

**Town of Otsego Planning Board**  
Minutes – July 7, 2009

**PUBLIC HEARING**

**Tracy Roes Killian – Site plan review, construction of deck within 500 feet of Otsego Lake – Parshall Road (#84.08-1-20.00)**

Chairman Paul Lord called the Killian public hearing to order at 7:30 PM, and noted that no one from the public was present. He read aloud from a letter from neighbor H. W. Michaels, offering his full support of the project. Lord noted that a letter to the Leatherstocking Corporation had been returned due to an obsolete address. Donna Borgstrom moved to close the public hearing. Joe Galati 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 7:31 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 Doug Greene. With Wes Ciampo absent, alternate member Joe Potrikus joined the voting group. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of June 2, 2009, e-mailed to the members. Purcell moved to approve them as written. Borgstrom seconded the motion and it was approved, 7-0.

The Board reviewed the minutes of the special meeting of June 15, 2009, e-mailed to the members.

Chairman Lord noted that on page 3, condition #2, “upon the sale of the first lot” should be added.

Borgstrom moved to approve the minutes as amended. Galati seconded the motion and it was approved, 6-0. Potrikus abstained because he was not present at the meeting.

Zoning Enforcement Officer Schecher distributed copies of his July 7 report (filed). It listed five land use permits issued, four permits pending Planning Board approval, one complaint, and three *Land Use Law* issues. Schecher answered questions about the report.

Chairman Lord reviewed correspondence received since the last meeting:

- A letter (filed) from the Department of Health, regarding the Blue Mingo bed&breakfast.
- A June 1 letter (filed) from attorney Jennifer Basic, requesting contact information on Lord regarding the 2008 Kukenberger boundary line adjustment. Deane will contact her with that information.
- A letter (filed) from Paul Kuhn of the Village of Cooperstown’s Watershed Supervisory Committee, rebutting Galati’s June 15 statement about the WSC’s purview *vis a vis* the Edward Walker application. Lord asked Deane to send a copy to Walker (done).
- A letter (filed) from Richard Richardson, expressing support for the Chokgyur Lingpa Foundation application (approved on June 2).
- Invitations to a Glimmerglass Opera event, distributed to members.

The board moved on to applications.

**APPLICATIONS**

**John Stucin – Land Use Law interpretation, manufacture of grass pellets – County Highway 26 & Panther Mountain Road (#68.00-1-14.01)**

Zoning Enforcement Officer Schecher explained that applicant John Stucin had asked to be rescheduled for August.

**Tracy Roes Killian – Site plan review, construction of deck within 500 feet of Otsego Lake – 119 Parshall Road (#84.08-1-20.00)**

Donna Borgstrom read aloud the minutes of June 2 and June 15 relevant to the application.

Applicant Tracy Killian came to the table, saying that there had been no changes to the application, and that she expected construction to take two months.

The Board reviewed the site plan requirements and State Environmental Quality Review Act (SEQRA) regulations. John Phillips moved to deem this a Type II action under SEQRA Section 617.5(c)(10). Borgstrom seconded the motion and it was approved, 7-0.

Phillips moved to approve the site plan, waiving the requirements for a survey, map, and traffic

circulation plans. Doug Greene seconded the motion and it was approved, 7-0. Chairman Lord stamped the site plan “approved” and signed it.

**Pavlos Kokoronis et al (Bob Birch) – Major subdivision, Canadarago Acres – County Highway 22 (#52.00-2-10.01)**

Zoning Enforcement Officer Schecher explained that representative Bob Birch had asked to be rescheduled for August. Birch had submitted the revised plat requested by the Board in May. Chairman Lord gave this to Attorney Ferrari for review prior to the August meeting.

**Peter Loyola – Sketch plan conference, Cooperstown Gateway (Intermodal Transit Center) Project – Linden Avenue (various properties)**

Donna Borgstrom read aloud the minutes of February 3, 2009 relevant to the application.

Chairman Lord noted that representative Peter Loyola would need letters of representation from the various property owners before this application could advance to site plan review. Loyola said he did have “letters of intent” from some of the parties.

Loyola displayed drawings of the proposed project, noting that the idea of a walking trail on the railway had been abandoned, but that sidewalks on Linden Avenue had been added. He also said that the baseball field had been moved from the General Business (GB2) to the Residential-Agricultural (RA2) District. The trolley barn, representing a pre-existing, non-conforming use, will be moved and reduced in size.

Loyola said that the Village of Cooperstown (the lead agency) had held public hearings on the project with positive feedback. He also said that the State Historic Preservation Office had determined that the project would have “no adverse effect.” They are also working with the Federal Transit Authority and Federal Highway Administration.

