

Town of Otsego Planning Board
Minutes – September 1, 2009

PUBLIC HEARING

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

Chairman Paul Lord called the Kokoronis public hearing to order at 7:31 PM. Representative Bob Birch put the plat on an easel and gave a brief description of the project. Lord asked if anyone from the public had questions or comments about the application. Bruce Mang, president of the development's homeowners' association, said he was there to observe the process. He said the project meets his expectations, and that he expected there would be others like it in the future. Doug Greene complimented Birch's work in reducing the access points to the property. John Phillips moved to close the public hearing. Donna Borgstrom 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 7:38 PM, and roll call was taken by Clerk Bill Deane. All members were present: Lord, Donna Borgstrom (Vice-Chairman), John Phillips, Joe Galati, Steve Purcell, Wes Ciampo, and Doug Greene. Alternate member Joe Potrikus and Zoning Enforcement Officer Hank Schecher were also present. Planning Board Attorney Jim Ferrari was absent.

The Board reviewed the minutes of August 4 and August 18, 2009, e-mailed to the members. Borgstrom moved to approve both sets as written. Purcell seconded the motion and it was approved, 7-0.

Zoning Enforcement Officer Schecher distributed copies of his September 1 report (filed). It listed seven projects pending Planning Board approval, one complaint, and various other issues. The Board discussed some of the items on the report. Chairman Lord noted that the Village of Cooperstown would need letters of representation before going forward on the Cooperstown Gateway Project. Lord also noted that the owners of the Hickory Grove Inn would not need a special permitted use, due to a 2000 decision by the Town's Zoning Board of Appeals (ZBA).

Chairman Lord said there was no correspondence received since the last meeting. The Board moved on to applications.

APPLICATIONS

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

Donna Borgstrom read aloud from the August 4 minutes relevant to the application. The Board reviewed the State Environmental Quality Review Act (SEQRA) regulations. Borgstrom moved to deem this a Type II action under SEQRA Section 617.5(c)(17), saying it was an administrative action involving three lots already built as separate properties, mapping existing roads, land uses, and ownership patterns. John Phillips seconded the motion and it was approved, 7-0.

Borgstrom moved to approve the preliminary plat as submitted. Doug Greene seconded the motion and it was approved, 7-0. Representative Bob Birch requested that a second public hearing be waived, due to no controversy from the public at tonight's hearing, and the fact that the homeowners' association was on board with the project. Phillips moved to waive the second public hearing for those reasons, and to approve the preliminary plat as a final plat. Greene seconded the motion and it was approved, 6-1, with Chairman Lord opposed. Lord said he had told the homeowners' association president that there would be a second public hearing.

Lord stamped and signed the plat "approved," advising Birch to file it with the County within 30 days.

John & Stacey Hatem (Jon McManus) – Site plan review, replacement of seasonal home within 100 feet of Canadarago Lake – 2105 County Highway 22 (#38.20-1-28.00)

John and Stacey Hatem plan to replace a seasonal home within 100 feet of Canadarago Lake. Bill Deane read aloud from the minutes (not yet approved) of the August 18 ZBA meeting, during which a public hearing was held with no one from the public attending, and the Hatems's area variances were granted. Representative Jon McManus distributed copies of plans, showing the existing and proposed

building layouts. He said an ad would appear in the next day's Oneonta *Daily Star*, wherein the Department of Environmental Conservation (DEC) would be soliciting comments from the public over the next 15 days before they would approve the project.

Chairman Lord asked whether there would be any landscaping. McManus said he didn't plan any, and that the DEC and Army Corps of Engineers don't want any planting at the shore level. Lord expressed skepticism about that statement. McManus said there would be no overhead lighting, and that he would voluntarily replace a maple tree being removed during construction.

The Board discussed SEQRA. Lord said they should wait until they get the DEC's input, but McManus noted that, if the DEC disapproves the project for any reason, he would have to come back before the Board anyway. Joe Galati moved to deem this a Type II action under SEQRA Section 617.5(c)(2). John Phillips seconded the motion and it was approved, 7-0.

McManus requested the public hearing be waived, due to no input at the ZBA's hearing, and the fact that he had spoken to neighboring property owners about the project. John Phillips moved to deem the application complete and waive the public hearing due to the ZBA hearing result. Wes Ciampo seconded the motion and it was approved, 6-1, with Lord opposed.

Ciampo moved to approve the site plan as submitted, contingent on DEC approval. Galati seconded the motion and it was approved, 7-0. Lord stamped the site plan "approved" and signed it.

Peter Bissell – Site plan review, covered deck within 500 feet of Otsego Lake – State Highway 80 (#84.12-1.6.00)

Applicant Peter Bissell wants to put a metal roof over an existing deck within 500 feet of Otsego Lake. The application was tabled, allowing Bissell to work with Zoning Enforcement Officer Schecher in completing his application.

Bissell submitted a map, landscaping plans, and a list of property owners within 200 feet of the property.

He said there would be no new lighting nor permits required, and that construction would take about five days (no more than 30 days). The Board reviewed the documents and the site plan requirements in the *Land Use Law*.

Chairman Lord asked what would be done to mitigate the increase of impervious surfaces close to the Lake. Bissell said he had planted 14 spruce trees in front of the deck. Lord suggested that Bissell discuss the project with his neighbors, and suggested that SEQRA determination wait until after a public hearing. Joe Galati moved to waive the survey requirement, deem the application complete, and schedule a public hearing for October 6. Steve Purcell seconded the motion and it was approved, 7-0.

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

Donna Borgstrom read aloud from the August 4 minutes relevant to the application. Chairman Lord said that the Board had three choices on this matter: to make a decision whether or not this is an agricultural operation, based on the existing *Land Use Law*; to postpone a decision once again, promising a focused investigation to make a decision next month; or to make a recommendation to the Town Board to amend the *Land Use Law* to accommodate a project such as this.

Applicant John Stucin said that he was down-sizing the scope of his proposed operation. He said that, for the first few years at least, it would be strictly a farm-run operation using tractors, during about 100 days of the year (depending on weather). He would also be expanding lease agreements. He said it would come back before the Board if the operation became successful and needed expansion, but felt that he should not need the Board's approval at this time, since it should be classified as agricultural use.

After discussion, Wes Ciampo moved that, given that this operation will be centered around PTO-driven machinery, and that it will use agricultural products on lands owned or leased by John Stucin, the Board deem that the proposed creation of hay-fuel pellets to be an agricultural operation as defined by the *Land Use Law*. Steve Purcell seconded the motion and it was approved, 7-0.

Constantine Margaritis (Leon Kalmus) – Site plan review, shoreline stabilization within 100 feet of Otsego Lake – 6512 State Highway 80 (#84.12-1-14.00)

Zoning Enforcement Officer Schecher explained that Leon Kalmus could not attend tonight's meeting, and had asked Schecher to present the application on his behalf. The consensus of the Board was that this was not acceptable.

OTHER BUSINESS

Bill Deane and Zoning Enforcement Officer Schecher discussed the October 6 agenda. Returning from tonight's agenda will be Bissell (public hearing) and Margaritis, while returning from previous agendas will be the Shirley Bennett Estate minor subdivision and the Jenny Johannesen first lot split. Schecher was advised that Johannesen did not need an application, and that her paperwork could be submitted to Attorney Ferrari for review. In addition, Donna Borgstrom will be submitting a site plan review/special permitted use application for a law office in the hamlet business district.

Chairman Lord discussed holding a workshop to discuss the Board's by-laws, including the polling of members before voting on controversial applications, at the chairman's discretion. The Board discussed holding workshops either before or after regular meetings, rather than as specially-scheduled meetings. The Board finally agreed to schedule one last specially-scheduled meeting for September 22 at 7 PM. The Board discussed changing the regular meeting time to 7:00 instead of 7:30; Deane suggested that could be included in the by-laws discussion. Joe Galati asked that the subject of planned unit developments be reintroduced during the September 22 workshop. Deane will advertise the workshop.

Doug Greene remarked that tonight's meeting went smoothly. He said he would be unable to attend the October 6 meeting.

With no further business, at 9:11, Wes Ciampo moved to adjourn the meeting.

Respectfully submitted,

Bill Deane

Planning Board Clerk