

# Town of Otsego Planning Board

Minutes – October 5, 2010

## 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 7:30 PM, and roll call was taken by Clerk Bill Deane. Members present were Lord, Joe Galati, Wes Ciampo, John Phillips, and Steve Purcell. Donna Borgstrom (Vice-Chairman), Joe Potrikus, and alternate member Rosemary Craig were absent. Planning Board Attorney Jim Ferrari and Zoning Enforcement Officer Hank Schecher were also present.

Chairman Lord said he wanted to make a public statement to rebut media reports concerning Donna Borgstrom's perceived conflict of interest with the pending Village of Cooperstown/CLA application. The Planning Board is subject only to New York State, County, and Town laws. Lord reminded those who disagree with Town laws that they are made by the Town Board, and merely interpreted and enforced by the Planning Board. The Town has an Ethics Committee, and its policies and recommendations are carefully considered by the Planning Board; however, the Town has yet to pass any ethics legislation, so the Planning Board abides by New York State ethics requirements. Lord said he had checked these, concluding that Borgstrom is not in violation of them.

The Chair noted that he is prompted to repeat what he tells Town citizens who attend Planning Board meetings looking to have Town laws changed because of pending applications. The Town Board makes laws. The Planning Board merely interprets and enforces Town, County and State laws. and The Board reviewed the minutes of September 7, 2010, e-mailed to the members. Phillips moved to approve them as written. Galati seconded the motion and it was approved, 5-0.

Chairman Lord reviewed correspondence received since the last meeting:

- A survey on rare species from the New York State Department of Conservation (DEC). Lord said he would complete and return it.
- A flier (passed around) from TVGA Consultants, regarding a workshop to be held in Elma, New York on October 22. Lord reminded the members about their annual training requirements.
- The Summer 2010 issue (passed around) of *Rural Futures*.

Copies of Zoning Enforcement Officer Schecher's October 5 report (filed) were distributed. It itemized five land use permits issued and seven applications pending Planning Board or other review.

Chairman Lord asked whether anyone from the public had comment on a non-agenda item. No one responded.

The Board moved on to applications.

## APPLICATIONS

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

John Phillips read aloud the minutes of September 7 relevant to this application. Architect Susan Snell submitted a letter authorizing her to represent

applicants Jonathan and Charlene Polan. Snell said that the proposed boardwalk would require DEC and Zoning Board of Appeals intervention, which is why it is not part of the current site plan application.

John Phillips moved to deem the application complete. Wes Ciampo seconded the motion and it was approved, 5-0. Phillips moved to waive the public hearing, due to this being a minimal project. Joe Galati seconded the motion and it was approved, 4-1, with Chairman Lord opposed.

Ciampo moved to approve the application as submitted. Steve Purcell seconded the motion and it was approved, 5-0. Lord stamped the site plan “approved” and signed it.

### **Oberriter Development LLC – Minor subdivision – State Highway 28 (#114.00-1-7.03)**

John Phillips read aloud the minutes of February 5 relevant to this application. Applicants Don, Sharon, and Andrew Oberriter were present. They submitted a survey map, a list of neighbors, and a percolation test done by McManus Engineering. In March they had submitted a deed showing that the “Gypsy Springs” lot deed is dated August 4, 1900. The Board had said in February that, if the deed for this piece predated 1987, it would not be considered part of the subdivision, thus leaving this as a minor subdivision. The Board examined the various documents. Attorney Ferrari examined the survey map and deed language, saying that he saw no issues.

Joe Galati moved to deem the application complete and schedule a public hearing for November 9. John Phillips seconded the motion and it was approved, 5-0.

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

Applicant Dan Rowley submitted a survey map of his 24-acre lot, which he wants to divide into three parcels. He would retain and build on the larger lot, which includes an NCRS conservation easement on which a pond is to be created; the other two lots would be given to his niece and nephew. The Board examined the map, asking questions and offering suggestions on how to proceed.

Rowley said he will need approval from the DEC and Army Corps of Engineers, and will return before the Planning Board at a future date. Bill Deane asked him to give two weeks’ notice when he was ready to return.

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

Joe Galati recused himself from this application, per his February 2 memo, and left the meeting table. John Phillips read aloud the minutes of September 7 relevant to this application.

Chairman Lord summarized and filed recent correspondence relevant to this application, including two October 3 e-mails from Veronica Seaver, an October 4 letter from Robert and Patricia Hanft, an October 4 e-mail from Debra Creedon, and an unsigned, undated letter from the Otsego 2000 Lake Committee, which had been hand-delivered by Scottie Baker to Bill Deane.

Applicant Bill Miller submitted an informal biological assessment, prepared by

IVI Assessment Services on September 6. Miller noted that he had e-mailed the letter from the State Historic Preservation Office (SHPO), saying that the project would have “no impact,” to the Board members. Members recalled seeing this, but there was no copy for the file.

Miller submitted a proposed deed restriction on tree-cutting, based on a percentage of trees. Miller said he had spoken with a forester about a more practical option called stem management, and how it would apply to Miller’s property. Chairman Lord asked Miller to invite the forester to discuss this concept with the Board at a workshop on October 26. Lord said the Board would complete the Environmental Assessment Form (EAF) after resolving the tree-cutting restrictions.

Chairman Lord discussed waivers the Board would need to consider, including road issues, fire hydrants, and street lights. He asked Miller to prepare a list of specific waivers he wants the Board to make.

Galati returned to the meeting table.

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

John Phillips read aloud the minutes of September 7 relevant to this application. Bill Deane asked representative Peter Loyola whether he had submitted a site plan modification application, as directed in September, but Loyola said he had not. He said he didn’t think he needed a new application because “nothing has changed” since his previous application.

Chairman Lord asked Loyola whether he had obtained approval from Cooperstown Youth Baseball (CYB) on the demolition of the existing field. Loyola said that until he received his special permitted uses, he was in a “Catch-22” situation with CYB, but noted that the demolition plan was not part of the site plan approval process.

After a contentious exchange between Loyola and Joe Galati, Lord said that Loyola had no business before the Board without an application, and dismissed him.

**Lynn Viebrock – First lot split – 105 Stonehouse Road (#98.00-1-46.00)**

Zoning Enforcement Officer Schecher brought this matter before the Board, noting that the Jenny Johansen first lot split was handled the same way earlier this year. Applicant Lynn Viebrock has a 20-acre lot and wants to split it into parcels of approximately 16 and four acres, respectively. Schecher had checked the 1987 map and determined that this qualifies as a first lot split.

Attorney Ferrari examined the paperwork and said that he saw no issues. Chairman Lord noted that all acreage and road frontage requirements have been met.

Steve Purcell moved to deem this a first lot split and authorize the chairman to sign it off as such. John Phillips seconded the motion and it was approved, 4-0 (Joe Galati had temporarily left the room). Chairman Lord stamped the site plan “approved” and signed it.

**OTHER BUSINESS**

Chairman Lord asked that members be prepared to address potential changes to the *Land Subdivision Regulations* at a workshop held on October 26 at 7:30 PM. Lord assigned the five members in attendance to read through four pages each of the

*Regulations*, drafting proposed changes, as follow: Wes Ciampo (pages 1-4), John Phillips (5-8), Lord (9-12), Steve Purcell (13-16), and Joe Galati (17-20). Lord noted that the *Land Subdivision Regulations* are not in electronic format, and that someone will have to retype them at some point.

Zoning Enforcement Officer Schecher discussed a proposed expansion by Haggerty Ace Hardware. He said it would probably come before the Board in November.

Bill Deane discussed the November 9 agenda, noting the date change due to Election Day. In addition to the Haggerty application mentioned by Zoning Enforcement Officer Schecher, Oberriter (public hearing) and LLIB are slated to return, and the Village of Cooperstown may if an application is submitted on time.

With no further business, at 9:24, Wes Ciampo moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane  
Planning Board Clerk