

# Town of Otsego Planning Board

Minutes – March 5, 2013

## 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 7:05 PM, and clerk Bill Deane took roll call. Members present were Borgstrom, Doug Greene (Vice-Chairman), Steve Purcell, Rosemary Craig, and Tom Huntsman (who arrived at 7:10, after the first vote). With Joe Galati and Joe Potrikus absent, alternate member Scottie Baker joined the meeting table. Town Attorney Michelle Kennedy was also present, but left before the “other business” portion of the meeting; Zoning Enforcement Officer Tavis Austin arrived at 9:02 for the “other business.”

The Board reviewed the minutes of February 5, e-mailed to the members. Chairman Borgstrom said that it was authorized representative Teresa Drerup (not Jennifer Tripp-Davis) who appeared on behalf of the Tripp-Davis application. Greene said that on page 3, bullet #5, “have” should be “have done.” Baker moved to approve the minutes as amended. Purcell seconded the motion and it was approved, 5-0.

The only correspondence received since the last meeting was a December 21, 2012 memo (filed in “general correspondence”) from the County Planning Department, reminding the Board that any site plans or subdivisions within 500 feet of any New York State highway or right-of-way must be referred to the Department of Transportation.

Chairman Borgstrom asked if there were any public comments on non-agenda items. Town Board member Carl Wenner distributed copies of his suggested changes to the *Land Use Law*.

The Board discussed the joint meeting held with the Town Board on February 27. Attorney Kennedy offered to recuse herself during this discussion, but Chairman Borgstrom said that wasn’t necessary. Among the items discussed at the meeting were the Linden Avenue project, the Town ethics policy, and the Planning Board attorney situation (the Town Board passed a motion allowing the Planning Board to appoint its own attorney effective April 1). Chairman Borgstrom said it was a productive meeting and she was hopeful it would lead to better communication between the Boards. Huntsman agreed. Purcell commended Borgstrom’s running of the meeting. Greene said the meeting helped him understand the issues between the two Boards.

Chairman Borgstrom suggested the Board table discussion of the proposed revised *Land Subdivision Regulations* until a joint workshop can be arranged with the Town Board. She said she would talk to Town Supervisor Anne Geddes-Atwell about this.

The Board moved on to the application.

## **APPLICATION**

### **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 room, and Doug Greene took over as acting chairman. Bill Deane read aloud from the minutes of February 5 relevant to the Adsit-Galati application. Engineer Jon McManus and attorney Les Sittler represented the applicants.

McManus submitted a revised site plan, showing additional screening of parking and a solid fence, as requested at the previous meeting. The Board reviewed the plan. In response to Tom Huntsman’s question, McManus relabeled the plan “Blackbird Hollow” rather than “Hickory Grove.”

Huntsman discussed the intent of the Heirloom Barn law, which he believes is not really historic preservation, but simple preservation. Acting Chairman Greene agreed, but said that the Board can’t really deduce the intent of the law, only interpret the law as it is written.

Acting Chairman Greene resumed going through the site plan review requirements in Section 8.05 of the *Land Use Law*. In response to questions, McManus said that they will need a Department of Health permit for the well, and that there would be security lighting at all main entrances.

Acting Chairman Greene resumed the State Environmental Quality Review Act (SEQRA) process. He signed a clean copy of the Environmental Assessment Form.

Attorney Kennedy distributed copies of three documents she had prepared: a six-page “negative declaration determination of non-significance”; a six-page “resolution of negative declaration”; and a six-page “resolution of approval of special permit and site plan.” The Board spent considerable time reading through the documents, asking questions, and making slight amendments.

Steve Purcell moved to approve the resolution of negative declaration as presented. Rosemary Craig seconded the motion and it was approved, 5-0. Acting Chairman Greene and clerk Bill Deane signed the document.

Acting Chairman Greene noted that previously-discussed proposed conditions of site plan approval, including lighting, historic appearance, noise, and approval of other agencies, are included in the resolutions.

Purcell moved to approve the resolution of approval of special permit and site plan as presented. Craig seconded the motion, and discussion followed.

Acting Chairman Greene read aloud a February 27 letter (filed) from Joe Potrikus, criticizing the policy which sequestered the applicant from the process, noting that a wastewater treatment plant was proposed for the same site several years ago, pointing out that sustainability requires commercial development, commenting on neighbors' double-standards, and praising Galati's track record of quality projects. Greene said the letter was well-stated. Purcell said that the policy which required Galati's leaving the room was "tough to swallow."

Scottie Baker said that her main concern was that approving this application might set a bad precedent, especially if the property wound up in the hands of another owner someday. After long consideration, she is comfortable that this does not set a bad precedent.

The motion was approved, 5-0. Acting Chairman Greene and Deane signed the document. Deane prepared a special permit; Greene also signed this and the site plan, after stamping it "approved." After the meeting, Deane prepared eight packages containing copies of the signed documents (negative declaration determination of non-significance, resolution of negative declaration, resolution of approval of special permit and site plan, special permit). These were addressed to be mailed by the Town Clerk on March 6 to the applicant, Town Supervisor Anne Geddes-Atwell, New York State Department of Transportation, Department of Environmental Conservation, Historic Preservation Office, U.S. Army Corps of Engineers, Otsego County Planning Department, and Town of Springfield. Copies also went into the file. Attorney Kennedy submitted the documents electronically to the *Environmental Notices Bulletin*.

McManus said that he deals with a lot of Boards, and praised Deane for his excellent minutes in comparison to those of others. Borgstrom returned to the meeting table.

#### **OTHER BUSINESS**

Steve Purcell moved to appoint Jim Ferrari as Planning Board attorney effective April 1, and Doug Greene seconded the motion. Considerable discussion followed. Rosemary Craig said that Michelle Kennedy had been working hard and doing a fine job, but that the Planning Board needed to correct the Town Board's mistake of dismissing Ferrari and appointing Kennedy. Scottie Baker agreed, saying that Kennedy was instrumental in the proper procedures during the Galati application, and adding that she had not heard Ferrari give the Board any advice during her tenure. Tom Huntsman said that Kennedy was hard-working and conscientious, and "a tool of the process, not the problem." Chairman Borgstrom said that in some cases it may be problematic to have the same attorney as the Town Board, and added that it bothers her that Kennedy allowed this situation to happen. Greene said that, if the motion is passed, he hopes Ferrari will be more proactive and engaged than in the past. The motion was approved, 4-1, with Huntsman opposed and Baker abstaining.

Doug Greene reminded the Board about training opportunities.

Zoning Enforcement Officer Austin said there was no formal ZEO report, as business has been very slow. He discussed the B&B Ranch, which is in violation of its special use permit, but on which he has been advised by the Town Board and Attorney to take no action. Austin also discussed the Addison Bissell situation. Bissell has submitted documentation that he has been operating continuously as a bed & breakfast since 1994. According to a four-page memo from Attorney Kennedy, this makes him "grandfathered" from the special permit requirements for a bed & breakfast.

Scottie Baker suggested adopting a policy to cap the length of Planning Board meetings. After discussion, there was no consensus reached on the matter.

Bill Deane and Zoning Enforcement Officer Austin discussed the April 2, 2013 agenda. At this point, there are no applications for the agenda.

With no further business, at 9:52, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk