

Town of Otsego Planning Board

Minutes – May 4, 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. Chairman Paul Lord called the meeting to order at 7:30 PM, and roll call was taken by Clerk Bill Deane. Members present were Lord, John Phillips, Joe Galati, Doug Greene, Wes Ciampo, Steve Purcell, and alternate member Joe Potrikus, who joined the meeting table due to the absence of Vice-Chairman Donna Borgstrom. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of April 6, 2010, e-mailed to the members. Phillips moved to approve the minutes as written. Greene seconded the motion and it was approved, 6-0, with Potrikus abstaining because he was not present for that meeting.

Chairman Lord reviewed correspondence received since the last meeting:

- Letters (distributed) from Bond, Schoeneck & King, PLLC, advertising a program, “Case Law Update on Zoning and Planning,” to be held at Cooperstown on May 25.
- Letters (distributed) from Lorman Education Services, advertising a program, “Administration and Enforcement of Wetlands in New York,” to be held at East Syracuse on July 13. A DVD of the program will also be made available.
- The Winter 2009/2010 issue (passed around) of the *Biological Field Station Reporter*.

Zoning Enforcement Officer Schecher distributed copies of his May 4 report (filed). It itemized two land use permits issued, and seven applications pending Planning Board and/or other review, plus one item to be discussed under “other business.”

Chairman Lord 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)

Attorney Les Sittler said the Bennett application was being withdrawn for tonight, and possibly entirely. He said he would let the Board know whether or not it should be returned to the agenda.

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

Joe Galati recused himself from this application and left the meeting table, per his February 2 memo. John Phillips read aloud the minutes of March 2 relevant to this application.

Representative Jon McManus said that the applicant now wants to use the building as a single-family dwelling, which is a special permitted use in the GB2 district, permissible at the Board’s discretion under new *Land Use Law* Section 3.15 (heirloom

barns and buildings). McManus distributed new application packages, which were reviewed by the members. Among the changes is a new septic system.

Chairman Lord discussed pros and cons of the project. While it will not be a business, therefore representing a non-conforming use, it will be in character with the neighborhood, and will be a simpler application. Doug Greene remarked that it would do everything Section 3.15 intended.

Lord noted that the lot would now have two principal buildings, meaning it must be subdividable, per *Land Use Law* Section 3.04. John Phillips pointed out that the shared water issue would be addressed by the Planning Board if the subdivision were ever done. McManus penciled in a potential subdivision line and well location on the site plan.

The Board reviewed the State Environmental Quality Review Act (SEQRA) regulations. Steve Purcell moved to deem this a Type II action under SEQRA Section 617.5(c)(9). Joe Potrikus seconded the motion and it was approved, 6-0.

Greene moved to deem the application complete. Wes Ciampo seconded the motion and it was approved, 6-0.

Greene moved to waive the public hearing because the project is compatible with the area, and there are no concerns to neighbors. Phillips seconded the motion, and discussion followed. The motion was defeated, 4-2, with only Greene and Phillips in favor. Purcell then moved to schedule a public hearing for June 1. Potrikus seconded the motion and it was approved, 6-0.

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

Joe Galati recused himself from this application and remained away from the meeting table, per his February 2 memo. John Phillips read aloud the minutes of April 6 relevant to this application.

Bill Miller, owner of LLIB, LLC, was accompanied by engineer Jon McManus. The current application shows the 11.18-acre lot being divided into three parcels of 4.20, 3.67, and 3.31 acres, respectively. McManus presented three potential road designs. Options #1 (producing 43,888 square feet of impervious surface) and #2 (32,732) are fully compliant with the existing laws; option #2 (24,897) would require waivers from the Board. Chairman Lord said the latter was not an option, as the Board does not have the latitude to waive the Donovan specifications for roads. The Board examined the road laws and Donovan specs. Doug Greene said the Board would need information on grading and other issues, not just impervious surfaces, before deciding which of the two remaining options was preferable.

