

# Town of Otsego Planning Board

Minutes – October 2, 2012

## **PUBLIC HEARING**

### **Glen Miller & Diane Wicks-Miller – Major subdivision – 1988 County Highway 22 (#52.00-2-10.06)**

Acting Chairman Paul Lord called the Miller public hearing to order at 7:12 PM, and asked for questions or comments from the public. No one responded. Steve Purcell moved to close the public hearing. Tom Huntsman seconded the motion and it was approved, 5-0.

## **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. Acting Chairman Paul Lord called the meeting to order at 7:13 PM, and clerk Bill Deane took roll call. Members present were Lord, Rosemary Craig, Steve Purcell, and Tom Huntsman. With Chairman Joe Galati, Vice-Chairman Donna Borgstrom, and Joe Potrikus absent, alternate member Scottie Baker joined the meeting table. Zoning Enforcement Officer Tavis Austin, Planning Board Attorney Jim Ferrari, and Town Councilman Lang Keith were also present.

The Board reviewed the minutes of September 4, e-mailed to the members. Lord said that, under the Corbett application, “ditch” should be replaced with “ditch filled with gravel.” Baker moved to approve the minutes as amended. Craig seconded the motion and it was approved, 5-0.

Acting Chairman Lord passed around the Fall 2012 issue of *Rural Features*. There was no other correspondence received since the last meeting.

Acting Chairman Lord welcomed new Zoning Enforcement Officer Tavis Austin, who distributed copies of his September 11 Zoning Enforcement Officer report. It listed four land use permits requested, three pending Planning Board approval, and two approved and issued.

Acting Chairman Lord asked if there were any public comments on non-agenda items. No one responded. The Board moved on to applications.

## **APPLICATIONS**

### **Glen Miller & Diane Wicks-Miller – Major subdivision – 1988 County Highway 22 (#52.00-2-10.06)**

Scottie Baker read aloud from the minutes of September 4 relevant to the Miller application. Applicants Glen Miller and Diane Wicks-Miller submitted an engineering report on the septic system, prepared by Hans deWaal, and said there were no changes to their application. The Board agreed that this satisfied their document requirements.

Acting Chairman Lord reminded the Board that this was the preliminary plat, and that the subdivision process calls for a second public hearing. After discussion, Steve Purcell moved to approve the preliminary plat; to waive the second public hearing in the interest of expediency and due to the lack of interest in the first public hearing; and to approve the preliminary plat as a final plat. Rosemary Craig seconded the motion and it was approved, 5-0. Craig moved to authorize the chairman to sign and stamp the plat as approved. Purcell seconded the motion, it was approved, 5-0, and Lord stamped and signed the plat. He advised the Millers to file it with the County within 30 days.

Later during the meeting, Acting Chairman Lord apologized for neglecting to do the State Environmental Quality Review (SEQR) process. Lord noted that there was no environmental assessment form (EAF) in the file. He said that this would probably qualify as a Type II action under SEQR Section 617.5(c)(17). Lord asked Zoning Enforcement Officer Austin to contact the Millers and have them submit an EAF before the next meeting, at which time the Board would complete the SEQR requirement. The Millers do not need to

attend. Austin said that the Millers plan to follow up with a boundary line adjustment on the property.

**Gene Ellis – Site plan review, addition of pole barn within 500 feet of Canadarago Lake – 109 Log Cabin Road (#52.11-1-21.00)**

Applicant Gene Ellis was accompanied by Kathleen McBrearty. Scottie Baker read aloud from the minutes of September 4 relevant to the Ellis application. Bill Deane read aloud from the minutes (not yet approved) of the Zoning Board of Appeals (ZBA) meeting of September 18. On that date, a public hearing was waived (due to having one earlier this year with no negative feedback, the applicant now seeking a lesser variance, and having letters of support from all neighbors), and Ellis's application for an area variance was granted.

Acting Chairman Lord explained the Board's concerns about potential damage to the environment, due to the increase of impervious surfaces close to Canadarago Lake. He asked about the enclosures referenced in the Army Corps of Engineers letter, but Ellis said he didn't have them with him. Lord went through the site plan requirements in the *Land Use Law*. Ellis said there would be no electricity, lighting, running water, or other utilities in the new building. He does not have a survey or topographic contours, but Lord said those may be "waivable."

Acting Chairman Lord said that Ellis would need to submit the following: the enclosures referenced in the Army Corps of Engineers letter; preliminary building plans; construction sequence; a map drawn to scale; and erosion control plans, such as landscaping, a dry-well, holding tanks, and/or gutters. Ellis said that he had previously submitted most of these documents, but they had "disappeared." He asked to be put on the November 13 agenda.

Ellis then went on a tirade, saying that he was being "jerked around," and that he planned to put down a concrete pad for the proposed building without waiting for Planning Board approval.

**Joseph Corbett – Site plan review, addition of pole barn within 500 feet of Canadarago Lake – 113 Marble Road (#52.00-2-10.14)**

Scottie Baker read aloud from the minutes of September 4 relevant to the Corbett application. Applicant Joseph Corbett submitted a list of neighbors and a map showing contours, lighting, erosion control, and foundation description, as requested during that meeting. The Board examined the new documents.

Steve Purcell moved to deem the application complete and schedule a public hearing for November 13. Rosemary Craig seconded the motion and it was approved, 5-0. Acting Chairman Lord said the Board would deal with SEQR after the public hearing.

**OTHER BUSINESS**

Zoning Enforcement Officer Austin asked why the Board seemed to have different requirements for two applicants with similar applications. Acting Chairman Lord and Bill Deane offered explanations.

Zoning Enforcement Officer Austin asked about a situation on Sugar Hill Road. The consensus of the Board was that this would constitute a lot line adjustment rather than a non-conforming subdivision.

Zoning Enforcement Officer Austin asked about Twisted Cedar Creations. Bill Deane read aloud from the July 3 minutes relevant to that subject. Austin said that he had documented many non-conforming signs in the Town, and would submit photos to the Town Board. Steve

Purcell thanked Austin for bringing questions like these to the Board.

Zoning Enforcement Officer Austin volunteered to e-mail PDFs of new applications to members, rather than Bill Deane's mailing them copies. The consensus was that some people would have trouble opening these files.

Paul Lord discussed the *Land Subdivision Regulations*. He distributed draft copies of his proposed revisions covering pages 1-16, and explained the revisions. Lord said that the Town Board increased the fees in 1990, but these increases were never reflected in the regulations. He noted various suggestions from Board members, Bill Deane, Attorney Ferrari, John Phillips, and Lang Keith. Lord said he would have a new draft ready for the November 13 meeting.

It was noted that Joe Galati has not been to a Planning Board meeting since May 1, and Bill Deane wondered whether anyone had an update on his leave-of-absence. Paul Lord said he had not heard anything, and that the Board needs to know who is in charge. Lang Keith said he had asked Galati about it, but Galati said he was not prepared to discuss it with him. Rosemary Craig said that she likes Galati and that he runs a good meeting, but that his continued absence and silence are not respectful or acceptable to his fellow Board members. Others agreed. After discussion, Tom Huntsman moved to recommend that the Town Board appoint Donna Borgstrom as Chairman. Scottie Baker seconded the motion and it was approved, 5-0. Keith said he would relay this to the Town Board.

The Board discussed the Town's new Code of Ethics, revised on September 12, and e-mailed to the members. Lang Keith described it as a "policy" as opposed to a law. Steve Purcell commented that Planning Board members seem to have less rights than non-members under this policy.

Bill Deane discussed the November 13, 2012 agenda, noting the date change due to Election Day on the 6<sup>th</sup>. All of tonight's applicants are expected to return (Corbett with a public hearing), and Bill Miller is also expected to request another extension to his conditional approval.

Tom Huntsman said he would not be present for the December 4 meeting.

With no further business, at 10:19, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk