

Town of Otsego Planning Board
Minutes – March 4, 2014

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 7:01 PM, and clerk Bill Deane took roll call. Members present were Borgstrom, Joe Potrikus (Vice-Chairman), Steve Purcell, Rosemary Craig, and Ed Hobbie. With Tom Huntsman and Scottie Baker absent, alternate members John Phillips and Darryl Szarpa joined the table. Planning Board Attorney Jim Ferrari and Zoning Enforcement Officer Tavis Austin were also present.

The Board reviewed the minutes of February 4, e-mailed to the members. Potrikus moved to approve the minutes as written. Phillips seconded the motion and it was approved, 7-0.

Chairman Borgstrom reviewed correspondence received since the last meeting: fliers (passed around) from Lorman Education Services, advertising a webinar on “Private Access to Public Rights-of-Way” on April 2; and a February 18 “notice of complete application” from the Department of Environmental Conservation (DEC), regarding a dock at the Otesaga Hotel.

Chairman Borgstrom asked if there were any member disclosures regarding potential conflicts. She said that she would again be recusing herself from the Galati application.

Chairman Borgstrom asked if there were any public comments on non-agenda items. No one responded.

The Board moved on to applications.

APPLICATIONS

NYSHA (Joe Siracusa) – Approved site plan follow-up, construction within 100 feet of Otsego Lake, Native American Interpretive Site – State Highway 80 (#115.00-1-4.00)

Joe Siracusa, NYSHA’s Vice-President of Operations, was accompanied by landscape architect Michael Haas. NYSHA is finally approaching readiness to proceed with the final stage (amphitheater) of the site plan the Board approved back in 2009. Since so much time has elapsed, Siracusa thought it best to return before the Board. Chairman Borgstrom noted that there was no time limit on the approval.

Siracusa said NYSHA expected funding for the project soon, and hoped to begin construction after Labor Day, finishing in Spring, 2015. Their DEC and Army Corps of Engineers permits have expired, so they will have to reapply.

Siracusa and Haas said that there will be a dry swale above the amphitheater, for erosion control. There is only one minor change to the approved site plan: a gravel ramp will be landscaped to permit handicap-access to the stage. Joe Potrikus noted that this is not a structure but merely landscaping, and the surface will be pervious. After discussion, Phillips moved to approve site plan modification (gravel ramp). Ed Hobbie seconded the motion and it was approved, 7-0.

Siracusa said he would keep the Board updated about the project via mail.

Susanne Adsit & Joe Galati (Jon McManus) – Site plan review, special permitted use (restaurant/hotel) – 6855 State Highway 80 (#69.44-1-5.00)

Chairman Donna Borgstrom recused herself and left the meeting table, leaving Vice-Chairman Joe Potrikus in charge. Potrikus noted that the Board received a January 30 letter (filed) from the New York State Department of Transportation, agreeing to the Planning Board’s lead agency status in the Galati application. John Phillips read aloud from the minutes of the February 4 meeting relevant to the application.

Representative Jon McManus distributed copies of the final (March 4, 2014) site plan. He said the only changes were clarifications to items discussed at the previous meeting: depiction of the pool and perimeter fence, down-lighting, and retaining wall.

The Board and representative discussed potential conditions to add to the special permit. One would be to restrict the hours for the hot-tub and pool to 11 PM. Another would be to address parking concerns, such as requiring hosts of special events to provide their own shuttle-type transport in and out of the property. Potrikus pointed out that the application meets the parking requirements specified in the *Land Use Law*, and the Board cannot require the applicant to exceed those.

The Board discussed State Environmental Quality Review (SEQR). Phillips read aloud the questions in Part II of the environmental assessment form (EAF), members answered the questions, and Acting Chairman Potrikus checked the appropriate boxes. Phillips then moved to declare a negative declaration. Rosemary Craig seconded the motion and it was approved, 6-0.

After input from Attorney Ferrari, Phillips made a revised motion: to declare this a Type I action with negative declaration based on the completed SEQR forms, showing minimal to no impact on each topic: land, geologic features, surface water, groundwater, flooding, air, plants and animals, agricultural resources, aesthetic resources, historic and archeological resources, open space and recreation, critical environmental areas, transportation, energy, noise and odor, human health, consistency with community plans, and consistency with community character. Ed Hobbie seconded the motion and it was approved, 6-0. Acting Chairman Potrikus signed Part III of the EAF.

Clerk Bill Deane noted that the application clock (requiring the Board to act within 62 days of a complete application) had been stopped at 35 days in January, and would have to be restarted before the Board could take any action on the application. McManus agreed to restarting the clock. Hobbie moved to restart the clock. Steve Purcell seconded the motion and it was approved, 6-0.

Attorney Ferrari said he was not sure when the 62-day clock actually starts: after the application is deemed complete, or after completion of SEQR. Ferrari suggested the Board schedule another public hearing. Deane said he thought that was overkill, as both the Zoning Board of Appeals and the Planning Board had already held hearings on the project, with minimal comment, all documented. There have been no changes to the application since then. Scheduling three hearings on the same project wastes Board and applicant time and Town money, and could set a precedent. Deane said he believed that if the Board scheduled another hearing, it would have to stop the clock again, as the next meeting is 28 days from now, bringing the total to 63 days since the application was deemed complete. McManus said he was agreeable to holding another hearing, and to waiving the Board's 62-day time limit on issuing a decision. Purcell moved to extend the 62-day clock by ten days and schedule a public hearing for April 1. Craig seconded the motion and it was approved, 6-0.

Borgstrom returned to the meeting table.

OTHER BUSINESS

Zoning Enforcement Officer Austin said he had no written report, as there is nothing new since last month.

Chairman Borgstrom noted that the Town had designated \$1,000 to its budget for Planning Board training. She urged members to not wait until the end of the year to meet training requirements.

John Phillips noted that the Town Board does the Pledge of Allegiance at its meetings, and wondered why the Planning Board doesn't. The consensus was that adding the Pledge to the Board proceedings was a good idea. Bill Deane said he would add it to future agendas.

Deane discussed the April 1 agenda. As of now, only Galati (public hearing) is on it. Ed Hobbie said he may be applying for a major subdivision. April's is the last meeting before resuming the 7:30 start time.

With no further business, at 8:51, Joe Potrikus moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk