

# Town of Otsego Planning Board

Minutes – March 2, 2010

## **PUBLIC HEARING**

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

Chairman Paul Lord called the Englewood public hearing to order at 7:30 PM, and asked if there was anyone from the public with interest in the application. No one responded. Donna Borgstrom moved to close the public hearing. Joe Galati seconded the motion and it was approved, 7-0.

## **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 Paul Lord called the meeting to order at 7:32 PM, and roll call was taken by Clerk Bill Deane. All regular members were present: Lord, Donna Borgstrom (Vice-Chairman), John Phillips, Steve Purcell, Joe Galati, Doug Greene, and Wes Ciampo (Ciampo left after the Englewood application, due to ill health). Alternate member Joe Potrikus was absent. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of February 2, 2010, e-mailed to the members. Deane noted that the date should have been February 2 rather than February 5. Borgstrom moved to approve the minutes as amended. Phillips seconded the motion and it was approved, 7-0.

Chairman Lord reviewed correspondence received since the last meeting:

- Letters from Lohrman Education Services, with information about training opportunities, distributed to members.
- A corrected training DVD on wetlands.
- A February 26 memo (filed) from Lord, saying that he would be abstaining from the Bennett application, due to his having retained attorney Les Sittler on a private matter.

Zoning Enforcement Officer Schecher distributed copies of his March 2 report (filed). It itemized two land use permits issued, seven applications pending Planning Board or other review, and two items of other business. One of the latter was a deed (filed) relevant to the Oberriter application.

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)**

Chairman Lord left the meeting table per his aforementioned memo. Donna Borgstrom read aloud from the January 5 minutes relevant to this application. Applicant Robin Aufmuth submitted a drawing (filed) prepared by surveyor Brian Carso in response to the Board's requirements for waiving the survey. The Board noted that some of the requested items were missing from the drawing, including the other building, the

well, the power lines, and the septic system. They asked Aufmuth to have Carso sketch in those items, and return at a future meeting with the revised sketch along with a completed minor subdivision application. The consensus of the Board was that the application could move forward from there. Bill Deane asked Aufmuth to give two weeks' notice when she was ready to return. Lord returned to the meeting table.

**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 February 2 memo. Donna Borgstrom read aloud from the February 2 minutes relevant to this application. The Board reviewed documents submitted by representative Jon McManus as requested at the previous meeting: plans on landscaping, traffic circulation, lighting, and signs, which would be below the ceiling level of the building (thus within the “habitable portion”). McManus acknowledged that he would have to return for site plan modification for sign approval and other potential changes, depending on the tenants.

Chairman Lord said he was concerned about the lack of bathroom facilities, and suggested it be made a condition of the special permit. McManus said that would be a County and/or State codes concern, required for obtaining a certificate of occupancy. Considerable discussion followed.

John Phillips moved to approve the submitted site plan and special permitted use, contingent on final site plan approval of the plumbing and septic systems. Doug Greene seconded the motion and it was approved, 6-0. Lord stamped the site plan “approved” and signed it. Bill Deane prepared a special permit (copy filed), which Lord also signed. Galati returned to the meeting table.

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

Donna Borgstrom read aloud from the February 2 minutes relevant to this application. The Board examined the application and supporting documents submitted by applicant Tony Gambino.

Chairman Lord commented on the history of traffic flow issues at the site. Other members did not share his concern.

The Board reviewed the State Environmental Quality Review Act (SEQRA) regulations. Doug Greene moved to deem this a Type II action under SEQRA Section 617.5(c)(19). John Phillips seconded the motion and it was approved, 6-0.

Joe Galati moved to deem the application complete, to waive the public hearing (in view of previous hearings with no public input), and to approve the special permitted use (restaurant) as submitted. Steve Purcell seconded the motion and it was approved, 6-0.

Lord said he and Bill Deane would prepare a special permit and mail it to Gambino.

