

Town of Otsego Planning Board

Minutes – September 6, 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. Chairman Joe Galati called the meeting to order at 7:31 PM, and roll call was taken by clerk Bill Deane. All members were present: Galati, Donna Borgstrom (Vice-Chairman), Paul Lord, John Phillips, Steve Purcell, Joe Potrikus, and Rosemary Craig. Alternate member Dan Croft, Zoning Enforcement Officer Hank Schecher, and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of August 2 and August 16, 2011, e-mailed to the members. Borgstrom moved to approve both sets of minutes as written. Craig seconded the motion and it was approved, 6-0 (Phillips abstained because he was not at the August 2 meeting).

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

- Fliers from Lorman Educational Services about a seminar, “Current Issues in Storm Water Regulations,” to be held in Latham on September 23.
- The Summer 2011 issue of *Rural Futures*.

Schecher distributed copies of his Zoning Enforcement Officer report. It listed two land use permits issued, two applications pending Planning Board review, and one pending Zoning Board of Appeals (ZBA) review.

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)

Donna Borgstrom read aloud from the August 2 minutes relevant to the Bissell application. Applicant Addison Bissell submitted a July 15 letter from the Department of Health, indicating a temporary resolution of the issue discussed at the last meeting.

Chairman Galati asked Bissell if he had documentation of continuous operation as a bed & breakfast since prior to 1987, as requested in August. Bissell submitted a 1984 guest register book. Galati said this was insufficient to show continuous operation (no gaps of service for more than two years). Bissell said he didn’t think he could provide such documentation. Galati said he would then have to apply for a special permitted use (SPU) for the bed & breakfast, as explained in August, and that the Board couldn’t proceed with his current application before that. Bissell expressed frustration, saying he thought he was “good to go” based on his conversation with Zoning Enforcement Officer Schecher.

A September 3 e-mail from neighbor Amanda May, objecting to Bissell’s enterprise, was reviewed and filed. Paul Lord advised Bissell that there would eventually be a public hearing on Bissell’s SPU application, and that he should talk to his neighbors before then.

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

Donna Borgstrom read aloud from the November 9, 2010 and August 16, 2011 minutes relevant to the Village of Cooperstown application. Representative Peter Loyola was accompanied by Village Attorney Martin Tillapaugh.

Tillapaugh made it clear that he considers the July 2011 drawings a modification rather

than a new application, regardless of what the Planning Board calls it. He also said that he believes the June, 2010 plans were approved by default by the Board's failure to act within 62 days. Tillapaugh said that the Village had lost \$1.5 million in funding due to various delays in this project.

The Board went through the issues which they feel need to be resolved before they can proceed with a full review of the application, going from their August 16 resolution:

- Reopen State Engineering Quality Review (SEQR) to review new soil contamination information (from the revised storm-water plan dated 7/20/10 and the Aztec letter dated 11/2/10) and the modified storm-water central plan.

Tillapaugh said that SEQR had already been done by the Village of Cooperstown, and there had been no substantial new information since then. Attorney Ferrari said he believed that the Village should reopen SEQR based on Section 617.7 (f). Tillapaugh agreed to ask the Village to reopen SEQR.

- Volunteer to pay for an independent review of the modified storm-water plan.

Tillapaugh said that he thought Jim Forbes had already reviewed the July, 2010 plan, and noted that the Department of Environmental Conservation had approved the plan. Paul Lord said that, by his instruction, Forbes had reviewed only the June, 2010 plan which was deemed complete by the Board. Tillapaugh agreed to discuss this with the Village.

- Provide an ADA-compliant walkway with signage giving direction from the CITC project to Main Street in the Village of Cooperstown.

After discussion, Tillapaugh agreed that more signs would be added to the plan, directing visitors from Walnut Street to Main Street.

- Remove the request for special permitted use for a ballfield, inasmuch as no plan exists for its construction. Replace the ballfield with a small landscaped pavilion/rest area (including bathrooms), with picnic tables, which will provide a "recreational facility" primary use for the accessory use of 55 parking spaces, which will be open during daylight hours in the tourist season, and will be operated and maintained by the Village of Cooperstown.

Tillapaugh explained that the Clark Foundation gave this property to the Village on May 28, 2011, with deed restrictions specifying that the land be kept as "green space." The Village's plan is to use it as an open ballfield, making it a recreational facility. Paul Lord said that the proposal was too nebulous to be considered a recreational facility. He advised Tillapaugh to consult *Land Use Law #2.02*, adding details about the proposed field, such as hours of operation, who administers the field, etc. Tillapaugh agreed to clarify/expand the proposal.

The applicants will return for the October 4 meeting. Tillapaugh asked if there were other issues. Borgstrom expressed concern about the 12 parallel parking spaces. John Phillips discussed the option of LED lighting. Tillapaugh asked that members, if they thought of other concerns, contact him or Loyola before the October meeting so the Village representatives can prepare.

Dan Rowley – Major subdivision – State Highway 80 & Raymond Fish Road (#96.00-1-14.01)

Donna Borgstrom read aloud from the August 2 minutes relevant to the Rowley application. Applicant Dan Rowley submitted a long environmental assessment form (EAF) and proposed deed language. Attorney Ferrari reviewed the deed language and expressed approval with it.

Chairman Galati went through the *Land Subdivision Regulations* and the Board agreed that all document requirements had been met. Galati went through the EAF with member input. Minor corrections were made and initialed by Rowley. After completing most of the form, the Board agreed to finish it after a public hearing.

Steve Purcell moved to deem the application complete and schedule a public hearing for October 4. Rosemary Craig seconded the motion and it was approved, 7-0.

Later in the meeting, John Phillips asked if the Army Corps of Engineers should review the project. The consensus was that the current federal involvement superseded the Army Corps.

OTHER BUSINESS

Paul Lord reminded the Board of their annual training requirements, and suggested that a CD of the September 23 Lorman seminar might serve that purpose. The Board agreed that this was a good idea. Chairman Galati will pursue this after the seminar.

John Phillips said that he would be unable to attend the September 14 Town Board meeting, and wondered if someone else could attend as Planning Board liaison. Rosemary Craig volunteered to do so.

Bill Deane discussed the October 4, 2011 agenda. Rowley (public hearing) and the Village of Cooperstown will be returning, and Bissell may be if he submits an application on time. Zoning Enforcement Officer Schecher said he knew of no other impending applications. Schecher said he would not be at the October 4 meeting.

With no further business, at 9:32, Joe Potrikus moved to adjourn the meeting.

Respectfully submitted,

Bill Deane

Planning Board Clerk