

Town of Otsego Planning Board

Minutes – June 1, 2010

PUBLIC HEARINGS

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

Chairman Lord called the Engelwood public hearing to order at 7:30 PM, and asked if anyone from the public had questions or comments. No one responded. Donna Borgstrom moved to close the public hearing. Joe Galati seconded the motion and it was approved, 7-0.

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

Chairman Lord called the Day public hearing to order at 7:31 PM, and asked if anyone from the public had questions or comments. No one responded. Donna Borgstrom moved to close the public hearing. Joe Potrikus seconded the motion and it was approved, 7-0.

Robert Jalbert – Site plan review, replacement of existing house within 100 feet of Canadarago Lake – 2259 County Highway 22 (#38.16-2-5.00)

Chairman Lord called the Jalbert public hearing to order at 7:32 PM, and asked if anyone from the public had questions or comments. No one responded. Donna Borgstrom moved to close the public hearing. John Phillips seconded the motion and it was approved, 7-0.

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

Chairman Lord called the Cannon public hearing to order at 7:32 PM, and asked if anyone from the public had questions or comments. No one responded. It was noted that a letter addressed to neighbor Kelly Weaver had been returned to sender due to “no mail receptacle.” Steve Purcell moved to close the public hearing. Donna Borgstrom seconded the motion and it was approved, 7-0.

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 7:33 PM, and roll call was taken by Clerk Bill Deane. Members present were Lord, Donna Borgstrom (Vice-Chairman), John Phillips, Joe Galati, Wes Ciampo, Steve Purcell, and alternate member Joe Potrikus, who joined the meeting table due to the vacancy left by Doug Greene’s resignation. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present (Ferrari left at 10:16 PM).

The Board reviewed the minutes of May 4, 2010, e-mailed to the members. Potrikus said that, on the top of page 3, it should clarify that the proposed traffic light was at the intersection of State Highway 28. Phillips moved to approve the minutes as amended. Ciampo seconded the motion and it was approved, 7-0.

Chairman Lord reviewed correspondence received since the last meeting:

- The Spring 2010 issue of the New York Planning Federation's *Planning News*, copies of which were distributed to the members.
- A copy of a request to the Town Clerk for a copy of the Day Subdivision file.
- A letter from Schlather & Birch, advising the Board that LLIB has been advertising lots for sale before the approval of their pending subdivision application, which is against Town Law. Chairman Lord said that this was a Zoning Enforcement Officer matter.

Zoning Enforcement Officer Schecher distributed copies of his June 1 report (filed). It itemized two land use permits issued, three permits requested, and eight applications pending Planning Board review.

Chairman Lord asked whether anyone from the public had comment on a non-agenda item. No one offered any comments.

The Board moved on to applications.

APPLICATIONS

Engelwood 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. Donna Borgstrom read aloud from the minutes of May 4 relevant to this application.

Representative Jon McManus said that the deck on the building has been rebuilt, and he wants that included in the site plan review. The consensus of the Board was that McManus would simply have to add the deck's dimensions to the site plan.

Borgstrom moved to approve the site plan (including the deck) and special permitted use of an heirloom mill as a residence, provided the deck dimensions are added to the site plan. Joe Potrikus seconded the motion and it was approved, 6-0. McManus will arrange to get together with Chairman Lord to add the dimensions, at which time Lord will stamp the site plan "approved" and sign it, and give McManus his special permit.

LLIB, LLC (Jon McManus) – Upper West Side (Reiss) major subdivision – County Highway 28, Pierstown (#84.00-1-15.62)

Joe Galati recused himself from this application and remained on the public side of the meeting table, per his February 2 memo. Donna Borgstrom read aloud from the minutes of May 4 relevant to this application.

A few members said they had walked through the property. However, no flags had been set up to illustrate the proposed driveway options. After discussion, McManus agreed to set up the flags so interested members could walk the property before the next meeting. He said he would e-mail the members when this was complete. Chairman Lord reminded members that they could not discuss the application during such a site visit.

