

Town of Otsego Planning Board

Minutes – February 5, 2013

PUBLIC HEARINGS

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

Chairman Donna Borgstrom called the Tripp-Davis public hearing to order at 7:01 PM, and asked if anyone from the public had questions or comments. Neighbor James Plowden-Wardlaw expressed concern that the roof of the proposed building would obstruct his view of Otsego Lake. Applicant Jennifer Tripp-Davis showed him the site plan and answered questions to his satisfaction.

Chairman Borgstrom noted that the letter addressed to neighbor Wesley Buddle had been returned to sender, “unable to forward.”

Joe Potrikus moved to close the public hearing. Rosemary Craig seconded the motion and it was approved, 6-0 (Doug Greene was out of the room at the time of the vote).

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)

Chairman Donna Borgstrom recused herself, leaving the meeting table, and Doug Greene took over as acting chairman. Greene opened the Adsit-Galati public hearing at 7:07 PM and representative Jon McManus read aloud from the environmental assessment form (EAF) in describing the proposed project. Greene then asked for comments and questions from the public, asking that they be limited to 3-5 minutes each, be civil, and not be redundant.

Charlotte Hall of 110 Pine Ridge Road read aloud from a letter (filed), opposing the project. She expressed concern about noise, her view of the parking lot, traffic congestion, light pollution, the lack of the applicant’s communication with neighbors, and the timing of the public hearing. She requested that the proposed gazebo be moved to the south side of the building, and urged the Board not to act hastily.

Tom Chase of 250 Red House Hill Road read aloud from an unsigned February 3 e-mail (filed) from Virginia Joslin-Hastings. It expressed concern about the project not meeting the “minimum impact” provision of the Heirloom Barn law, the lack of the applicant’s communication with neighbors, the proposed surveillance cameras, light pollution, and guests’ access to “Hickory Grove Point.”

Kathy Chase of 250 Red House Hill Road read aloud from a letter (filed), saying that the project does not meet the requirements of the Heirloom Barn law, and urging the Board to seek legal advice. She also discussed masking of the parking area.

Marcia D’Amico of 6813 State Highway 80 read aloud from a letter (filed), expressing concern about noise, and urging the Board to be extremely careful not to set a bad precedent.

Ellen Pope, Executive Director of Otsego 2000, read aloud from a February 5 memo (filed), saying that the project does not adhere to the Heirloom Barn law, and attaching “standards of rehabilitation” guidelines from the National Park Service website.

Veronica Seaver of 103 Badger Lane said she had spoken to applicant Joe Galati about her concerns, including lighting, surveillance cameras, parking, noise, and privacy.

Scott Barton, owner of Hickory Grove across the road at 6854 State Highway 80, echoed his neighbors’ concerns. He expressed particular concern about the noise during construction affecting his business for several years.

Nathan Sentz of 112 Glimmerhill Lane expressed support. He said there were many motels in the area, so the project is in character with the neighborhood. Sentz said it would improve the property, the area, and the tax-base, applauding the applicant for taking a financial risk to help the community.

John Phillips of State Highway 28, Fly Creek, expressed support for the project. He said codes and regulations have changed over the years, making it virtually impossible to restore old structures. He said applicant Joe Galati has a proven track record for quality projects in the area, and that this one would create work for local craftsmen, while improving the property and tax-base.

Bill Miller of Reiss Road said that he supports any business which is in compliance with the law, and noted that neighbors along the Lake habitually criticize proposed projects. He urged the Board to make an informed but quick decision.

Dave Eastman said that he had not looked at the plans, but had concerns about the timing of the public hearing, the septic system, surveillance cameras, traffic safety, and water runoff.

Chairman Greene read aloud from a February 1 letter (filed) from Edward Walker, expressing full support for the project. He said it would be compatible with neighboring properties and had no significant impact on the environment. He noted the lower density in comparison with the permitted use (restaurant) of the property, and cited former Zoning Enforcement Officer Hank Schecher's 5/31/12 letter, opining that the proposed project is permissible under the law.

With no further comments, Rosemary Craig moved to close the public hearing. Steve Purcell seconded the motion and it was approved, 6-0. Chairman Borgstrom 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 7:53 PM, and clerk Bill Deane took roll call. Members present were Borgstrom, Doug Greene (Vice-Chairman), Joe Potrikus, Steve Purcell, Rosemary Craig, and Tom Huntsman. With Joe Galati absent, alternate member Scottie Baker joined the meeting table. Town Attorney Michelle Kennedy was also present; Zoning Enforcement Officer Tavis Austin was present for the latter part of the meeting.

The Board reviewed the minutes of January 8, 2013, e-mailed to the members. Baker asked that paragraph four under the Adsit-Galati application be amended to include her response that the applicant was not being singled out for scrutiny, and Greene's expression of concern for pedestrian safety. Baker moved to approve the minutes as amended. Purcell seconded the motion and it was approved, 6-0, with Potrikus abstaining because he was not at the meeting.

Chairman Borgstrom reviewed correspondence received since the last meeting:

- A flier from the New York Planning Federation, advertising a conference to be held in Saratoga Springs on April 21-23.
- The January/February 2013 issue of *Talk of the Towns & Topics*, copies of which were distributed.
- A 2013 Planning Board directory prepared by Deane, copies of which were distributed.

Chairman Borgstrom asked if there were any public comments on non-agenda items. John Phillips noted that the job of the Planning Board is to address the Town laws as they are written; philosophical concerns with the laws should be brought to the attention of the Town Board.

The Board moved on to applications.

APPLICATIONS

LLIB, LLC (Bill Miller) – request to extend conditional approval of Upper West Side major subdivision to June 1, 2013 – County Highway 28, Pierstown (#84.00-1-15.62)

Rosemary Craig recused herself and left the meeting table. Applicant Bill Miller returned, again requesting a 90-day extension to his conditional approval for the Upper West Side major subdivision approved in 2011. The current extension runs through March 3, 2013.

Joe Potrikus asked if there were any changes to the project or situation; Miller said there were not. Potrikus moved to extend the conditional approval an additional 90 days (to June 1, 2013). Steve Purcell seconded the motion and it was approved, 6-0. Miller was invited to return for the May 7 meeting if he wishes to request another extension. Craig returned to the meeting table.

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

Doug Greene read aloud from the January 8 minutes relevant to the Tripp-Davis (not Tripp & Davis) application. Applicant Jennifer Tripp-Davis said there were no changes to the proposed project.

The Board discussed the State Environmental Quality Review Act (SEQRA) process. After discussion, Greene moved to declare this a Type II action per SEQRA Section 617.5(c)(7). Joe Potrikus seconded the motion and it was approved, 7-0.

Steve Purcell, noting that the steep slope issues had been satisfied, moved to approve the site plan

as submitted. Greene seconded the motion and it was approved, 7-0. Chairman Borgstrom stamped the site plan “approved” and signed it.

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)

Chairman Donna Borgstrom recused herself, leaving the meeting table, and Doug Greene took over as acting chairman. Greene gave a brief history of the current application and its 2012 predecessor.

Engineer Jon McManus and Attorney Les Sittler were present as authorized representatives. McManus put up a display board with photos and drawings relevant to the project, and responded to some of the public hearing comments:

- As explained at the last meeting, “The Point” is a separate parcel, and not part of this application. Sittler added that the neighbors should read their deeds, and that the Board has no jurisdiction to determine easement rights.
- The lighting and surveillance cameras were suggested in response to neighbors’ concerns about security. Now they are expressing concerns about the lighting and cameras. Thus, no security cameras are proposed at this time.
- The septic system has been approved by the Watershed Supervisory Committee, and is not part of this application.
- The Town has a noise ordinance, and the applicant plans to adhere to it.
- They have everything they can to maintain the historical Greek revival architectural features, within restrictions of current fire and building codes.

Attorney Kennedy noted that the applicant has to try to balance historic preservation, safety and code restrictions, and economic considerations. She said the Town has no architectural review board or guidelines to consult. Kennedy wondered if removing the proposed porches would appease Otsego 2000. Ellen Pope said that the porches were removable; they are more concerned with the doors and windows.

Acting Chairman Greene discussed the “minimum impact on neighbors” part of the Heirloom Barn law. He noted that the applicant is masking some parking from State Highway 80; that the septic system has been approved, reducing the capacity and environmental impact; that the traffic flow has been substantially improved by an engineered traffic study; and that landscaping has been proposed. McManus acknowledged that the project would have an impact, but questioned whether it would be significant.

Sittler reminded the Board that the property has a permitted use for a 149-person restaurant with six rooms and a two-bedroom apartment. This application should be compared with the permitted use, not with its current unused state. The applicant has documented that traffic will be reduced in comparison. Attorney Kennedy noted the use variance issued in 2000, permitting the restaurant.

Rosemary Craig commended the professional presentation of this application, and noted that the building would probably fall down without intervention. She also said that some of the neighbors’ concerns are valid, and that the Board has to uphold the laws.

