

Town of Otsego Planning Board

Minutes – July 3, 2012

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. Acting Chairman Donna Borgstrom called the meeting to order at 7:30 PM, and clerk Bill Deane took roll call. Members present were Borgstrom (Vice-Chairman), Paul Lord, Joe Potrikus, Rosemary Craig, Steve Purcell, and Tom Huntsman (who left at 8:05, during the Hart application). With Chairman Joe Galati absent, alternate member Scottie Baker joined the meeting table. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of June 5, e-mailed to the members. Potrikus moved to approve the minutes as written. Craig seconded the motion and it was approved, 7-0.

Acting Chairman Borgstrom distributed invitations to a Glimmerglass Opera event, which had been sent to the Board members. She also read aloud from a June 29 memo (filed in “general correspondence”) from Chairman Galati, stating that he was taking a leave-of-absence from the Board.

Zoning Enforcement Officer Schecher said that he had no formal report, but had an issue he would discuss during “other business.”

Acting Chairman Borgstrom asked if there were any public comments on non-agenda items. John Phillips said he had attended the most recent Town Board meeting, and noted that that Board had declared itself lead agency and gone through the State Environmental Quality Review Act (SEQRA) process on two items, without going through the same procedures as the Planning Board does. Phillips also commented that the *Land Use Laws* regarding home occupations and signs (Sections 6.01 and 6.02) need tweaking. He said there are many non-conforming signs in the Town. Acting Chairman Borgstrom said the Board would discuss this during “other business.”

The Board moved on to applications.

APPLICATIONS

LLIB, LLC (Bill Miller) – Request to extend conditional approval of Upper West Side major subdivision – County Highway 28, Pierstown (#84.00-1-15.62)

Rosemary Craig recused herself from this application and went to the public side of the meeting table. Acting Chairman Borgstrom said that applicant Bill Miller is requesting another 90-day extension to his conditional approval of the LLIB application, which currently runs through July 26. Paul Lord noted that Miller was not present, and that the Board typically does not act on applications without an applicant present. Bill Deane said that Miller was not at the April 3 meeting, when the Board last extended the conditional approval, and that the minutes say only that “Miller would have to request inclusion on the July agenda if he wants another extension.” He did so, and may not have been aware that his presence was required.

After discussion, Lord moved to extend the conditional approval only to August 7, 2012, requiring Miller’s attendance at that date’s meeting if he wants to extend it further. Joe Potrikus seconded the motion and it was approved, 6-0. Later during the

meeting, the Board realized that it might not have a voting quorum for this application in August. Potrikus moved to supersede the previous motion, extending the conditional approval to September 4, 2012, and requiring Miller's or his authorized representative's attendance at that date's meeting if he wants to extend it further. Lord seconded the motion and it was approved, 5-0. Deane said he would notify Miller by e-mail. Craig returned to the meeting table.

John & Anne Hart – Site plan review, replacement of structure in Canadarago Lakeshore protection area – 207 Marble Road (#52.08-1-17.00)

Acting Chairman Borgstrom read aloud from the June 5 minutes relevant to the application. Applicant John Hart submitted a site plan application, a short environmental assessment form (EAF), and a revised (July 3) site plan including information on permits required, erosion control plans, and landscaping plans. Hart went through the revised plans with the Board members. He said there was no change to the 2008 list of neighbors already in the file, and that there would be no change to neighbors' view of Canadarago Lake.

After review of the documents, Paul Lord said that Hart would need to provide the following: corrected expiration date of DEC permit (section A-0.0); well location (A-2.0); sediment trap description (A-2.1); labeling of crawl and standing site (A-4.0); and information on elevation from the Lake (A-5.1). Joe Potrikus moved to deem the application complete, contingent on the aforementioned information being provided by July 24, and to schedule a public hearing for August 7. Steve Purcell seconded the motion and it was approved, 6-0. Bill Deane clarified this motion for the applicant, and advised him that he would have to pay the site plan application fee. Hart wrote a check for \$25, which Deane delivered to the Town Clerk.

Gerald & Susan Bleaking – Sketch plan conference, major subdivision – County Highway 22 (#52.00-2-10.12)

Zoning Enforcement Officer Schecher explained that, after further review, he determined that this project does not constitute a subdivision. He advised the applicants that they did not need Planning Board intervention for what they are proposing to do.

OTHER BUSINESS

Zoning Enforcement Officer Schecher advised the Board about issues regarding a new business, Twisted Cedar Creations on State Highway 28. Neighbor Harriet Fieldhouse wrote him an e-mail (filed in "general correspondence"), citing various alleged violations of the *Land Use Law* by this business. The Board reviewed the e-mail and laws. Business owners Joseph and Erin Wenal were present. Attorney Ferrari suggested that the owners study the laws, and noted that the Planning Board could offer input, but doesn't have the final say. Paul Lord and Bill Deane observed that it was Schecher's job to respond to the e-mail, interpreting and enforcing the law. The Board's one suggestion was to replace the flag with an "open" sign measuring no more than two square feet.

Paul Lord moved to recommend to the Town Board that *Land Use Law* Section 6.02 (3) be reworded as follows: "There shall be no retail sales except for products or services principally produced on-site." Joe Potrikus seconded the motion and it was

approved, 6-0.

Acting Chairman Borgstrom asked about Man Cave Antiques, which recently opened on state Highway 28 in Oaksville: does it conform to any special permitted use on file? Zoning Enforcement Officer Schecher said he would check the file and let her know.

John Phillips mentioned that Bedbug Hill Stables requested a liquor license, suggesting it will be more than a bed & breakfast.

The Board discussed Chairman Galati's leave-of-absence. Potrikus asked whether Galati had specified the length of the leave. Deane said he had e-mailed that question to Galati but had not yet received a reply. Paul Lord said it had been the policy of the Board that, if a member misses three consecutive meetings, he or she is asked to resign. Lord said that the Board might need another alternate member. Joe Potrikus moved to grant Galati's requested leave-of-absence and recommend that John Phillips be appointed to serve as alternate member in the interim. After further discussion, Potrikus withdrew his motion.

Donna Borgstrom and Steve Purcell said they would be absent for the August 7 meeting.

Paul Lord said that he learned the conflict-of-interest document presented to the Town Board is not law, but merely a policy adopted by the Town Board. (To become a law, it would have to go through a public hearing and New York State review.) In view of that, Lord feels it would be pointless to add this policy to the Planning Board By-Laws. Therefore, the only change to the By-Laws he proposes at this time is to change the meeting time in Section 1.2 from "7:30 PM" to "7:00 PM for the months of October through April and at 7:30 PM for the months of May through September". He distributed draft copies of the revised By-Laws, and moved to adopt this proposed change. Joe Potrikus seconded the motion and it was approved, 6-0. Lord will print the revised By-Laws document and acting Chairman Donna Borgstrom will sign it.

Bill Deane discussed the August 7 agenda. Currently, only the Harts (public hearing) are on it.

With no further business, at 9:20, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane
Planning Board Clerk