Chairman Lord asked McManus to set up flags on the property, illustrating the two potential roadways, and Phillips asked Miller to grant Board members permission to walk the property after this was done. Both agreed. The application will be back on the June 1 agenda.

Gerald & Joan Day (Les Sittler) – Minor subdivision – 351 Bissell Road (#113.00-1-44.01)

Joe Galati returned to the meeting table. Attorney Les Sittler said he was representing applicants Gerald and Joan Day. He submitted a survey map, showing a

proposed split of 4.05 acres from a 125.69-acre parcel. Zoning Enforcement Officer Schecher consulted the 1987 map and determined that there had been one previous split on this parcel (1996), thus that this would be a minor subdivision.

Sittler amended the short Environmental Assessment Form (EAF) he had submitted. Chairman Lord completed the Planning Board section with member input. Joe Potrikus moved to declare a negative declaration and authorize the chairman to sign the form. Steve Purcell seconded the motion, it was approved, 7-0, and Lord signed the EAF.

Bill Deane asked whether the property is in the Agricultural District, requiring a list of neighbors within 500 feet. Zoning Enforcement Officer Schecher, accompanied by Phillips and Wes Ciampo, checked the Town map and determined that the property is not in the Ag District.

John Phillips went through the subdivision application requirements. The consensus of the Board was that the only missing information was the location of the septic system on the plat, and payment of the \$175 subdivision application fee. Joe Galati moved to deem the application complete, contingent on these items being submitted by May 18, and to schedule a public hearing for June 1. Joe Potrikus seconded the motion and it was approved, 7-0.

CLA (Peter Loyola) – Sketch plan conference, Cooperstown Gateway Project – Linden Avenue

Peter Loyola, representing the Village of Cooperstown (authorization letter filed), returned to update the Board on the CLA project. Chairman Lord reminded the Board about the previous activity on this application, and John Phillips read aloud from the most recent relevant minutes (July 7, 2009). Lord said that the Village intends to request lead agency status, in which case the Town Planning Board – by adhering to its previous edict (not dealing with the applicant until authorization letters had been received from all affected landowners) – might forfeit its opportunity to express concerns.

Loyola displayed the current site plan on an easel. He said there had been revisions due to some loss of funding, and that the remaining funding was contingent on the Village having construction documents completed by September 30. The main changes are a reduction on the number of parking spaces (from 477 to 347), and an information kiosk rather than a furnished welcome center building. Loyola submitted a list of landowners contacted, and said that the final design report and transportation project report had been submitted. The Board examined the site plan.

Wes Ciampo noted that there was no provision for bus or RV parking. Lord and Joe Galati reiterated concerns about the abruptly-ending sidewalk, saying that walking directions should be clearly marked. Phillips suggested underground utilities. Lord suggested the Board focus on the parking lots and movement of the ballfield, noting lack of detail on lighting plans (LED?), storm-water plans, and a timeline. Galati said that, at one time, the Department of Transportation had mandated a traffic light at the Linden Avenue intersection, but it was dropped due to funding problems.

Lord advised Loyola to return to the June 1 meeting, bringing as much of the site plan requirements (from *Land Use Law* Section 8.04) as possible.

Robert Jalbert – Site plan review, replacement of existing house within 100 feet of

Canadarago Lake – 2259 County Highway 22 (#38.16-2-5.00)

Joe Galati recused himself from this application and left the meeting table, per his February 2 memo. Bill Deane read aloud the minutes (not yet approved) of the April 20 Zoning Board of Appeals (ZBA) meeting. Applicant Robert Jalbert plans to raze an existing house located within 100 feet of Canadarago Lake, and replace it with a new one. The new house will have the same-sized footprint, but have one fewer story, and be farther away from the Lake and the property lines. It will also have an upgraded septic system. He has a public hearing scheduled by the ZBA on May 18.

The Board reviewed Jalbert's site plan application package and went through the site plan requirements. Jalbert drew in details on landscaping (shrubs) and shielded lighting on his plat. He said that he had submitted plans to the Army Corps of Engineers, the Department of Environmental Conservation (DEC), and the Department of Transportation (DOT). Chairman Lord said that SEQRA review could wait until after the public hearings.

Doug Greene moved to waive the requirement for topographic contours; to deem the application complete, contingent on erosion control plans and ZBA variances being received by May 18; and to schedule a public hearing for June 1. Steve Purcell seconded the motion and it was approved, 6-0.

Douglas Cannon – Site plan review, expansion of existing camp within 500 feet of Otsego Lake – 6723 State Highway 80 (#69.68-1-10.00)

Joe Galati returned to the meeting table. Bill Deane read aloud the minutes (not yet approved) of the April 20 ZBA meeting. Applicant Douglas Cannon plans to add to an existing camp within 500 feet of Otsego Lake. The current building is within the 30-foot setbacks; though the expansion will not decrease the distances to the property boundaries, it will be within those setbacks, thus requiring ZBA variances. He has a public hearing scheduled by the ZBA on May 18.

Cannon was accompanied by builder Tim Horvath. The Board reviewed Cannon's site plan application package and went through the site plan requirements. Chairman Lord asked what was being done to mitigate the increase in impervious surfaces. Other members pointed out that the increase was only about 60 square feet. Horvath drew in a swale on the site plan.

Wes Ciampo moved to waive the requirements for topographic contours and the location of trees at least 6" in diameter; to deem the application complete, contingent on landscaping plans and ZBA variances being received by May 18; and to schedule a public hearing for June 1. Joe Potrikus seconded the motion and it was approved, 7-0.

OTHER BUSINESS

Zoning Enforcement Officer Schecher brought up an application by Steve Daniels. Daniels wants to add a pole barn to his auto shop complex on State Highway 28, Fly Creek (tax map #114.05-1-64.00). Per *Land Use Law* Section 2.05, "any building in existence on the date this provision is adopted shall be allowed to expand another 2000 square feet... For expansion of existing conforming uses, no special permit shall be required. However, a site plan may be required at the discretion of the Planning Board." After discussion, the consensus of the Board was that no site plan review would be required in this case.

Zoning Enforcement Officer Schecher also asked about another situation. Steve Gadomski owns a lot in the Edmeston School District, and wants to buy one acre of an adjoining lot in the Cooperstown Central School District, to make his children eligible to attend CCS. The consensus of the Board was that he could not do this, because the one-acre lot would not conform to the *Land Use Law*'s acreage requirement.

Chairman Lord reminded the Board about the revised Planning Board By-Laws draft he had distributed in March. Joe Galati moved to adopt this draft as the Board's new By-Laws. Doug Greene seconded the motion and it was approved, 7-0. Lord signed the revised By-Laws.

The Board briefly discussed potential changes to the *Land Subdivision Regulations*. Due to the lateness of the hour, Chairman Lord suggested this be tabled until the next meeting. Doug Greene reminded members that he had e-mailed them recommendations to consider.

John Phillips mentioned a project he is involved with: a one-acre building lot with a small stream running through it. Phillips contacted the DEC, who were unconcerned; however, he was surprised to learn that the Army Corps of Engineers *is* concerned, an example of the ever-increasing regulation of property use. Phillips said that serves as a reminder that the Planning Board and Zoning Enforcement Officer should be alerting property owners of all the agencies they may need to contact.

Bill Deane noted that Doug Greene had tendered his resignation from the Town Planning Board effective after this meeting, due to his joining the County Planning Board. The consensus was that this was a big loss to the Town Planning Board, and members gave Greene a round of applause. He asked to be kept on the e-mail list.

Bill Deane discussed the June 1 agenda. Applicants expected to return are Englewood LLC (public hearing), LLIB LLC, Gerald & Joan Day (public hearing), CLA, Robert Jalbert (public hearing), and Douglas Cannon (public hearing).

With no further business, at 11:22, Wes Ciampo moved to adjourn the meeting.

Respectfully submitted,
Bill Deane
Planning Board Clerk