

# Town of Otsego Planning Board

Minutes – June 4, 2013

## 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 Donna Borgstrom called the meeting to order at 7:32 PM, and clerk Bill Deane took roll call. Members present were Borgstrom, Doug Greene (Vice-Chairman), Joe Potrikus, Rosemary Craig, and Tom Huntsman. With Joe Galati and Steve Purcell absent, alternate member Scottie Baker joined the meeting table. Planning Board Attorney Jim Ferrari and Zoning Enforcement Officer Tavis Austin were also present (Austin arrived at 8:25).

The Board reviewed the minutes of May 7, e-mailed to the members. Baker moved to approve the minutes as written. Craig seconded the motion and it was approved, 6-0, with Potrikus noting that he missed the beginning of that meeting.

There was no correspondence received since the last meeting.

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

## APPLICATIONS

### **Steve & Mercedes Gotwald (Kurt Ofer) – Site plan review, addition of screened porch to Leatherstocking Farm Boathouse within 100 feet of Otsego Lake – State Highway 80 (#99.00-1-27.01)**

Applicant Steve Gotwald was accompanied by engineer Kurt Ofer. Gotwald described the proposed project, which he said was “years in the making.” Ofer distributed application booklets, including an e-mail of authorization; a site plan; existing and proposed floor plans; exterior elevations; a March 14, 2011 letter from the state Historic Preservation Office (SHPO), with findings of “no adverse impact”; a September 26, 2012 Army Corps of Engineers permit; an October 12, 2012 Department of Environmental Conservation (DEC) permit; and copies of May 22, 2013 letters from Ofer to SHPO and DEC, requesting their updated review. Rosemary Craig questioned the DEC’s sentence, “All work authorized along the shoreline shall only take place if the lake level has receded at least three (3) feet from the shoreline (mean high water elevation)”: what does this mean?

Chairman Borgstrom noted that, because the project is within 100 feet of Otsego Lake, and is not within the existing building footprint, Gotwald would need a variance from the Zoning Board of Appeals (ZBA) before the Planning Board could act. Bill Deane explained the ZBA procedures and, later during the meeting, Ofer submitted an application and \$25 check, in time for the June 18 ZBA meeting deadline. These were delivered to Zoning Enforcement Officer Austin, who said that the Planning Board ought to be able to grant area variances in situations like these.

Doug Greene brought up State Environmental Quality Review (SEQR). Ofer opined that this would qualify as a Type II action, and Chairman Borgstrom agreed. The consensus of the Board was to postpone formal SEQR until after a public hearing.

Chairman Borgstrom went through the site plan review requirements in the *Land Use Law*. Ofer said that construction would take about four months, that there would be no new lights or utilities; and that Sam Smith’s Boatyard is the only neighbor within 200 feet of the property lines. The only pending items are responses from SHPO and DEC.

Gotwald and Ofer will return after receiving a ZBA variance.

### **Chris Chandler (NOTS Productions) – Site plan review, special permitted use, recreational facility (Halloween walking trail) – 446 County Highway 26 (#114.00-1-**

**74.06)**

Applicant Chris Chandler wants to put in a Halloween walking trail, with temporary props and sets (no permanent structures), on his property in the RA2 district. It would be open weekend evenings from late September through early November. Chandler was accompanied by creative director Jim Sousflas and land surveyor Jeneé Rasmussen. Zoning Enforcement Officer Austin determined that this would probably be categorized as a recreational facility, and the consensus of the Board was to agree.

Chandler distributed copies of his proposed site plan, which the Board reviewed. He said that, in lieu of signs, he would use a parked vehicle advertising the enterprise and, if he decided to add signs at a later date, he would seek the appropriate permits. Chairman Borgstrom went through the site plan review requirements in the *Land Use Law*. The Board noted problems with the parking area, along with some misspellings. They also asked for identification of any LED lighting and sign locations. They asked Rasmussen to prepare a corrected site plan and deliver it to Zoning Enforcement Officer Austin.

