

# Town of Otsego Planning Board

Minutes – April 3, 2012

## 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. Acting Chairman Donna Borgstrom called the meeting to order at 7:00 PM, and roll call was taken by clerk Bill Deane. Members present were Borgstrom (Vice-Chairman), Paul Lord, Rosemary Craig, Joe Potrikus, and Tom Huntsman (Potrikus arrived at 7:07 and Huntsman at 7:20, both during the Bohm application). With Chairman Joe Galati and Steve Purcell absent, alternate member Scottie Baker joined the meeting table. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of March 6, e-mailed to the members. Bill Deane noted the e-mail exchange between James Bell and him, in which Bell claimed that Deane misrepresented the facts. Craig moved to approve the minutes as written. Baker seconded the motion and it was approved, 4-0.

Acting Chairman Borgstrom distributed copies of correspondence received since the last meeting:

- Fliers from Lorman Educational Services about an audio conference, “Sewer System Overflow Prevention and Maintenance,” to be held on April 26.
- Fliers from Lorman Educational Services about a presentation, “Public Contract Law and Competitive Bidding,” to be held in Latham on June 8.
- Revised copies of the Town’s *Code of Ethics*.

Schecher distributed copies of his April 3 Zoning Enforcement Officer report (filed). It listed one land use permit issued and two applications pending Planning Board review.

Acting Chairman Borgstrom asked if there were any public comments on non-agenda items. No one responded. The Board moved on to applications.

## **APPLICATIONS**

**Robert Bohm (Susan Snell) – Sketch plan conference, lot line adjustments/special permitted uses (short-term rentals) – 6176-6182 State Highway 28 (#114.05-1-38.01, -38.02 & -39.00)**

Applicant Robert Bohm owns three contiguous lots of approximately 12, 1.75, and .25 acres, including three houses and two historic barns. He wants to take advantage of the “Heirloom Barn” law and convert the buildings into short-term rental sites, doing lot line adjustments as necessary. Architect Susan Snell distributed copies of a sketch plan application package, including a site map, photos, and proposed floor plans.

Snell said that there is conflicting information as to what land use district the properties are on. The Town’s web-site says they are in the Hamlet Residential district, whose minimum lot size is one acre. The Town map, the “official” source, has the area colored in light blue, but there is no key as to what that color represents. Acting Chairman Borgstrom suggested the properties may be in the Residential-Agricultural 1 (RA1) district, whose minimum lot size is three acres. The Planning Board members were unable to determine what district the properties are on, and said they could not proceed on an application without resolving that.

Snell asked about doing additions to the buildings. Paul Lord said that the intent of the Heirloom Barn law is to preserve the historic structures with minimal aesthetic change.

Lord moved to direct the applicant to the Town's Zoning Board of Appeals (ZBA) for interpretation of what district the properties are in, so that the Planning Board can properly process a site plan application on these properties. Rosemary Craig seconded the motion and it was approved, 6-0.

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

Rosemary Craig recused herself from this application and went to the public side of the meeting table. Acting Chairman Borgstrom referred to the minutes of January 3 and February 7, and said that applicant Bill Miller is requesting another 90-day extension to his conditional approval of the LLIB application, which currently runs through April 27.

After discussion, Joe Potrikus moved to extend the conditional approval another 90 days, through July 26, 2012. Tom Huntsman seconded the motion and it was approved, 5-0. Borgstrom said that Miller would have to request inclusion on the July agenda if he wants another extension. Craig returned to the meeting table.

**Joe Galati – Site plan review, special permitted use, The Inn at Hickory Grove – 6718 State Highway 80 (#69.44-1-5.00)**

Applicant Joe Galati was not present. Paul Lord read aloud from the March 6 minutes relevant to his previous application. The Board had approved his site plan and special permitted use for a 12-unit motel.

Acting Chairman Borgstrom said that the Board had made an oversight in approving the application, as the property does not meet the minimum lot size of three acres for a motel with more than eight units. She had discussed this with Attorney Ferrari and the applicant. She read aloud an April 3 letter (filed) from Galati, in which he said he was relinquishing and returning his approved site plan and special permit, and said that they should be treated as "null and void." He also said he was tabling his modified application at this point.

Paul Lord moved to nullify the Board's March 6 site plan approval and special permit. Scottie Baker seconded the motion and it was approved, 6-0. Borgstrom asked Bill Deane to draft a formal resolution for her signature.

Lord reminded the Board of his suggestion last month that they wait until April to make a decision. Had they done so, the oversight might have been averted.

Acting Chairman Borgstrom noted receipt of two unsigned letters regarding the approval, from Frank & Katherine Stabile (March 21) and David & Debra Creedon (March 28). She also noted a March 22 memo received from Galati, in which he corrected his previous statement about the property's Historic District status, saying it was a "contributing structure with no restrictions." All correspondence was filed.

**OTHER BUSINESS**

Bill Deane and Zoning Enforcement Officer Schecher discussed the May 1 agenda. At this point the only item is a continuation of the Bohm sketch plan

conference. Deane reminded the Board that the 7:30 start time would be resumed for this meeting. Paul Lord said that he would draft a By-Laws modification addressing the schedule changes.

Scottie Baker asked questions about recusal during applications, addressed in the revised *Code of Ethics*.

Kent Barwick wondered if he could ask a question of the Board. Acting Chairman Borgstrom explained that this was not a public hearing, but Barwick asked questions about the Galati application nonetheless. Borgstrom explained that the entire application process and result had been nullified.

Acting Borgstrom called for a brief recess at 7:56. She resumed the meeting at 8:03.

The Board discussed the Village of Cooperstown project. Zoning Enforcement Officer Schecher issued a “stop work” order on the project, and the Town Board is responsible for enforcing it. Attorney Ferrari said that the Planning Board had done everything correctly and everything possible on the application.

Paul Lord expressed his strong frustration and disappointment with the Village, the Town Board, and the media on this matter. Due to “political deals,” the Planning Board has received strong pressure to approve the Village’s application without their undergoing the same processes required of all other applicants. Lord said that, by law, as long as the Village is in non-compliance on this application, they cannot come before the Board with any other applications. Acting Chairman Borgstrom and Joe Potrikus expressed agreement with Lord on all points.

With no further business, at 8:08, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane  
Planning Board Clerk