

Town of Otsego Planning Board

Minutes – June 22, 2010

REGULAR MEETING

A special 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, Donna Borgstrom (Vice-Chairman), John Phillips, Joe Galati, Steve Purcell, and Joe Potrikus. Deane explained that Potrikus had been appointed to complete Doug Greene's term, and that Rosemary Craig had been appointed as the new alternate member. With Wes Ciampo absent, Craig joined the meeting table. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

Chairman Lord reviewed correspondence received since the last meeting:

- The May/June 2010 issue of *Talk of the Towns&Topics*, copies of which were distributed to members.
- Letters (distributed to members) from Lorman Education services, advertising a "Building Codes" seminar to be held at Latham on August 31.
- Copies of the Planning Board's revised By-Laws, distributed to members.
- An e-mail (passed around to members) from the Town Clerk, advising the Board about a Comprehensive Planning program to be held at Mohawk Valley Community College on October 2.
- A flier (passed around) from the Association of Towns, describing summer training opportunities.
- An e-mail (passed around) from the Department of Environmental Conservation (DEC), informing about a new DEC training regulation now in effect on SPDES permitted construction sites.

The Board reviewed the minutes of June 1, 2010, e-mailed to the members. John Phillips moved to approve the minutes relevant to the Village of Cooperstown application. Steve Purcell seconded the motion and it was approved, 6-0, with Craig abstaining.

The Board moved on to applications.

APPLICATIONS

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

Representative Peter Loyola and Village of Cooperstown Attorney Doug Zamelis were present. Donna Borgstrom read aloud the minutes of June 1 relevant to the application. Chairman Paul Lord reminded the Board that the purpose of tonight's meeting was to decide on the lead agency issue, and to determine whether the application is complete.

Loyola distributed large application packages to the members, and went through them item by item. Included were a revised site plan application; a June 21 letter with specific special permitted use requests (Cooperstown Youth Baseball Recreational Facility with accessory 55-car parking lot in RA2 District; off-premises parking facility

for 292 cars, designed to serve the Village of Cooperstown, with accessory use of Intermodal Transit Center, in GB1 District); a certified survey of properties affected by the project; a list of neighbors and addresses within 200 feet of the project; a storm-water pollution protection plan (SWPPP); preliminary building, engineering, and landscaping plans; lighting plans; details on signs; construction sequence; and a list of required permits, including the DEC, Department of Transportation (DOT), Department of Health (DOH), and Federal Highway Administration (FHWA).

Loyola answered questions posed by the members. He said the deadline for right-of-way certificates is August 31, and that Bassett Medical Center would maintain the parking lots in the wintertime. Members noted some errors and omissions in the various documentation.

Lord noted some concerns raised by Gifford Engineering on pages 1-5 of their June, 2010 Geotechnical Engineering Report:

Normal settlement tolerances of the building foundation of up to one inch are acceptable. Settlement of the pavements may be greater as the site contains unsuitable landfill debris, which would be prohibitively expensive to remove... These uncontrolled fill conditions are unsuitable for support of the proposed improvements as the material is prone to settlement. Settlement is caused by increased loading by site fill, traffic, and/or building foundations, raveling of fine grained soil particles into voids between debris, decomposition of organic portions, and oxidation of ferrous materials... Settlement will result in cracking and decreased life of pavement systems, settlement of building foundations, and settlement of underground utilities such as the proposed infiltration chambers... The owner must be made aware and accept full responsibility for the expected settlement and associated decreased life of the foundation system and pavements... Proof rolling of the subgrade should be performed by at least 5 passes with a minimum 20-ton static weight vibratory roller. A heavily loaded truck can be used instead of the roller if approved. The purpose of the proof rolling is to compact the subgrade and locate any soft areas. All soft areas should be removed and replaced with a controlled fill soil. The proof rolling should be witnessed by the geotechnical engineer to evaluate its effectiveness and make recommendations for stabilization.

Joe Galati said that he was not comfortable in deciding on anything without an opportunity to digest all the materials they had so recently received. Borgstrom said she did not feel the application was complete, citing particularly the lack of letters of intent from affected property owners. She also said that the parking lot does not fit into the definition of a special permitted use in the *Land Use Law*. After discussion, Loyola amended his letter to fit the *Land Use Law* definition.

After considerable discussion, John Phillips moved to deem the application complete and schedule a public hearing for July 6. Steve Purcell seconded the motion and it was approved, 5-1, with Borgstrom opposed and Rosemary Craig abstaining.

Purcell moved to send the application documents to Town Engineer Wayne Bunn, with Chairman Lord finding an alternate engineer if Bunn has a conflict. Borgstrom seconded the motion and it was approved, 6-0, with Craig abstaining. Lord said he would make the necessary contacts.

Lord noted the Village of Cooperstown's May 24 intent to declare lead agency for State Environmental Quality Review Act (SEQRA) review, meaning the Planning Board had only one more day to challenge this intent. Lord said the Board could agree with the Village, reserve lead agency status and "buy time" and/or vie for the status, or do

nothing and grant lead agency to the Village by default. Joe Potrikus, after censuring Lord for speaking on behalf of the Board in an e-mail on this matter, moved to agree to the Village's request for lead agency status. John Phillips seconded the motion, but the vote was deadlocked at 3-3, with Lord, Potrikus, and Phillips in favor, Borgstrom, Purcell, and Galati opposed, and Craig abstaining.

Discussion arose as to whether Craig should or could vote. Attorney Ferrari said that, according to State Law, an alternate can vote only in the case of a conflict involving a member, not in case of absence. It was noted that Potrikus, the previous alternate, had been voting in cases of absence since being appointed in February, 2009, setting a precedent. A recess ensued as officials sought to check whether Town Law provided for an alternate voting in case of member absence, but nothing was found. Zamelis went on record objecting to Craig's voting, and asked if he could at least explain to her what she was voting on.

Galati asked for a re-vote. Potrikus again moved to agree to the Village's request for lead agency status. John Phillips seconded the motion, and it was approved, 4-2, with Borgstrom and Purcell opposed, and Craig abstaining.

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

Bill Deane explained that, at the June 1 meeting, the Board had made and seconded a motion to deem the O'Neil application complete and schedule a public hearing, but that no vote had been taken. Joe Galati moved to deem the application complete and schedule a public hearing for July 6. Steve Purcell seconded the motion and it was approved, 6-0, with Rosemary Craig abstaining.

With no further business, at 9:51, Steve Purcell moved to adjourn the meeting.

Respectfully submitted,
Bill Deane
Planning Board Clerk