

Town of Otsego Planning Board

Minutes – September 7, 2010

PUBLIC HEARING

LLIB, LLC (Jon McManus) – Upper West Side (Reiss) major subdivision – County Highway 28, Pierstown (#84.00-1-15.62)

Joe Galati and Rosemary Craig recused themselves from the hearing and left the meeting table. Chairman Paul Lord called the LLIB public hearing to order at 7:32 PM and asked applicant Bill Miller to describe his proposed project. Miller read aloud from a long statement he had written, summarizing the evolution of the project and Planning Board activity to date, and responding to previous comments and correspondence received in opposition to the project. Lord then repeated his request that Miller describe the project. Engineer Jon McManus gave a brief description of the project. Lord opened the floor to questions.

Pat Hanft of Reiss Road asked what the length of the proposed road would be. Lord said it would be 890 feet. Hanft asked whether the Town laws specify a 500-foot length maximum on cul-de-sacs. McManus said the 500-foot maximum was a recommendation in the laws. Hanft also asked whether any agreement had been made regarding tree removal, and whether that would include trees already removed over the past year. Lord said the applicant and Board were still discussing a possible tree removal restriction. McManus noted that there were 878 trees (minimum eight inches in diameter) remaining on the property.

Robert Hanft of Reiss Road asked about road maintenance requirements of the prospective new land-owners. Miller suggested that the current neighbors get together and create a new landowners' association addressing this issue. Hanft also asked about the possibility of a bonding agreement.

Marilyn Bradshaw of 6539 State Highway 80 asked whether the statement Miller read would be on the record. Miller said he would submit a copy to the Board (done).

Veronica Seaver asked how we could be assured that the road would go no further than proposed. McManus showed her a map of the property, showing that it could not feasibly be done.

James Northrup asked whether the property can be seen from Otsego Lake, and was told that it can. He also asked whether there was a law restricting tree-cutting; Lord advised him that only properties within 500 feet of the Lake are subject to any such law.

Ed Craig of Reiss Road asked what assurance we had that the proposed road would not be linked with the road in the Walker subdivision. Miller said that he would consider adding a deed covenant preventing this.

With no further questions, Lord opened the floor to comments.

Beth Westfall, attorney for Robert and Pat Hanft, read aloud from a letter (filed) she had written. She urged the Board to carefully consider the ramifications of a Type I action. She noted that the original 1989 Reiss subdivision was approved with a maximum potential development of 12 units, under the five-acre minimum then in effect. Westfall said that there were explicit restrictive deed covenants in place, and that the Board could not rely on meeting minutes to prove their absence. She said that the 500-foot road length limit is part of the Town laws, and that waivers on this proposed road are

not warranted. Westfall urged the Board to deny the application, or at least issue a positive declaration.

Veronica Seaver asked that the Board respect the original plan of no more than 12 lots on this subdivision. She also expressed concern about the increased water requirements created by adding new residences.

Marilyn Bradshaw read aloud from a letter (filed) she had written. She thanked the Board for following the Town laws and procedures, and strongly urged them to disapprove this application. Bradshaw discussed the changing character of the Lake and view-shed, potential runoff issues, tree removal, and future maintenance. She said that Miller had illegally advertised lots for sale before the subdivision was approved, using illegal signs.

Zoning Enforcement Officer Hank Schecher said that it was not illegal to advertise lots for sale, as long as a subdivision application has been filed. Schecher also said Miller's signs were not in violation of Town laws.

Pat Hanft said she had e-mails from neighbors Howard Herman, Jean Shaw, R. Martin Schwager, and Jack Drumm, which they had asked her to read aloud. Lord said he would take the e-mails for the file, but would not permit their being read aloud. Hanft commented that Miller is "fast and loose with the facts."

Carol Akin of 6539 State Highway 80 read aloud from a letter (filed) she had written. She expressed concern with the Historic District status of the property location, and noted that several lake experts have recommended no further development in that area. Akin said that any problems with this subdivision would impact the nearby Walker subdivision. She expressed concern about the impact on Browdy Mountain and the view-shed, and requested that the Board deny the application.

Margaret Seaver said that she doesn't support the project. She said that it is full of vague intentions, with no guarantees.

Nancy Northrup said that this project goes beyond being a local issue; the Otsego Lake area is a unique, national treasure.

With no further comments, Wes Ciampo moved to adjourn the public hearing. Steve Purcell seconded the motion and it was approved, 6-0. Galati and Craig returned to the meeting table.

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 8:24 PM, and roll call was taken by Clerk Bill Deane. All members were present: Lord, Donna Borgstrom (Vice-Chairman), Joe Galati, Wes Ciampo, Joe Potrikus, John Phillips, Steve Purcell, and alternate member Rosemary Craig. Zoning Enforcement Officer Hank Schecher was also present; Planning Board Attorney Jim Ferrari was absent.

The Board reviewed the minutes of August 3 and August 10, 2010, e-mailed to the members. Borgstrom moved to approve them as written. Potrikus seconded the motion and it was approved, 7-0.

Chairman Lord reviewed correspondence received since the last meeting, including information on three training opportunities, distributed to members. Lord said other correspondence was related to applications on the agenda, and would be addressed

later during the meeting.

Copies of Zoning Enforcement Officer Schecher's September 7 report (filed) were distributed. It itemized seven land use permits issued and three applications pending Planning Board review.

Chairman Lord asked whether anyone from the public had comment on a non-agenda item. Veronica Seaver asked whether the minimum building lot size was three or five acres; Lord told her it was three. Seaver also asked whether the Planning Board members read all correspondence addressed to them. Lord said that all correspondence is filed, and that most members read most of the correspondence.

The Board moved on to applications.

APPLICATIONS

Jonathan & Charlene Polan (Susan Snell) – Sketch plan conference, construction within 500 feet of Canadarago Lake – 2229 County Highway 22 (#38.16-2-6.02)

Architect Susan Snell said that she was representing applicants Jonathan and Charlene Polan, but had no letter of authorization. Chairman Lord said that the Board could discuss the application only as a sketch plan.

Snell distributed application packages to the members. The Polans want to add a deck to their existing house within 500 feet of Canadarago Lake; in the future, they will want to add a boardwalk. Lord asked about adding that to the current application, but Snell said they were not ready to do that.

Snell will return to the October meeting with an authorization letter. The consensus of the Board was that the application was complete except for that.

LLIB, LLC (Jon McManus) – Upper West Side (Reiss) major subdivision – County Highway 28, Pierstown (#84.00-1-15.62)

Joe Galati and Rosemary Craig recused themselves from the application and left the meeting table. Donna Borgstrom read aloud from the minutes of August 10 relevant to the application.

Chairman Lord read aloud an e-mail (filed) from Ted Peters, which had previously been forwarded to the members. Regarding the e-mails submitted by Pat Hanft, Lord said he was uncomfortable accepting unsigned e-mails hand-delivered by someone else. The consensus of the Board was that such submissions should not be accepted.

Sonya del Peral introduced herself as Bill Miller's attorney. She noted that extension of the road is not part of the site plan. She gave a history of the property transactions, and said that any "intent" of the original subdivision is irrelevant. Del Peral submitted a proposed negative declaration to the Board, and said she would send a copy to Attorney Ferrari.

Lord noted that the appropriate cover letters had not been included in the Board's mailings to the Department of Environmental Conservation (DEC) and State Historic Preservation Office (SHPO).

Miller and Engineer Jon McManus submitted a photo showing the existing and proposed homes as seen from across the Lake; a biological study; a traffic assessment prepared by Jim Napoleon & Associates on August 25; a letter from the DEC, expressing no intent to declare lead agency status; and an e-mail from SHPO, expressing the same.

All documents were examined by the Board members and filed. Miller said they expected a formal letter from SHPO, stating that the project would have “no impact,” within days.

John Phillips asked whether someone could buy any of the proposed lots, and set it up as a preserve. Miller said they could.

Chairman Lord began filling in the Planning Board section of the environmental assessment form (EAF) with member and applicant input. Lord said they would complete the EAF after the SHPO letter was received.

Miller responded to the suggestion of a bonding proposal. Miller said bonding had not been required of applicants in recent history, and had not proven effective when it was done in the past. He said that he was willing to have approval contingent on improvements being made before the sale of the first lot.

Chairman Lord noted that the Planning Board is actually encouraged to link cul-de-sacs like Walker’s and the proposed LLIB one. Lord and Joe Potrikus noted that there was no homeowners’ association to regulate maintenance of the road. Jon McManus said that the DEC regulates maintenance, noting that the proposed road is ten feet wider than the existing one. Wes Ciampo read aloud from original deeds of properties in the subdivision, finding nothing about road maintenance. Landowner Ed Craig explained that the landowners had informally taken care of this issue among themselves up to now.

The Board instructed the applicants to update the plat to include proposed deed covenants, including provisions for road maintenance, and restrictions on tree-cutting and extension of the road. The applicants will return in October. Galati and Craig returned to the meeting table.

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

Donna Borgstrom read aloud from the minutes of August 10 relevant to the application. Chairman Lord referred to a “pile of correspondence” which had accumulated since the last meeting, most of it previously disseminated to the members via e-mail, and all filed.

Lord asked representative Peter Loyola, “Where are we?” Loyola replied that they required only site plan approval.

Donna Borgstrom asked Loyola which site plan he was asking the Board to approve. She said that the Board had deemed the application complete based on a June 22 site plan, but that Loyola had submitted a substantially revised site plan dated July 20. Loyola said that he now had an updated site plan dated September 1, but that only “details” had been changed since the June 22 plan.

Borgstrom and Joe Galati itemized differences between the June 22 and July 20 plans, including tree and shrub removal, demolitions and relocations, and storm-water plans. Borgstrom called the differences “significant,” and Galati said they were “material and cardinal changes.” Loyola maintained that they were minor details, and Lord asked him to convince the Board of that. Lord expressed concern as to whether the public would feel “misled” by not having an opportunity to comment on the final site plan. Considerable discussion followed.

Borgstrom moved to deny the application and schedule a public hearing on the

current site plan. Galati seconded the motion. Following further discussion, Borgstrom withdrew the motion. She then moved to deem the application complete with significant modifications, and schedule a public hearing for September 21. Galati seconded the motion, and John Phillips, Steve Purcell, and Joe Potrikus weighed in with contrary opinions. The motion was defeated, 4-3, with Borgstrom, Galati, and Purcell in favor, and Lord, Phillips, Potrikus, and Wes Ciampo opposed.

Lord suggested that the Board could approve the June 22 site plan, and require Loyola to return for site plan modification to encompass changes since then. Purcell moved to approve the site plan as submitted on June 22, contingent on Cooperstown Youth Baseball approval, and providing that the applicant return for any site plan modifications. Potrikus seconded the motion and it was approved, 5-2, with Borgstrom and Galati opposed.

Loyola asked for the requested special permits. Lord denied the request, saying those would be dealt with during the site plan modification process. Loyola submitted his September 1 plans as the modified site plan, and asked to be put on the October agenda. He will need to submit a new site plan application.

OTHER BUSINESS

The consensus of the Board was that discussion of potential changes to the *Land Subdivision Regulations* should again be tabled.

Lord discussed the October 5 agenda, saying it was essentially the same as tonight's at this point. Donna Borgstrom said she would not be at that meeting.

With no further business, at 10:54, Wes Ciampo moved to adjourn the meeting.

Respectfully submitted,
Bill Deane
Planning Board Clerk