McManus submitted a site plan utilizing driveway option #2 (submitted at the previous meeting). He said that all proposed construction would be in areas within the 15% steep slope limit, with the steepest grade on the road being 3%. McManus said that they would be widening the road from 16 feet to 28 feet, including five-foot shoulders.

He asked consideration of waiving the Donovan specifications, noting that other nearby Town roads do not conform to those specs. Article 6.1 of the *Land Subdivision Regulations* allows for waivers.

McManus submitted a long environmental assessment form (EAF). Chairman Lord went over the form and had McManus make some amendments. McManus asked that the Planning Board declare lead agency status, and that the application be given preliminary approval and an initial public hearing in July. After review of the Article 5.3 requirements, he said that he would submit final grading and storm-water plans, and a tree count map, in time for that meeting.

John Phillips moved to deem the application complete, contingent on the aforementioned documents being received by June 22, and to schedule a public hearing for July 6. Joe Potrikus seconded the motion and it was approved, 6-0.

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

Joe Galati returned to the meeting table. Donna Borgstrom read aloud from the minutes of May 4 relevant to this application. Representative Les Sittler said that he had paid the \$175 subdivision fee on May 10, and submitted the Mylar and copies.

After brief discussion, Joe Galati moved to approve the Day Subdivision as submitted (May 5, 2010 survey). John Phillips seconded the motion and it was approved, 7-0. Chairman Lord stamped the Mylar and one copy “approved” and signed them. Bill Deane advised Sittler to file the Mylar with the County within 30 days.

Village of Cooperstown (Peter Loyola) – Sketch plan conference, Cooperstown Intermodal Transit Center Project – Linden Avenue

Donna Borgstrom read aloud from the minutes of May 4 relevant to this application. Chairman Lord told representative Peter Loyola that he was here under false pretenses, since no complete site plan application has been submitted. Lord said this would remain a sketch plan conference at this time.

Loyola said that there would be no lot line adjustments or changes in property ownership; all the intrusions on property would be covered by easements. He said that construction would start in April, 2011, and would be completed by April, 2013.

Chairman Lord went through the site plan requirements in Section 8.04 of the *Land Use Law*. Among the items Loyola will need are a list of neighbors within 200 feet of the affected properties; storm-water plans; landscaping plans; and a list of permits and agency contacts required. Loyola said he expected to have the storm-water plans and possibly the rest of that information ready by June 22.

Lord noted that, on May 24, the Village of Cooperstown Board of Trustees had formally expressed its intent to establish lead agency status for State Environmental Quality Review Act (SEQRA) review. Village Attorney Doug Zamelis was present and explained this decision. Joe Galati questioned why the Village should be lead agency, since most of the project is in the Town of Otsego. Zamelis said that the Village is primarily responsible for the undertaking, funding, and approval of the project, which is the SEQRA definition of lead agency. He said that, if the Town challenged the Village’s intent within 30 days of the declaration (by June 23), the Department of Environmental Conservation (DEC) would rule on it. Lord asked the members what they thought about

the issue; most were undecided, due in part to the absence of storm-water plans. It was agreed to schedule a special meeting on June 22 at 7:30, during which they will decide on the lead agency issue and, if applicable, deem the application complete and schedule a public hearing. Bill Deane will advertise the meeting.

Chairman Lord reviewed the EAF submitted. Wes Ciampo asked about hazardous waste produced by the project; Zamelis said that the Village would be responsible for that. The Board reiterated concerns about the end of the sidewalk at Walnut Street. Loyola reviewed progress on the project, and answered questions. He distributed a spreadsheet itemizing lighting options, asking the Board for a recommendation.

The Board discussed the issuance of a special permit for a recreational facility in the RA2 district. They advised Loyola to consult Section 7.03 of the *Land Use Law* and tell the Board exactly what he is seeking.

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. Donna Borgstrom read aloud from the minutes of May 4 relevant to this application. Bill Deane read aloud from the relevant minutes (not yet approved) of the May 18 meeting of the Zoning Board of Appeals (ZBA). During that meeting, a public hearing had been held with no comment, and Jalbert's area variances had been approved.

Applicant Robert Jalbert had submitted a letter, authorizing Jon McManus to represent him, and his erosion control plans. He said he had received approval from the Army Corps of Engineers, and expected approval from the DEC and the State Historic Preservation Office (SHPO) shortly.

The Board discussed the SEQRA requirement. After discussion, Borgstrom moved to deem this a Type II application per Section 617.5(c)(9). Steve Purcell seconded the motion and it was approved, 6-0.

Borgstrom moved to approve the site plan as submitted, with the May 18 supplement. Joe Potrikus seconded the motion and it was approved, 6-0. Chairman Lord stamped the site plan "approved" and signed it.

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. Donna Borgstrom read aloud from the minutes of May 4 relevant to this application. Bill Deane read aloud from the relevant minutes (not yet approved) of the May 18 meeting of the ZBA. During that meeting, a public hearing had been held with no comment, and Cannon's area variances had been approved.

The Board discussed the SEQRA requirement. After discussion, Steve Purcell moved to deem this a Type II application per Section 617.5(c)(10). John Phillips seconded the motion and it was approved, 7-0.

Borgstrom moved to approve the site plan as submitted. Joe Potrikus seconded the motion and it was approved, 7-0. Chairman Lord stamped the site plan "approved" and signed it.

Paul Hofmann (Kurt Ofer) – Sketch plan conference, construction on steep slope – Keys Road (#69.00-1-6.01)

Joe Galati recused himself from this application and left the meeting table, per his February 2 memo. Architect Kurt Ofer, representing applicant Paul Hofmann, described his plan to construct a new single-family residence, about 20% of which would be on a steep slope (18% grade). Chairman Lord said that this would require site plan review. Ofer said no lot line adjustment would be needed, that construction would take about a year, and that there would be no landscaping.

Chairman Lord went through the site plan requirements in Section 8.04 of the *Land Use Law*. Among the items Ofer will need are a letter of authorization; list of neighbors within 200 feet of the property; itemization of tree removal, utilities, lighting, well and septic location; and impervious surface mitigation plans. He will return before the Board on July 6.

Greg O’Neil – Site plan review, special permitted use, hair salon – 200 Cemetery Road (#114.05-1-51.00)

Joe Galati returned to the meeting table. This application was added to the agenda by permission of Chairman Lord.

Applicant Greg O’Neil owns a small house next to his Adirondack Leather Products building. In 2001, he went through the site plan review process, getting a special permit to use the house as an office. He now wants to change the use to a hair salon, operated by a prospective tenant. He submitted a site plan application for that purpose.

Galati moved to deem the application complete and schedule a public hearing for July 6. Steve Purcell seconded the motion, but no vote was taken.

OTHER BUSINESS

Due to the lateness of the hour, Chairman Lord suggested that discussion of potential changes to the *Land Subdivision Regulations* be tabled until the next meeting.

Chairman Lord noted that NYSHA’s totem pole has been advertised on radio as something representing the contents of the museum – essentially, a sign.

The Board engaged in informal discussion about the Cooperstown Intermodal Transit Center Project application.

John Phillips said that there was nothing relevant to the Planning Board discussed at the most recent Town Board meeting.

Wes Ciampo said that there are rumors the state will be regulating outdoor wood furnaces, an issue which may become relevant to the Planning Board.

Chairman Lord asked members how they were doing with their training requirements.

Bill Deane discussed the July 6 agenda. Applicants expected to return are LLIB, Cooperstown Intermodal Transit Center Project, Hofmann, and O’Neil. Zoning Enforcement Officer Schecher added that Leon Kalmus would be returning with an addition to the retaining wall approved last summer.

With no further business, at 11:44, Wes Ciampo moved to adjourn the meeting.

Respectfully submitted,

Planning Board Clerk

Bill Deane