**George Baron – Site plan review, replacement of retaining wall within 500 feet of Canadarago Lake – County Highway 22 (#38.20-1-1.00)**

Applicant George Baron has a wooden retaining wall, about 225 feet from

Canadarago Lake, which is rotting away. He wants to replace it with a concrete retaining wall and extend a gravel driveway at the site, and estimated the project would take about two months. The Board examined his application and supporting documents. There was a delay while Baron completed a short Environmental Assessment Form (EAF).

Chairman Lord asked Baron what he planned to do to mitigate the effect of adding impervious surface close to the Lake. Baron said the footing of the wall will penetrate a minimum of 12 inches below grade on the Lake side.

The Board reviewed the SEQRA regulations. John Phillips moved to deem this a Type II action under SEQRA Section 617.5(c)(2). Donna Borgstrom seconded the motion and it was approved, 6-0.

Borgstrom moved to waive the survey requirement, the list of neighbors and land uses within 200 feet of the property, and the public hearing, due to the simplicity of the project (replacement of a collapsing structure). Steve Purcell seconded the motion and it was approved, 6-0.

Borgstrom moved to deem the application complete and approve the site plan as submitted. Purcell seconded the motion and it was approved, 6-0. Lord stamped the site plan “approved” and signed it.

**Trosset Group Attorneys (Donna Borgstrom) – Site plan amendment, special permitted use, law office in hamlet business district – State Highway 28 (#97.00-1-40.00**

Donna Borgstrom moved to the applicants’ side of the table. John Phillips read aloud from the November 10, 2009 minutes relevant to the application. The site plan and special permitted use for a law office in the hamlet business district was approved on that date.

Borgstrom explained the changes to the previously-approved site plan. The porch will now go all the way across the building, with columns. There will also be a free-standing sign and some shrubbery. The Board examined her application and supporting documents.

The Board reviewed the SEQRA regulations. John Phillips moved to deem this a Type II action under SEQRA Section 617.5(c)(7). Joe Galati seconded the motion and it was approved, 5-0.

Galati moved to deem the application complete, waive the public hearing (in view of no public response at the previous hearing), and approve the site plan as amended. John Phillips seconded the motion and it was approved, 5-0. Chairman Lord stamped the site plan “approved” and signed it. Borgstrom returned to the members’ side of the meeting table.

**OTHER BUSINESS**

Chairman Lord distributed copies of his Planning Board By-Laws draft, with proposed changes in bold. He asked the Board to look it over, and be prepared to discuss it at the May meeting, since he will not be present in April.

Joe Galati asked that discussion on planned unit developments (PUDs) be postponed until further notice.

The Board discussed scheduling a meeting to watch the wetlands training DVD. After discussion, it was decided to hold the meeting on Tuesday, March 16 at 7

PM at the Fly Creek Fire Hall. Donna Borgstrom said she would not be able to make the meeting. Chairman Lord said that no other business would be conducted, and that no secretary would be needed. Bill Deane will advertise the meeting.

John Phillips reported on the latest Town Board meeting, during which a procurement agreement regarding purchases was made. Phillips again said that Town Supervisor Meg Kiernan had offered to provide space in her office for a continuing education library.

Zoning Enforcement Officer Schecher asked the Board about an issue involving the Village of Cooperstown. They had a site plan approved in 2006 for a project at Three-Mile Point. The project has been altered and will now be smaller than what was approved. Schecher asked whether they would have to return before the Board. After discussion, the consensus was that the Village would have to submit an amended site plan application.

Attorney Ferrari said there was no news on the pending Article 78 action. He said it usually takes six to nine months for a decision.

Chairman Lord said that the Board should review the *Land Subdivision Regulations* and recommend changes to the Town Board. One obvious change would be to remove the requirement for perc tests. He asked that members be prepared to discuss this at the April meeting. Joe Galati said that *Land Use Law* changes should also be discussed at some point, citing the lack of a definition for building height as one problem.

Bill Deane said that there were no applications on the April 6 agenda at this time, but the Bennett Estate and the Village of Cooperstown are among the possibilities.

With no further business, at 9:48, Doug Greene moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane  
Planning Board Clerk