Tom Huntsman moved to deem the application complete, contingent on the amended site plan being received by June 18, and to schedule a public hearing for July 2. Rosemary Craig seconded the motion and it was approved, 6-0.

**Diane Wicks-Miller – Lot line adjustment – County Highway 22 (#52.00-2-10.01, -10.61 & -10.62)**

Zoning Enforcement Officer Austin said that applicant Diane Wicks-Miller again was not ready for this meeting, and will be removed from the agenda until further notice.

**OTHER BUSINESS**

Tavis Austin said that there was “not much going on,” and there was no formal Zoning Enforcement Officer report. He gave updates on the Cobblecote and B&B Ranch situations.

Chairman Borgstrom distributed copies of her proposed Town Planning Board resolution, amending the ethics policy:

RESOLUTION OF THE TOWN OF OTSEGO PLANNING BOARD

JUNE 4, 2013

**WHEREAS** the Town Board of the Town of Otsego adopted amendments to its ethics policy on or about September 12, 2012 which provide in pertinent part as follows:

“Section 3

(j) **Personal Matters before the Board.** If a member of the Town Board, Planning Board, Zoning Board of Appeals, Board of Assessment Review, or any other authorized Town of Otsego Board, has any application, matter or proposal before a Board (an” Application”), the member shall recuse himself/herself from hearing any matter in connection with such Application. Such recusal shall require that the member neither present the Application nor be in the room when the Application is presented to, discussed by, or decided by the Board.

(k) **Recusal.** A member of a Board shall recuse himself/herself from hearing any matter before the Board in which he or she, such member’s employer, of [sic] family member has a direct or indirect financial or private interest in such a matter. If a member of a Board recuses himself/herself from hearing any such matter, the member shall not be in the room when such matter is presented to, discussed by, or decided by the Board.”

**WHEREAS** the Town of Otsego Planning Board objected to the change in the ethics policy and was forced to utilize the provisions of said policy in a recent application;

**WHEREAS** during the review of the application in question, the Planning Board was unable to communicate directly with the applicant/Planning Board member, and was unable to directly ask any questions or receive any comments from said applicant/Planning Board member, to the detriment of the Town of Otsego Planning Board and the applicant alike;

**THEREFORE**, the Town of Otsego Planning Board respectfully requests that the

above referenced provision of the Town of Otsego Ethics Policy be changed to allow future applicants to remain in the room as any other applicant is allowed, but not take part in deliberation or voting on the application.

RESPECTFULLY SUBMITTED,  
TOWN OF OTSEGO PLANNING BOARD

Doug Greene distributed copies of a June 3 e-mail on the subject from Town Supervisor Anne Geddes-Atwell. Discussion followed. Chairman Borgstrom discussed doing something like the ZBA's "Agenda and Conflicts Review" during meetings; Bill Deane said he could add that to future agendas. Tom Huntsman moved to approve Borgstrom's proposed resolution and forward it to the Town Board. Joe Potrikus seconded the motion and it was approved, 6-0. Chairman Borgstrom said she would relay the resolution to Supervisor Geddes-Atwell.

Chairman Borgstrom discussed the minutes of the February 27 joint meeting with the Planning Board. She drafted up proposed amendments to the minutes, but no one else present had done anything similar. After discussion, the consensus of the Board was to drop the issue.

Attorney Ferrari expressed approval of the Woolson-Zeh lot line adjustment discussed during the May 7 meeting, and presented the form for Chairman Borgstrom's signature.

Bill Deane discussed the July 2, 2013 agenda. At this point, Chandler (public hearing) is the only application on the agenda.

Doug Greene said that, after further consideration, he does not want to lead any training after a regular meeting. He will poll Planning Board and ZBA members by e-mail, seeking a date to hold a training workshop.

With no further business, at 9:35, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk