

Town of Otsego Planning Board

Minutes – August 2, 2011

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 (there was no meeting in July due to no agenda applications). Chairman Joe Galati called the meeting to order at 7:30 PM, and roll call was taken by clerk Bill Deane. Members present were Galati, Donna Borgstrom (Vice-Chairman), Paul Lord, Steve Purcell, Joe Potrikus, and Rosemary Craig. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present. With John Phillips absent, alternate member Dan Croft joined the meeting table.

The Board reviewed the minutes of June 7, 2011, e-mailed to the members. Borgstrom moved to approve the minutes as written. Potrikus seconded the motion and it was approved, 7-0.

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

- Informational letters from Lorman Educational Services.
- The New York Planning Federation's Summer 2011 issue of *Planning News*.
- A flier from the New York State Legislative Commission on Rural Resources.
- Memos (filed) from the Otsego County Clerk, regarding the November, 2010 filings of the Oberriter and Scarzafava subdivisions.

Schecher said that there was no Zoning Enforcement Officer report, since it would have been essentially the same as the Planning Board agenda.

Chairman Galati asked if there were any public comments on non-agenda items. No one responded.

The Board moved on to applications.

APPLICATIONS

Addison Bissell (B. J. O'Neill) – Site plan review, garage within 500 feet of Otsego Lake – 6515 State Highway 80 (#84.12-1-6.00)

Applicant Addison Bissell and engineer B. J. O'Neill were present. They want to build a garage attached to an existing bed & breakfast establishment within 500 feet of Otsego Lake. Bissell said the building had been used as a B&B since about 1980, predating the 1987 *Land Use Law*, and thus not requiring a special permit.

Chairman Galati expressed concerns about this application. He said that the Board could not allow expansion of a pre-existing, non-conforming use. Galati said that the applicant would have to either document the continuous usage of the building as a B&B since before 1987, or apply for a special permitted use as part of this application.

Chairman Galati also called attention to a July 13 from the New York State Department of Health (DOH), denying Bissell's DOH permit. Bissell said he had addressed the DOH's issues but not yet resolved them. Galati said that they couldn't proceed with the application until these issues had been cleared up. Galati also expressed concern about the applicant's solicitation of restaurant reservations and boat rentals on Facebook.

Bill Deane asked Bissell to give the Board two weeks' notice when he was ready to return before them.

Ed Kukenberger/Jerry Day – Lot line adjustment – Day Road (#114.00-1-37.00 & -38.01)

Ed Kukenberger wants to redraw a line between his property and that owned by Jerry Day on Day Road. He will pay Day for the additional acreage this gives him. Kukenberger submitted a lot line adjustment application, survey maps, and proposed deed language, which were examined by

the Board and by Attorney Ferrari. The consensus of the Board was that there were no concerns about this adjustment. Ferrari said that the deed language “seems perfectly fine.”

Joe Potrikus moved to waive the document requirements for a topographic map, utilities, drainage systems, landscaping, and signage. Donna Borgstrom seconded the motion and it was approved, 7-0. Borgstrom moved to approve the lot line adjustment, contingent on Attorney Ferrari’s receipt and approval of the deed. Steve Purcell seconded the motion and it was approved, 7-0. Chairman Galati will stamp the application “approved” and sign it after this contingency has been met.

Dan Rowley – Sketch plan conference, major subdivision – State Highway 80 & Raymond Fish Road (#96.00-1-14.01)

Donna Borgstrom read aloud from the minutes of April 5 relevant to this application. Applicant Dan Rowley reviewed his proposed project for the Board. Rowley submitted a survey and description as requested in April. He said that New York State had given him until October 1 to begin his subdivision.

Chairman Galati gave Rowley a copy of the *Land Subdivision Regulations* requirements for a major subdivision, advising him to work with Zoning Enforcement Officer Schecher to advance his application to site plan review. Rowley said he would return in September.

Mary Turi – Site plan review, special permitted use, pre-school in home – 25 Linden Avenue (#131.00-1-27.00)

Applicant Mary Turi has been operating a pre-school for about 12 students on Walnut Street. She was recently advised that she has to vacate the building she is renting by September 1. Turi wants to buy a house at 25 Linden Avenue and relocate her operation there in time for the new school year. She needs a special permit from the Board before she can buy the property.