The Board expressed concerns about the dangerous intersection with State Highway 28, and about the abrupt ending to the Linden Avenue sidewalk on Walnut Street (Village of Cooperstown). Loyola said that the Department of Transportation was unconcerned about the intersection, and that he considered the sidewalk an improvement rather than a problem. In response to concern about the loss of 165 parking spaces in Bassett Healthcare’s “Blue Lot,” Loyola pointed out that the 480 spaces in the proposed new parking lot would more than offset that.

Loyola acknowledged that he would need special permitted use (SPU) approvals in both the GB2 and RA2 Districts. Lord advised him to consult the Town’s SPU requirements. Loyola said he felt the parking lot would constitute an accessory use to the Welcome Center. It is uncertain whether this will be a seasonal operation. There will be extensive lighting. Loyola said that the Village hopes to begin construction in 2010, starting with the new baseball field.

Loyola said he would give two weeks’ notice when he was ready to be put back on the agenda, and in the meantime would send information updates to the Board.

**David Bertram – Sketch plan conference, lot line adjustment – 249 County Highway 28 (#99.00-1-1.22 & -2.01)**

Applicant David Bertram reviewed previous (2008) discussions with the Board, and distributed copies of maps showing the existing properties and his newest proposed adjustment. Currently, he owns a 33.67-acre parcel with 150 feet of road frontage, and an adjoining, landlocked 55-acre parcel. He wants to acquire a portion of a neighboring property, increasing the road frontage to 200 feet, and adjust the lot line to make lots of about 5 and 84 acres, respectively, with each having 100 feet of frontage.

Chairman Lord noted that the property acquisition would have the effect of making the lots less rectangular, contrary to the *Land Use Law*. Bertram would need a waiver on that, or on the road frontage requirement (to make the second lot buildable). However, the latter would require a variance from the Zoning Board of Appeals (ZBA), which had previously ruled that Bertram’s application was incomplete, due to his failure to pursue other potential remedies. Bill Deane read aloud from the ZBA’s September 16, 2008 minutes, including this ruling.

After discussion, the consensus of the Board was that Bertram could use a shared driveway to serve the two lots, with the stipulation that no further subdivision could be done due to the inadequacy of the driveway. This would obviate the need to acquire additional frontage or get any waiver. Lord asked Bertram to return with proposed deed language on the smaller lot, and a survey plat (normally not required for a lot line adjustment, but advisable in this case).

Bertram said he would give two weeks' notice when he was ready to be put back on the agenda.

**Jerry Miller – Special permitted use, Creekside Cottages – 6635 State Highway 28 (#97.00-2-6.22)**

Chairman Lord read aloud a letter (filed) from engineer Hans DeWaal, regarding Creekside Cottages. Lord said that the project appears stalled in a "Catch-22" situation. Donna Borgstrom read aloud the July 1, 2008 minutes relevant to the application. The Board had approved the site plan and granted the special permit, contingent on County Planning Board approval; the County had approved the application conditional on application to the Department of Health (DOH). The project has remained in limbo ever since, with the Board holding an unsigned special permit dated June 3, 2008.

After discussion, John Phillips moved that, inasmuch as there is continuing oversight by the DOH throughout the construction process, the Board remove its July 1, 2008 contingency on the site plan approval and special permitted use for Creekside Cottages. Joe Galati seconded the motion and it was approved, 7-0. Lord re-dated the special permit for July 7, 2009 and signed it. Phillips said he would deliver it to applicant Jerry Miller.

**OTHER BUSINESS**

Doug Greene distributed handouts from the Department of State on "Conducting Meetings and Hearings" and "Records, Findings & Decision Making." He suggested the members review these with regard to the Board's procedures in dealing with applications.

Doug Greene distributed copies of checklists designed to aid applicants and the Board through the application process. Attorney Ferrari said checklists are a bad idea; the list of site plan requirements in the *Land Use Law* should be sufficient.

Chairman Lord suggested holding a workshop to discuss the Board's By-Laws. Bill Deane made copies of these and distributed them to the members. The consensus was to hold the workshop on July 21 at 7:30. Deane said he would attend after completing his duties for the concurrent ZBA meeting. He will advertise the workshop.

The Board discussed eliminating the requirement for perc tests in the *Land Subdivision Regulations*. Since all septic systems now must be engineered, the perc test requirement is unnecessary.

Steve Purcell asked a hypothetical question about doing a lot split on a property which straddles two townships. The consensus was that splitting the property at the town line would not require Planning Board review.

Bill Deane discussed the August 4 agenda. The only scheduled returnees are Stucin and Birch. With no further business, at 10:18, Joe Potrikus moved to adjourn the meeting.

Respectfully submitted,

Bill Deane

Planning Board Clerk