures and information on the Fenimore Art Museum's proposed totem pole had since been disseminated to the members via e-mail. Chairman Lord advised the members to consider the definitions of "structure" and "sign" in determining whether this project would require site plan review.

After discussion, Joe Galati moved that the totem pole should be considered a structure rather than a sign. Borgstrom seconded the motion and it was approved, 6-1, with Lord opposed. Since the structure is under 1,500 square feet, it does not require site plan review, per *Land Use Law* Section 2.08.

Tony Gambino – Sketch plan conference, special permitted use, restaurant – 5438 State Highway 28 (#131.00-1-1.00)

This item was added to the agenda at the request of Zoning Enforcement Officer Schecher. Tony Gambino wants to return his building, formerly Java Joz, into a restaurant, and wonders what he needs to do. After Java Joz was closed more than two years ago, Gambino had received a special permit (on April 1, 2008) for automobile sales at the building, but that did not work out.

After discussion, the consensus of the Board was that the auto dealership special permit superseded the earlier restaurant one; therefore, Gambino would have to submit a new site plan/special permitted use application. If he does so by February 16, he can get on the March 2 agenda.

OTHER BUSINESS

Chairman Lord said that he had not been able to prepare the By-Laws document due to a computer problem; therefore, this topic would be postponed until March.

Joe Galati said he was not prepared to discuss planned unit developments (PUDs), so that topic would also be postponed until March.

Chairman Lord asked if there was any other member or employee discussion. John Phillips reported on the latest Town Board meeting. Phillips also said that the Board could use the Fly Creek Fire House to watch the training DVD; the consensus was to schedule that in March. Phillips said that Town Supervisor Meg Kiernan had offered to provide space in her office for a continuing education library. Lord remarked that the Board had lots of things to talk about, particularly changes to the *Land Use Law* and *Land Subdivision Regulations*.

Bill Deane discussed the March 2, 2010 agenda. Returning applicants will be Bennett, Englewood (public hearing), and possibly Gambino.

With no further business, at 9:38, Wes Ciampo moved to adjourn the meeting.

Respectfully submitted,
Bill Deane

Planning Board Clerk