Acting Chairman Greene said that he attended an on-site meeting with the Department of Transportation (DOT). With the 30-day response period over, Greene said the Board had received responses (filed) to most of the coordinated review requests, and asked Bill Deane to read them aloud:

- In a January 7 letter, Jamie Lasko, Environmental Analyst for the Department of Environmental Conservation (DEC), expressed no objection to the Town Planning Board’s lead agency status. McManus said they need only a wastewater SPDES permit from the DEC.
- In a January 4 letter, Pamela Eshbaugh of the DOT also agreed to the Town Planning Board’s lead agency status. McManus said that there was no work proposed in the DOT right-of-way.
- In a January 4 letter, Karen Sullivan of the Otsego County Planning Department also agreed to the Town Planning Board’s lead agency status.

Acting Chairman Greene said that the State Historic Preservation Office (SHPO) had also responded with agreement to the Town Planning Board’s lead agency status. McManus noted that the applicant had hired an archeological consultant in response to SHPO concerns. Neither the Army Corps of Engineers nor the Town of Springfield responded.

Joe Potrikus moved to declare lead agency status and declare that the project is a Type I action. Steve Purcell seconded the motion and it was approved, 5-0. Purcell moved to acknowledge the letters received are from involved agencies. Potrikus seconded the motion and it was approved, 5-0 (Tom Huntsman was out of the room during both votes).

Attorney Kennedy noted that one of the Board’s options would be to approve the application

with conditions, such as meeting the requirements and approval of other involved agencies, and/or adhering to the noise ordinance (*Land Use Law* #3.10).

Acting Chairman Greene went through the EAF, asking questions of McManus. He then completed the Planning Board section of the form with member and attorney input. Potrikus moved to make a negative declaration on the long EAF with the conditions that the other involved agencies have nothing to add. Purcell seconded the motion and it was approved, 6-0.

Attorney Kennedy distributed copies of a six-page proposed negative declaration resolution, asking members to read and complete it. Potrikus moved to table this until the next meeting. Huntsman seconded the motion and it was approved, 6-0.

Acting Chairman Greene called for a brief recess at 10:00. The meeting resumed at 10:12.

With member input, acting Chairman Greene went through the special use permit criteria in Section 7.03 of the *Land Use Law*. The consensus was to add conditions about lighting and noise to any permit granted.

With member input, acting Chairman Greene went through the site plan approval criteria in Section 8.05 of the *Land Use Law*. The Board and attorney discussed intensity of operation, compatibility, reasonability, and the vagueness of the law.

Sittler objected to Attorney Kennedy "telling the Board what to do." He said the Board needs to make its own decision.

Attorney Kennedy noted that the 62-day clock starts today, the date of the public hearing. The Board needs to make a decision on the application by April 8.

McManus asked whether Board members had any concerns he should address by the next meeting. Acting Chairman Greene suggested additional screening of the parking areas, and installation of a solid fence. Deane asked whether, if the site plan were changed based on these suggestions, that would trigger another public hearing. The consensus was that it would not.

Huntsman moved to table the application until the March meeting. Scottie Baker seconded the motion and it was approved, 6-0. Acting Chairman Greene urged members to review the application and laws in the meantime.

Sittler commended the Board on their efforts. Borgstrom returned to the meeting table.

OTHER BUSINESS

Due to the late hour, the consensus of the Board was to table discussion of the proposed revised *Land Subdivision Regulations* until March.

Chairman Borgstrom read aloud from a January 28 letter from the Village of Cooperstown, including their intent to declare lead agency status on a proposed sidewalk improvement project. After considerable discussion, Joe Potrikus moved to have Chairman Borgstrom sign off on the Village's intent. Scottie Baker seconded the motion and it was approved, 7-0. Borgstrom said she would deliver the signed copy to the Village.

Bill Deane read aloud from Town Supervisor Anne Geddes-Atwell's e-mail, regarding a proposed joint meeting between the Planning Board and Town Board. The consensus of the Board was that February 27 would be the best day for everyone. Bill Deane said he would not be available to take minutes that day, but Town Clerk Pam Deane should be available for that task on behalf of the Town Board. Among the topics to discuss are the Town's ethics policy, and its personnel appointments. Chairman Borgstrom said she would e-mail Geddes-Atwell about the proposed date.

Doug Greene distributed copies of a list (filed under "general correspondence") of 13 training CDs he has available for borrowing.

Tavis Austin distributed copies of his February 13 Zoning Enforcement Officer report (filed). It listed three applications pending Planning Board review, two land use permits issued, and two potential violations.

Bill Deane discussed the March 5, 2013 agenda. At this point, the only applicant is Adsit-Galati, with some "other business" items.

With no further business, at 11:24, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk