

# Town of Otsego Planning Board

Minutes – June 7, 2011

## **PUBLIC HEARING**

### **Lark Haven LLC (Jon McManus) – Site plan review, expansion of residence within 500 feet of Otsego Lake – State Highway 80 (#84.12-1-13.01)**

Joe Galati recused himself and went to the public seating section. Acting Chairman Donna Borgstrom called the Lark Haven public hearing to order at 7:30 PM and asked if anyone from the public had comments or questions. No one responded. Paul Lord moved to close the public hearing. John Phillips seconded the motion and it was approved, 6-0. Galati returned to the meeting table.

## **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, John Phillips, Steve Purcell, Joe Potrikus, and Rosemary Craig. Zoning Enforcement Officer Hank Schecher was also present. Alternate member Dan Croft and Planning Board Attorney Jim Ferrari were absent.

The Board reviewed the minutes of May 3, 2011, e-mailed to the members. John Phillips complimented their succinctness. Borgstrom moved to approve the minutes as written. Craig seconded the motion and it was approved, 7-0.

Chairman Galati reviewed and passed around correspondence received since the last meeting:

- A flier from the Association of Towns on “Planning and Zoning Summer Schools.”
- Informational letters from Lorman Educational Services.
- Bound copies of the updated *Land Use Law*, prepared for the Board by the Town Clerk. Phillips said he would deliver a copy to Croft.

Copies of Hank Schecher’s June 7 Zoning Enforcement Officer report were distributed and filed. It listed only the two applications pending Planning Board review. Schecher said he had a few issues to discuss during “other business.”

Chairman Galati asked if there were any public comments on non-agenda items. Jon McManus commended Bill Deane for the thorough job he does in recording the monthly meeting minutes. Members applauded in agreement.

Bill Miller brought up the Howard Reiss subdivision approved by the Planning Board in 1989. Miller said that Reiss was obliged to build a road to state highway specifications, but never did so; yet his bond was returned by the Town. Miller said that Reiss should still fulfill his obligation, and wondered what action the Town could or should take if he does not. Chairman Galati asked Zoning Enforcement Officer Schecher to draft a report for Attorney Ferrari, asking Ferrari to determine the appropriate action.

The Board moved on to applications.

## **APPLICATIONS**

### **Vision’s Way LLC (Jeff Haggerty/Jon McManus) – Site plan review, expansion of Haggerty Ace Hardware – 5390 State Highway 28 (#131.00-1-7.00)**

Joe Galati recused himself and went to the public seating section. Acting Chairman Donna Borgstrom read aloud from the minutes of May 3 relevant to the application. Borgstrom noted that no responses to the Board’s mailings had been received from the State Historic Preservation Office or the County Planning Board.

Representative Jon McManus submitted a June 6 drawing of the proposed addition, showing the items requested (security lighting information, and preliminary building plans/construction sequence) during the May meeting. The Board examined this document.

John Phillips moved to deem the application complete. Joe Potrikus seconded the motion and it was approved, 6-0. Bill Deane noted that the public hearing had already been waived.

Steve Purcell moved to approve the site plan. Paul Lord seconded the motion and it was approved, 6-0. Borgstrom stamped the site plan “approved” and signed it.

### **Lark Haven LLC (Jon McManus) – Site plan review, expansion of residence within 500 feet of Otsego Lake – State Highway 80 (#84.12-1-13.01)**

Joe Galati remained recused in the public seating section. Acting Chairman Donna Borgstrom read aloud from the minutes of May 3 relevant to the application.

Representative Jon McManus submitted May 18 drawings which included the items requested (the correct driveway entrance, and information on elevations/rooflines, silt fence, and construction sequence) during the May meeting. The Board examined these drawings, agreeing that they met their contingencies in deeming the application complete.

Rosemary Craig moved to approve the site plan. Steve Purcell seconded the motion and it was approved, 6-0. Borgstrom stamped the site plan “approved” and signed it. Galati returned to the meeting table.

### **Lynn Viebrock – First lot split – 105 Stonehouse Road (#98.00-1-46.00)**

Zoning Enforcement Officer Schecher alerted the Board about this first lot split which they approved in October. Bill Deane read aloud from the minutes of October 5, 2010 relevant to the application. The applicant had not filed the split with the County within 30 days of the approval, thus nullifying the action. Furthermore, the applicant now wants to split the lot differently, as shown in a newly-submitted diagram and deed description, which the Board examined.

Steve Purcell moved to approve the first lot split, contingent on Attorney Ferrari’s approval of the deed description. Rosemary Craig seconded the motion and it was approved, 7-0. Schecher will pursue the matter between the applicant and Ferrari.

### **OTHER BUSINESS**

Chairman Galati brought up the situation of Planning Board members giving demonstrations during an application, specifically referencing Paul Lord’s demonstration relevant to the LLIB application during the March 1 meeting. Galati said that no one was expecting such a demonstration, and suggested that such displays be announced beforehand and/or restricted. Steve Purcell said he saw the demonstration as a learning experience, which should not be restricted. Lord objected to Galati’s saying anything about an application from which he recused himself. Galati said he was merely using Lord’s demonstration as an example in a procedural discussion. Joe Potrikus wondered where one would draw the line as to what was or was not restricted.

Chairman Galati discussed information provided to the Board by professional consultants: should the Board review their work or opinion? Donna Borgstrom noted that, when there has been a serious concern about a professional’s work or opinion, the Board has voted to call in someone else to review it. Paul Lord said that the Town has budget limits on such activity. Lord proposed a change to *Land Use Law* Section 8.05, inserting a new #3, and renumbering the following rules in that Section. Lord said that he would e-mail the proposed change to the members.

Chairman Galati discussed the Cooperstown Intermodal Transit Center project. In September, 2010, the Board had approved a site plan dated June 22, 2010, not issuing any special permits, and requiring the Village to return before the Board with any modifications to that site plan. The Village has not done so.

Since then, the proposed storm-water system has been changed, Cooperstown Youth Baseball is no longer involved, and contaminated soils have been discovered on the site, among other changes. John Phillips added that the neighboring Wilber National Bank is now Community Bank. It appears that the Village is preparing to execute a revised site plan without Planning Board review or approval. The Board asked Zoning Enforcement Officer Schecher to make sure that the Village adheres to the site plan approved by the Board.

Chairman Galati discussed a potential application for a sportsman's club on Bedbug Hill. Bill Deane advised that a site plan application would need to be submitted by June 21 to get on the July agenda.

Chairman Galati asked about changing the meeting start time to 7:00. There was no consensus that the start time should be changed.

John Phillips recalled a situation where a representative was dismissed because she did not have a letter of authorization, delaying the project by a month and wasting everyone's time. Phillips suggested a "professional courtesy clause" be added to the Board's by-laws. Chairman Galati said that the need for a letter of authorization is made clear in the site plan application and instructions.

John Phillips said that he would be unable to attend the June 8 Town Board meeting. He said that the Board had passed the hydro-fracking amendment to the *Land Use Law* at the last meeting (per page 56 of the revised *Land Use Law*), removing the references to "geothermal" as requested by the Planning Board.

The Board engaged in informal discussion about various situations.

Bill Deane discussed the July 5 agenda. There are no pending applications at this time.

With no further business, at 9:00, Joe Potrikus moved to adjourn the meeting.

Respectfully submitted,

Bill Deane

Planning Board Clerk