

Town of Otsego Planning Board
Minutes – October 6, 2009

PUBLIC HEARING

Peter Bissell – Site plan review, covered deck within 500 feet of Otsego Lake – State Highway 80 (#84.12-1-6.00)

Chairman Paul Lord called the Bissell public hearing to order at 7:30 PM, and noted that no one from the public was in attendance. Joe Galati moved to close the public hearing. John Phillips 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 7:32 PM, and roll call was taken by Clerk Bill Deane. Members present were Lord, Donna Borgstrom (Vice-Chairman), John Phillips, Joe Galati, Steve Purcell, and Wes Ciampo. With Doug Greene absent, alternate member Joe Potrikus joined the meeting table. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of September 1, 2009, e-mailed to the members. Phillips moved to approve the minutes as written. Purcell seconded the motion and it was approved, 7-0. The Board then reviewed the minutes of the workshop of September 22, 2009, e-mailed to the members. Chairman Lord noted that, in paragraph 4, “slop” should be “slope.” Purcell moved to approve the minutes as amended. Borgstrom seconded the motion and it was approved, 6-0, with Potrikus abstaining because he had not attended the meeting.

Chairman Lord reviewed correspondence received since the last meeting:

- The September/October 2009 issue of *Talk of the Towns&Topics*, copies of which were distributed to members. Lord reminded the members of their requirement of at least four hours of training per year.
- A letter from Town Board member Bill Michaels, with his recommended amendments to the “steep slope” section of the *Land Use Law*. Michaels indicated he had originally given this to the Planning Board in June, but no one remembered seeing it before, nor is there any record of it in previous Planning Board minutes. Copies of the letter were distributed to members, to be considered when the Board revisits this issue.
- Another letter (filed) from Attorney Jennifer Basic regarding the Kukenberger boundary line adjustment, asking for contact information on Lord. Both Lord and Deane have given her this information previously; Deane will contact her again after the meeting.

Zoning Enforcement Officer Schecher distributed copies of his October report (filed). It listed seven projects pending Planning Board approval, and issuance of a fireworks permit.

Chairman Lord explained a new regular addition to the agenda: public comment on non-agenda items. No one from the public had any comments.

The Board moved on to applications.

APPLICATIONS

Peter Bissell – Site plan review, covered deck within 500 feet of Otsego Lake – State Highway 80 (#84.12-1-6.00)

Donna Borgstrom read aloud the minutes of September 1 relevant to the application. Applicant Peter Bissell came to the table and the Board briefly reviewed his application package.

The Board reviewed the State Environmental Quality Review Act (SEQRA) regulations. John Phillips moved to deem this a Type II action under SEQRA Section 617.5(c)(10). Steve Purcell seconded the motion and it was approved, 7-0.

Chairman Lord suggested that Bissell put hay around the spruce trees to stabilize the area, and Bissell was agreeable to that. Purcell moved to approve the site plan with that modification. Wes Ciampo seconded the motion and it was approved, 7-0. Lord stamped the site plan “approved” and signed it.

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

Representative Leon Kalmus submitted various documents (filed), including copies of permits from the Department of Environmental Conservation (DEC) and Army Corps of Engineers. Chairman

Lord noted that, due to the DEC approval, no SEQRA action was required.

Joe Galati questioned whether this project was actually in the Town Otsego, being that it is actually located in Lake Otsego. Lord explained that the municipal boundary extends to the middle of the Lake.

The Board reviewed site plan requirements in the *Land Use Law*. Kalmus said there would be no landscaping, lighting, or signs, and added information on construction sequence to the site plan. The consensus of the Board was that they could waive the requirements for a survey, engineering plans, landscaping plans, a list of neighbors, and a public hearing.

Steve Purcell moved to deem the application complete and approve the site plan with the above waivers. Galati seconded the motion and it was approved, 7-0. Lord stamped the site plan "approved" and signed it.

Estate of Shirley Bennett (Les Sittler) – Minor subdivision – Bristol Road (#112.00-1-13.01)

Zoning Enforcement Officer Shecher reported that Attorney Les Sittler had asked to reschedule this application for November, due to his client's illness.

Roger & Linda Scott (Hans DeWaal) – Site plan review, shoreline stabilization within 100 feet of Canadarago Lake – County Highway 22 (#38.20-1-20.00 & -21.00)

Engineer Hans DeWaal submitted a letter (filed), authorizing him to represent applicants Roger & Linda Scott. He also submitted an application package including a short Environmental Assessment Form (EAF), architectural drawings, and photos, which the Board reviewed. The Board noted that he had satisfied the *Land Use Law* site plan requirements of a survey, map, list of neighbors, building and engineering plans. DeWaal said there would be no landscaping, lights, or signs, and that construction would take three weeks.

Joe Galati moved to waive SEQRA requirements in anticipation of DEC approval. John Phillips seconded the motion and it was approved, 7-0.

Donna Borgstrom moved to deem the application complete, contingent on approvals by the DEC and Army Corps of Engineers. Phillips seconded the motion and it was approved, 7-0. Borgstrom then moved to waive the public hearing and approve the site plan with the same contingencies. Steve Purcell seconded the motion and it was approved, 7-0. Chairman Lord advised DeWaal that he would stamp and sign the site plan after DeWaal submitted copies of the necessary approvals to Zoning Enforcement Officer Schecher.

Trosset Group Attorneys (Donna Borgstrom) – Site plan review, special permitted use, law office in hamlet business district – State Highway 28 (#97.00-1-40.00)

Donna Borgstrom left the member's side of the table and moved to the applicants' side, as she is representing Trosset Group Attorneys in, and thus not voting on, this application. Trosset is a principal of The Mill on Oaks Creek, LLC, owner of the building.

The applicants are seeking a special permitted use for a law office in the hamlet business district, requiring site plan review. Borgstrom submitted an application package, including a short EAF and a list of neighbors within 200 feet of the property. She asked that the survey requirement be waived. The site plan shows 16 parking spaces, more than enough to accommodate the 1,350 square feet of office space and four apartment units in the building. The Board reviewed the site plan requirements in the *Land Use Law*.

Borgstrom drew in shrubbery and lighting details on the site plan, and said that construction would be completed by the spring of 2010. Lord said that SEQRA review could be done after the public hearing.

Wes Ciampo moved to waive the survey requirement, deem the application complete, and schedule a public hearing for November 10. John Phillips seconded the motion and it was approved, 6-0.

OTHER BUSINESS

Donna Borgstrom returned to the members' side of the table. Chairman Lord distributed copies of his October 6 draft of the proposed amended Planning Board By-Laws. Revisions to the previous draft were made to Sections 1.2, 4.2, 5.1 and 6, based on subsequent input from Bill Deane and Attorney Ferrari.

Lord asked members to look over the new draft and be prepared to vote on it at the next meeting. Joe Galati reintroduced the subject of planned unit developments (PUDs), saying they were in keeping with the Town's *Land Use Law* and Comprehensive Plan. Chairman Lord questioned that, leading to a

contentious exchange, followed by tangential conversation. After the discussion got back on track, the Board began going through the sample law proposed by Councilman Michaels. John Phillips reminded the Board about two previous worthy applications which were not allowed by the *Land Use Law*, but which might have qualified under a PUD amendment. Lord introduced the idea of performance bonds to ensure that proposed projects are completed timely. The consensus of the Board was to continue reviewing the proposed law and resume the discussion at the next meeting.

“Members’ discussion” was introduced. John Phillips brought up the subject of state training requirements for Board members. He noted that there were limited opportunities, and wondered whether attendance at and research for special meetings and workshops could count toward the requirements. Chairman Lord said that members could submit written applications to him, asking for consideration of special activities toward training time requirements, which he could in turn submit to the Town Board for approval. It was recalled that Doug Greene was planning to bring in information on on-line training opportunities. Phillips suggested that an educational speaker could be brought in to present to the members, enabling all of them to meet the requirements simultaneously.

Attorney Ferrari gave an update on the pending Article 78 action. The plaintiff’s attorney has filed an amended petition, and the court date has been postponed to October 23.

Zoning Enforcement Officer Schecher said that the Lakeshore issues discussed several months ago had been forwarded to the Watershed Supervisory Committee’s attention.

Bill Deane asked about Joe Potrikus’s abstention on approving the minutes of the last workshop, because he had not attended it. Deane noted that the Zoning Board of Appeals (ZBA) had encountered a situation where, for many months, there never was a quorum of members who had attended a previous meeting, leaving a half-year’s worth of minutes in limbo. The ZBA then ruled that it was acceptable to vote on minutes even if one was not in attendance at a meeting. Chairman Lord saw no problem with a Planning Board member abstaining on approving minutes of a meeting he had not attended.

The consensus of the Board was not to schedule another workshop for this month.

Bill Deane discussed the November 10 agenda, noting the date change due to Election Day on November 3.

Returning applicants will be Bennett Estate and Trosset Group (public hearing). “Other business” items include the By-Laws, PUDs, and reappointment recommendations to the Town Board. Deane said that “contingent approvals” should also be added back to the agenda, as there have been two in the past two months.

With no further business, at 9:57, Wes Ciampo moved to adjourn the meeting.

Respectfully submitted,

Bill Deane

Planning Board Clerk