Turi submitted documents (filed) in support of her application, including a letter of authorization from the current property owner (Julie Evans Steele), a list of neighbors within 200 feet of the property, letters of support from most of these neighbors, a map of Linden Avenue, photographs, and a short environmental assessment form. She said she plans to move her existing sign to the new location.

The Board went through the site plan requirements in the *Land Use Law*. They agreed that the only item lacking was a tax map of the Linden Avenue property, showing the footprints of the existing building and proposed new structures.

The Board discussed the State Environmental Quality Review Act (SEQRA). Steve Purcell moved to declare this a Type II action per SEQRA Section 617.5(c)(8). Rosemary Craig seconded the motion. Dan Croft disclosed that his children attend Turi’s pre-school, but said that he did not feel this would affect his ability to vote impartially. The motion was approved, 7-0.

Paul Lord moved to deem the application complete, contingent on the aforementioned tax map being submitted by August 23, and to schedule a public hearing for September 6. Purcell seconded the motion and it was approved, 7-0. After discussion about the urgency of the situation, Purcell moved to schedule a special meeting for August 16 at 7:30 in order to hold the public hearing, contingent on the tax map being submitted by August 3. Craig seconded the motion and it was approved, 7-0. Bill Deane will advertise the special meeting. He advised that the ZBA had a scheduled meeting at 7:00 that evening.

OTHER BUSINESS

Former Zoning Enforcement Officer Mike Miller said he was in attendance simply to observe.

Zoning Enforcement Officer Schecher passed around copies of the Village of

Cooperstown's application packages for site plan amendment for the Cooperstown Intermodal Transit Center. They were submitted on July 19, the August 2 agenda deadline, but there was no new application nor \$25 fee paid, so Chairman Galati directed that they not be put on the August agenda. The packages include the previous application (June 21, 2010) and drawings (May 19, 2010) approved by the Board last fall, plus new drawings dated July 7, 2011. Schecher said that the Village had since paid the application fee. The consensus was to put the Village on the September agenda. Attorney Ferrari said that there was a perception that the Planning Board was delaying things on this project. He asked Bill Deane to send the Village a letter, advising them that they will be on the September 6 agenda (done). Paul Lord suggested that the Board get engineer Jim Forbes to review the latest storm-water plans. Chairman Galati asked the members to review the application packages and be prepared to discuss the application during the special meeting on August 16.

Zoning Enforcement Officer Schecher discussed the Scurry property. He said Scurry had gotten Zoning Board of Appeals (ZBA) variances around 2000, but the building burnt down more than two years ago. Schecher discussed whether Scurry would need ZBA intervention and/or site plan review if he wants to rebuild the building.

Chairman Galati discussed an issue concerning the DOH and septic systems along Otsego Lake.

Paul Lord distributed copies of his proposed *Land Use Law* amendment to Section 8.05: Numbers for subsections 3-8 incremented by 1.

New subsection 3 as follows:

3. For applications with engineering deemed complex and in need of independent review, by a majority of the members of the planning board, the planning board engineer will be requested to undertake a review. The planning board engineer will provide an estimate of costs for the review and a timeline for completion within seven days of receipt of the planning board's request. Upon receipt of the estimate of costs for the review, the applicant can pay the estimated cost to the Town for the review or withdraw the application. If the actual cost of the review is less than estimated, remaining funds will be refunded to the applicant.

After discussion, Steve Purcell moved that the proposed amendment be submitted to the Town Board as is. Rosemary Craig seconded the motion and it was approved, 7-0.

Paul Lord said that he hadn't had time to draft up proposed revisions to the *Land Subdivision Regulations*. He asked that this be taken off the agenda until around January, 2012.

Bill Deane discussed the September 6 agenda. Assuming Turi is completed on August 16, Rowley and the Village of Cooperstown are the only September applicants so far.

With no further business, at 9:04, Joe Potrikus moved to adjourn the meeting.

Respectfully submitted,
Bill Deane
Planning Board Clerk