

# Town of Otsego Planning Board

Minutes – April 6, 2010

## 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. Vice-Chairman Donna Borgstrom called the meeting to order at 7:30 PM, and roll call was taken by Clerk Bill Deane. Members present were Borgstrom, John Phillips, Joe Galati, Doug Greene, and Wes Ciampo. Chairman Paul Lord, Steve Purcell, and alternate member Joe Potrikus were absent. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of March 2, 2010, e-mailed to the members. Phillips moved to approve the minutes as written. Galati seconded the motion and it was approved, 5-0.

Acting Chairman Borgstrom reviewed correspondence received since the last meeting:

- The March/April 2010 issue of *Talk of the Towns&Topics*, copies of which were distributed to members.
- An e-mail (copies distributed) from Terry Bliss of Otsego County, regarding training sessions to be held in Cooperstown on April 21, April 28, and May 5.
- An information card (passed around) on the 2010 Low Income Forum for Energy statewide conference, to be held at Albany, May 18-19.
- An information card (passed around) on the 2010 GIS Conference, to be held at Saratoga Springs, October 24-26.

Zoning Enforcement Officer Schecher distributed copies of his April 5 report (filed). It itemized four land use permits issued, and six applications pending Planning Board or other review.

Acting Chairman Borgstrom 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 (Les Sittler) – Minor subdivision – Bristol Road (#112.00-1-13.01)**

No one appeared on behalf of this application.

### **Village of Cooperstown (Brian Clancy) – Site plan modification, pavilion within 100 feet of Otsego Lake – 6266 State Highway 80 (#84.00-1-26.00)**

Superintendent of Public Works Brian Clancy represented the Village of Cooperstown. The Village had previously submitted a site plan for a handicap-access ramp at Three-Mile Point, and it was approved by the Board on April 10, 2007. Since then, the Village has revised the project, making it approximately half the size originally submitted. The consensus of the Board was that an application for site plan modification should be submitted.

Clancy submitted a drawing of the revised ramp, which was reviewed by the Board. He said that construction would take about two weeks, and that there would be no landscaping. Clancy said that the Village's DEC permit had expired, and they have applied for a new one. Joe Galati asked Clancy to send the Board a copy of the new permit when received.

The Board reviewed the State Environmental Quality Review Act (SEQRA) regulations. Wes Ciampo moved to deem this a Type II action under SEQRA Section 617.5(c)(7), as used for the 2007 application. John Phillips seconded the motion and it was approved, 5-0.

Phillips moved to waive the requirements for a survey and public hearing, noting that the applicant was reducing the scope of a project already approved by the Board. Galati seconded the motion and it was approved, 5-0.

Doug Greene moved to deem the application complete and approve the site plan modification as submitted. Phillips seconded the motion and it was approved, 5-0. Acting Chairman Borgstrom stamped the site plan “approved” and signed it.

**Englewood LLC (Jon McManus) – Site plan review, residential use of historic structure – 4983 State Highway 28 (#146.00-2-18.00)**

Representative Jon McManus said Englewood was withdrawing this application, and working on a different one to bring to the Board in May.

**LLIB, LLC (Jon McManus) – Sketch plan conference, Reiss major subdivision – County Highway 28, Pierstown (#84.00-1-15.62)**

Bill Miller, owner of LLIB, LLC, was accompanied by engineer Jon McManus. Joe Galati recused himself from this application and left the meeting table, per his February 2 memo.

LLIB owns an 11.2-acre parcel above Otsego Lake in Pierstown. Miller and McManus submitted a sketch showing a potential subdivision of the parcel into three lots of approximately 4.2, 3.9, and 3.1 acres, respectively. Because the parcel is part of a previous subdivision, this would represent a major subdivision.

Miller said that he is considering dividing the parcel into four lots, which he believes would be permissible under the “bonus lot” provision of Section 2.12 of the *Land Use Law*. Doug Greene said that law applies only to cluster subdivisions, and he does not think this subdivision would qualify. Acting Chairman Borgstrom agreed with Greene, in which case the three-acre minimum lot size would apply.

Attorney Bob Birch spoke up, saying that he is representing three neighbors (also in attendance) of the property. Birch said there were restrictive deed covenants, preventing further subdivision of the property. He said he wanted to save everyone the time and trouble of proceeding on an application which was not viable. McManus said his client is aware of the potential issues, but wants to go forward with the application. Borgstrom cut off further input from Birch, pointing out that this was a sketch plan conference, not a public hearing.

Wes Ciampo read from the New York State Department of State rules, which say that local planning boards are to ignore deed covenants in issuing decisions. The Planning Board interprets local laws, not private covenants, which are a civil matter.

After considerable discussion, the Board agreed that there were a lot of issues with the proposed subdivision, including lot sizes, roads, frontage, and slope. John Phillips suggested that Board members be given an opportunity to walk the property, to better understand the situation. Attorney Ferrari said that such a fact-finding tour would not require public notice.

Borgstrom suggested that Miller and McManus go “back to the drawing board” in presenting a plan that addressed these issues. McManus asked to be put on the May agenda.

Borgstrom acknowledged receipt of unsolicited e-mails from neighbors Jack Drumm and Robert & Patricia Hanft, objecting to the application. The e-mails were forwarded to the Board members, and copies were put in the file.

**Joe Galati – Site plan review, expansion of existing house within 100 feet of Otsego Lake – 6688 State Highway 80 (#69.76-1-9.00)**

Joe Galati remained on the public side of the meeting table to present his application. Bill Deane reminded the Board that, with only four voting members, a unanimous vote would be needed to approve any motion. Galati wants to expand an existing house within 100 feet of Otsego Lake. The proposed house would have 4,365 square feet of living space, about 1,500 of which would be new.

Deane read from the Zoning Board of Appeals minutes (not yet approved) of February 16. During that meeting, a public hearing was held with only one neighbor, David Brenner, appearing. Brenner spoke at length, but his only real concern was the proposed height of the

building, which appeared to exceed the 40 feet permitted by the *Land Use Law*. The ZBA granted Galati's area variances for side-yard setbacks (25 feet on the south side, 37 feet on the west/front side, and 24 feet on the east/rear side, in addition to a variance from *Land Use Law* 4.04, prohibiting building within 100 feet of Otsego Lake), but denied a variance on the building height. Brenner expressed satisfaction with the decisions. Galati said that he would be going with a flat roof in order to adhere to the height restriction.

The Planning Board went through the site plan requirements in the *Land Use Law*. Galati submitted a survey, and said that construction would take about 90 days. He answered Doug Greene's questions about mitigation of runoff near the Lake.

Galati submitted a short environmental assessment form (EAF). The Board reviewed the SEQRA regulations. John Phillips moved to deem this a Type II action under SEQRA Section 617.5(c)(9). Doug Greene seconded the motion and it was approved, 4-0.

Phillips moved to waive the requirements for topographic contours, floor plans, elevations, and sections, as the construction will be on an existing structure. Greene seconded the motion and it was approved, 4-0. Greene moved to waive the public hearing, based on the result of the ZBA's hearing. Wes Ciampo seconded the motion and it was approved, 4-0.

Greene moved to deem the application complete and approve the site plan as submitted. Phillips seconded the motion and it was approved, 4-0. Acting Chairman Borgstrom stamped the site plan "approved" and signed it.

## **OTHER BUSINESS**

Joe Galati returned to the meeting table. The Board discussed potential revisions to the *Land Subdivision Regulations*, particularly the requirement for perc tests. Galati argued against eliminating this requirement, and engineer Jon McManus gave input on the issue. The consensus of the Board was that this should remain something to determine on a case-by-case basis, with the option of waiving the requirement. Doug Greene reminded the Board of ideas he presented in the past, regarding steep slopes, access roads, etc. He said that he would e-mail these ideas to the members. Acting Chairman Borgstrom asked that this topic be put back on the agenda for May.

The Board, with input from Attorney Ferrari, discussed the protocol on public comments. The consensus was that nobody wanted to have another situation like the Walker application, where almost every meeting turned into a de facto public hearing.

John Phillips reported on the latest Town Board meeting, saying there was nothing of particular concern to the Planning Board.

Acting Chairman Borgstrom said that Phillips, Steve Purcell, and she had attended the recent SEQRA presentation in Springfield. Greene said that he could do a similar training presentation at some point, if there was interest.

Bill Deane discussed the May 4 agenda. Englewood and LLIB are expected back, and the Bennett Estate may be. Zoning Enforcement Officer Schecher said that he expected an application on the Day minor subdivision on Bissell Road, represented by Les Sittler.

With no further business, at 9:10, Wes Ciampo moved to adjourn the meeting.

Respectfully submitted,

Bill Deane  
Planning Board Clerk