

Town of Otsego Planning Board

Minutes – March 6, 2012

PUBLIC HEARINGS

Steve & M. J. Harris (Susan Snell/Jon McManus) – Site plan review, special permitted use, conversion of house into motel – 398 Wiley Town Road (#112.00-1-24.22)

Joe Galati recused himself from the hearing and went to the public side of the meeting table, with alternate member Scottie Baker replacing him. Acting Chairman Donna Borgstrom called the Harris public hearing to order at 7:02 PM, and asked if anyone from the audience had any questions or comments. No one responded. Paul Lord moved to close the public hearing. Joe Potrikus seconded the motion and it was approved, 6-0 (Tom Huntsman arrived after the vote).

Joe Galati – Site plan review, special permitted use, conversion of Hickory Grove Inn into motel – 6718 State Highway 80 (#69.44-1-5.00)

Joe Galati recused himself from the hearing and remained on the public side of the meeting table, with alternate member Scottie Baker replacing him. Acting Chairman Donna Borgstrom called the Galati public hearing to order at 7:03 PM, and asked the applicant to give a brief summary of the project for the benefit of the audience. Galati did so, displaying the plans on an easel. Borgstrom asked if anyone from the audience had any questions.

Scott Barton, owner of the Hickory Grove Motor Inn across the road, asked the purpose of the proposed apartments. Galati said they were for transient rentals.

Carol Taylor of 114 Badger Lane asked about the size of the proposed apartments. Galati said they were fully-furnished one- and two-bedroom apartments, accommodating four to six people each. Taylor asked if they were for Cooperstown Dreams Park people. Galati said they were for whoever wants to rent them.

Charlotte Hall of 110 Pine Ridge Road asked why other neighbors were not notified about the public hearing, and noted that many people are attend at this time of year. Clerk Bill Deane said that he had notified all neighbors within 200 feet of the applicant's subject property, as required, inviting them to write in if they were not able to attend (none did), and also advertised the hearing in the Oneonta *Daily Star*. Hall also asked about the potential noise problem. Galati said that he was acutely aware of noise issues, and would do his best to keep it to a minimum, but could offer no guarantees.

Bob Damico asked about the guests' access to Otsego Lake. Galati said they would have the same access privileges as others who own property along the Lake. Damico asked if there would be a property manager on site. Galati said there would be a caretaker on premises along with "24-7" surveillance.

James Bell of 6844 State Highway 80 asked if Galati owns "The Point," which has access to the Lake. Galati said he did, but that it is not part of the application. Bell said he disputes Galati's ownership.

With no further questions, Borgstrom asked if anyone from the audience had any comments.

James Bell read aloud a March 6 letter (filed) he had written. He said that an "Inn" should have food and drink, thus that Galati should apply for a use variance. Bell

cited conformance, traffic, and safety concerns, and said that the application represented “an obscene interpretation of the heirloom barn law.” He said that if the application were approved, he and other neighbors would appeal through the courts.

Kathy Chase of 250 Red House Hill Road read aloud a letter (filed) she and her husband, Tom, had written. She cited concerns about change to the character of the neighborhood, the large scope of the project, nuisances, noise and light pollution. She said a hotel should not be allowed, and the number of people allowed for the previous commercial venture has no relevance to this use.

Charlotte Hall read aloud a letter (filed) she had written. She cited concerns about noise and light pollution, potential hazardous materials (e.g., asbestos, lead paint), density, slope, congestion, property values, and compromise of the Historic District. She urged the Board to take a “hard look” during the State Environmental Quality Review Act (SEQRA) process.

Ellen Pope, Executive Director of Otsego 2000, said she was happy that the Hickory Grove building might be saved, but has significant concerns about the Historic District and preserving architectural integrity. She said she would be happy to consult with the applicant on these issues.

Jon McManus of 466 Petkewec Road said that it was refreshing in today’s economy that someone would take the time and money to make capital improvements and increase the tax base.

Rima Shamieh, an employee of the Otsego County Conservation Association (OCCA), relayed concerns brought to her attention by others, including storm-water runoff, erosion, water quality, traffic impact, increase in impermeable surfaces, and increase in Lake access. She urged a hard look at SEQRA.

Cheryl Taylor expressed concern about the impact of construction on the nearby beaver ponds.

Kathy Chase read aloud an e-mail (filed) reputedly from Sue Ann Goodwin of 104 Badger Lane. It cited concerns about historic preservation and access to The Point.

Borgstrom noted that a notice addressed to R. B. Seaver Marital Trust had been returned to sender.

With no further comments, at 7:40 Joe Potrikus moved to close the hearing. Rosemary Craig seconded the motion and it was approved, 7-0. Borgstrom thanked the public and called for a brief break.

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 Joe Galati returned to the members’ side of the table and called the meeting to order at 7:48 PM. Roll call was taken by clerk Bill Deane. All members were present: Galati, Donna Borgstrom (Vice-Chairman), Paul Lord, Joe Potrikus, Steve Purcell, Tom Huntsman, and Rosemary Craig. Alternate member Scottie Baker, Zoning Enforcement Officer Hank Schecher, and Planning Board Attorney Jim Ferrari were also present.

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

The only correspondence received since the last meeting was the Winter 2012

issue of the New York Planning Federation's *Planning News*, copies of which Chairman Galati passed around.

Schecher distributed copies of his Zoning Enforcement Officer report (filed). It listed four applications pending Planning Board and/or Zoning Board of Appeals (ZBA) review.

Chairman Galati asked if there were any public comments on non-agenda items. Jon McManus read aloud from SEQRA Sections 617.3 (h) and 617.6 (a), specifying the Board's responsibility to expedite the SEQR process.

The Board moved on to applications.

APPLICATIONS

Steve & M. J. Harris (Susan Snell/Jon McManus) – Site plan review, special permitted use, conversion of house into motel – 398 Wiley Town Road (#112.00-1-24.22)

Joe Galati recused himself from the application and went to the public side of the meeting table, with alternate member Scottie Baker replacing him. Acting Chairman Borgstrom read aloud from the February 7 minutes relevant to the Harris application.

Architect Susan Snell said there had been no changes to the application. After brief review, Joe Potrikus moved to deem this a Type II action per SEQRA Section 617.5(c)(7). Paul Lord seconded the motion and it was approved, 7-0.

With member input, acting Chairman Borgstrom went through the site plan requirements in Section 8.05 of the *Land Use Law*. She wondered whether a referral to the County should be done, but after discussion, the consensus was that it was not necessary.

Joe Potrikus moved to approve the site plan as submitted and the special permitted use for a motel. Steve Purcell seconded the motion and it was approved, 7-0. Borgstrom stamped the site plan "approved" and signed it. Clerk Bill Deane prepared a special permit which Borgstrom also signed; Deane made a copy for the file and gave the original and two copies to the applicant.

Joe Galati – Site plan review, special permitted use, conversion of Hickory Grove Inn into motel – 6718 State Highway 80 (#69.44-1-5.00)

Joe Galati recused himself from the application and remained on the public side of the meeting table, with alternate member Scottie Baker replacing him. Paul Lord read aloud from the February 7 minutes relevant to the Galati application. Bill Deane read aloud from the minutes (not yet approved) of the February 21 ZBA meeting, during which a public hearing was held and Galati's area variance (for construction of a porch within the front-yard setback) was approved.

Galati submitted copies of a revised (March 6) site plan. The revisions were that the garage was changed to a non-residential use, with the caretaker's quarters moved to the main building; also, the septic system was described. Lord said that this site plan was not what the Board had deemed complete or held a public hearing on. After discussion, the consensus of the Board was that the revisions were not significant.

Galati submitted copies of the use variance granted to the property's previous owner in 2000, and a June 17, 2008 memo from Attorney Jim Ferrari to Zoning Enforcement Officer John Stucin, stating that the property was not subject to the two-year

dormancy provision of the *Land Use Law*.

Steve Purcell asked about drainage. Galati said he would be installing dry wells. He said that less than one acre would be disturbed, thus that no storm-water pollution prevention plan (SWPPP) was necessary. Galati said he would do an erosion control plan when the contractors begin excavation.

Joe Potrikus asked about proposed renters, and how the project would compare with neighboring facilities, such as the Hickory Grove Motor Inn across the street, or the Lake View Motel a quarter-mile down the road. Galati said it would be open year-round for weekly and monthly rentals. He said the lot coverage of his facility would be only 6%, as compared to the 18% of the Hickory Grove Motor Inn.

Lord asked if Galati had heard anything during the public hearing which would cause his reconsideration of any aspect of the project. Galati said he had not. Lord said that the “heirloom barns” provision in Section 3.15 of the *Land Use Law*, which he co-authored, was an opportunity, not a right. However, he later added that the Hickory Grove was one of the properties he had in mind when he drafted the law. Lord asked for Galati’s responses to some of the concerns raised, and criteria of the law:

- Lake access rights – Galati said his Lake access property, The Point, has nothing to do with his application. He said that no one’s rights would be interfered with, and it would be in his as well as his neighbors’ best interests to keep that property pristine.
- Caretaker on site – Galati said he has designated accommodations for a caretaker, and there will be one on premises if the business succeeds. There will also be surveillance.
- Masking of parking – Galati said the building would block the view of parking from the east side, and a hedgerow would block it on the west side, which is unoccupied.
- Food and drink? – Galati itemized what was previously approved when the Hickory Grove was a restaurant and tavern, and said his project would have less impact. He said he would have no problem with the Board’s restricting him from using the property as a restaurant/tavern.
- Aesthetics – Galati said that, without his intervention, the building would probably collapse within two years. He plans to preserve whatever is preservable, within comfort and expense limitations. Galati gave examples of other local properties he had improved.
- Erosion – Galati said he would comply with Department of Environmental Conservation (DEC) regulations.
- Late noise – Galati said his caretaker would be instructed to enforce noise control after 10 PM.

Tom Huntsman asked Ellen Pope to elaborate on her comment during the public hearing about architectural concerns. Pope mentioned the Greek Revival pilasters, the replacement of clapboard with vinyl siding, and the planned removal of windows. Galati said that he was not planning a restoration, and preserving the existing windows would not be practical, economically or energy-wise. He said he could not afford to repaint the whole building every seven years.

Rosemary Craig acknowledged the legitimate concerns of neighbors, but said that the Board has to go by the laws.

Potrikus asked whether there would be a lifeguard at the pool. Galati said he was not required to have one. Potrikus also asked about lighting. Galati said this was addressed on his site plan: he would use down-lit lighting, compliant with the Dark Sky Society.

Baker asked about the guests' use of the Lake. Galati said that he thought the neighbors were exaggerating the potential impact. Baker also asked about guests parking on Red House Hill Road. Galati said that was against the law, and he would not allow his guests to do that. He said that the New York State Department of Transportation had no issue, since the access is not from the state highway.

Borgstrom noted that she had notified the County Planning Department about the application, due to the proximity to State Highway 80. They had found "no significant countywide impact or inter-community impacts." They asked to be notified about the Board's decision (mailed by Deane, March 7).

Purcell asked about potential hazardous materials unearthed during construction. Galati said appropriate precautions were being taken, and no asbestos or lead paint had been discovered. Purcell also asked about the color of the roof. Galati said it would be a neutral color, bronze or gray.

The Board discussed SEQRA. Potrikus moved to declare lead agency status for the Town Planning Board. Craig seconded the motion and it was approved, 7-0. Baker moved to declare this a Type II action per Section 617.5(c)(2) and -(7). Potrikus seconded the motion and it was approved, 7-0. Thus, no environmental assessment form (EAF) is needed.

With member input, acting Chairman Borgstrom went through the heirloom barn and site plan requirements in Sections 3.15 and 8.05 of the *Land Use Law*. Galati said he had not yet paid the site plan and special permitted use fees; he gave \$50 for that purpose to Zoning Enforcement Officer Schecher. Purcell commented on the ambiguity of the term "minimum" when assessing impact of a project. Attorney Ferrari, referring to neighbors' concerns about Dreams Park guests, said that the Board should regulate the use, not the users.

On a few occasions, members of the audience interrupted with comments. Acting Chairman Borgstrom reminded them that the public hearing was over.

Lord suggested that the Board wait until next month to make a decision on the application, giving them time to ponder the various issues and comments. No one followed up on the suggestion.

Potrikus began a motion to approve the application. Lord asked Attorney Ferrari for guidance on how the motion could be structured. Ferrari reminded the Board that, when making a decision, their options would be to approve the application, approve it with conditions, or deny it.

Potrikus moved to approve the site plan as submitted with modifications, directing that the applicant restore the pilasters consistent with Greek Revival architecture. Purcell seconded the motion and it was approved, 7-0.

Lord moved to approve the special permitted use for a motel, stipulating that the applicant is not to sell food or liquor to the public, and that guest parking on the adjoining roadways would be discouraged. Potrikus seconded the motion and it was approved, 7-0. Borgstrom stamped the site plan "approved" and signed it. Clerk Bill Deane prepared a special permit which Borgstrom also signed; Deane made a copy for

the file and gave the original and a copy to the applicant. Galati returned to the meeting table.

New York Land & Lakes (Alan Lord) – Sketch plan conference, major subdivision – Thayer Road (#97.00-1-7.00, -8.01, -8.02 & -9.00)

No one appeared on behalf of this sketch plan. Per Zoning Enforcement Officer Schecher, it will be removed from the agenda until further notice.

OTHER BUSINESS

Chairman Galati said he would forward the minutes of the February 29 joint workshop. Joe Potrikus commented that it was a well-done meeting. Others agreed.

Town Supervisor Anne Geddes-Atwell brought up the New York Planning Confederation Conference to be held in Saratoga Springs on April 16-17. One member of the ZBA is interested in attending, and if a male Planning Board member wanted to join him, they could share a hotel room and save the Town some money. Scottie Baker said that she had already made plans to attend.

Attorney Ferrari said that he had met with Lang Keith and discussed the Village of Cooperstown project.

Bill Deane discussed the April 3 agenda. At this point the only item is the request to extend the LLIB conditional approval.

Paul Lord said that Jon McManus had made a good comment about SEQRA earlier in the meeting, but that a Department of State training session contradicted this information. Chairman Galati said the solution would be to have applicants complete the long form EAF.

With no further business, at 9:50, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane
Planning Board Clerk