

# Town of Otsego Planning Board

Minutes – May 1, 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. Chairman Joe Galati called the meeting to order at 7:31 PM, and roll call was taken by clerk Bill Deane. All members were present: Galati, Donna Borgstrom (Vice-Chairman), Paul Lord, Steve Purcell, Rosemary Craig, Joe Potrikus, and Tom Huntsman. Alternate member Scottie Baker, Zoning Enforcement Officer Hank Schecher, and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of April 3, e-mailed to the members. Borgstrom moved to approve the minutes as written. Potrikus seconded the motion and it was approved, 7-0.

Chairman Galati distributed copies of correspondence received since the last meeting:

- Fliers from Lorman Educational Services about a presentation, “Public Contract Law and Competitive Bidding,” to be held in Latham on June 8.
- A resolution adopted by the Town Board at an “emergency meeting” on April 17, granting zoning immunity to the Village of Cooperstown’s Intermodal Transit Center (CITC) project.
- A draft from the Town Board, containing proposed housekeeping changes to the *Land Use Law*.

Schecher said he had no Zoning Enforcement Officer report this month.

Chairman Galati asked if there were any public comments on non-agenda items. Tom Huntsman said that he and Scottie Baker had attended the New York Planning Confederation Conference held in Saratoga Springs on April 16-17, and found it to be excellent.

With no applications on the agenda, the Board moved on to other business.

## **OTHER BUSINESS**

Steve Purcell commented on the Town Board’s CITC decision. He said that it appears to him that the Town laws don’t apply equally to everyone. People have approached him, asking him to explain the decision, and suggesting that they will do whatever they want without regard to the Town laws. Purcell feels that the Board’s efforts on this project turned out to be a waste of time.

Tom Huntsman said that the Board should look for lessons to be learned from this case.

Paul Lord said that former Supervisor Tom Breiten was the only Town official involved with the CITC project at the start, and he deferred it to the Planning Board. The following supervisor, Meg Kiernan, did the same thing. Lord added that the Planning Board’s input did result in improvements to the project.

Joe Potrikus agreed with Purcell’s comments. Potrikus said that no one from the Town Board was involved with the Planning Board process until the eleventh hour, and they have given no public support to the Planning Board. He expressed concern about a bad precedent being set.

Donna Borgstrom said that the Planning Board tries to treat every applicant the same. She feels their efforts in this application were all for naught. She questions the applicability of the Monroe case in the Town Board's decision.

Rosemary Craig said that she thinks this decision indicates that rules and "stop-work" orders have no meaning.

Chairman Galati commented on the bogus deadlines which the applicant used to try to rush the Planning Board. He said that the Board is not looking for a villain, but is frustrated at how this turned out.

Town Board member Lang Keith responded to the comments. He said that the State Supreme Court established eight specific criteria for zoning immunity. The Town Board's counsel, Michelle Kennedy, advised them that this project satisfied all eight criteria. With the project at a "crisis point," the Town Board felt that they needed to do this, though they were not happy about it. The Village of Cooperstown was not made aware of the resolution until after it was passed. Keith said that if the Planning Board needed a "villain," he accepted that role.

Attorney Ferrari said the Planning Board should be mindful of three things: (1) that it did its job appropriately; (2) that the zoning immunity provision has "extraordinarily limited application," and would not apply to "John Q. Public"; (3) that, regardless of the Planning Board's opinions, the Town Board had a trump card, and they played it.

Paul Lord distributed his proposed change to the Board's By-Laws, changing the meeting start time to 7:00 from October through April. Lord also wants to address the "conflict of interest" section, and will bring something on that topic next month.

Zoning Enforcement Officer Schecher briefed the Board about the Gene Ellis property in the RA2 district, within 500 feet of Canadarago Lake. Ellis wants to add a 30'x40' two-story (26' high) pole barn on his property. He sought area variances from the Zoning Board of Appeals, but was denied. He apparently plans to go ahead with his project anyway, as he has put in fill in the spot he wants to erect the barn.

Attorney Ferrari brought up the "Resolution Nullifying Approval" on the Joe Galati/Hickory Grove project. Bill Deane drafted the resolution with Ferrari's input, acting Chairman Donna Borgstrom signed it, and it was hand-delivered to Galati, with copies for the file.

Bill Deane discussed the June 5 agenda. As of now, there are no applications on it.

With no further business, at 8:02, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane  
Planning Board Clerk