

Town of Otsego Planning Board
Minutes – November 10, 2009

PUBLIC HEARING

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 seated herself in the audience section. Chairman Paul Lord called the Trosset Group public hearing to order at 7:31 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, 5-0. Borgstrom 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 7:32 PM, and roll call was taken by Clerk Bill Deane. Members present were Lord, Donna Borgstrom (Vice-Chairman), John Phillips, Joe Galati, and Doug Greene. With Steve Purcell and Wes Ciampo 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 October 6, 2009, e-mailed to the members. Borgstrom moved to approve the minutes as written. Galati seconded the motion and it was approved, 6-0.

Chairman Lord reviewed correspondence received since the last meeting:

- Letters (distributed to members) from Lorman Education Services, offering training opportunities.
- An e-mail (filed in “general correspondence”) from Wayne Bunn, requesting reappointment as Planning Engineer for 2010, but explaining that he is now working for Lamont Engineers. Lord said the Board would discuss this during “other business.”
- Replacement *Land Use Law* pages (copied and distributed to the members) from the Town Clerk, including the most recent (May 13, 2009) revision.

Zoning Enforcement Officer Schecher distributed copies of his November 10 report (filed). It listed five land use permits issued, three pending Planning Board approval, and two pending Zoning Board of Appeals (ZBA) action, plus an item to be discussed during “other business.”

Chairman Lord asked if there were any public comments on non-agenda items, but there were none. The Board moved on to applications.

APPLICATIONS

Estate of Shirley Bennett (Les Sittler) – Sketch plan conference, minor subdivision – Bristol Road (#112.00-1-13.01)

Donna Borgstrom read aloud from the April 7 minutes relevant to this application. Attorney Les Sittler was accompanied by Robin Aufmuth, one of five legatees who formed a limited liability corporation from the Estate of Shirley Bennett. They want to split off about four acres from the front of an 87-acre parcel of land, selling the smaller piece (including a house), and keeping the remainder as a family heirloom, and possibly later putting a camp on it. There was a first lot split on the property in 2001, so this would qualify as a minor subdivision.

Sittler submitted a survey sketch showing the proposed subdivision. He believes that, using the lot-size averaging clause (Section 2.11) in the *Land Use Law*, the minimum road frontage would be only 100 feet rather than 150; the Board agreed. Sittler asked whether the 100 feet had to be continuous, and the consensus of the Board was that it did not. Sittler asked whether the Board would want surveys of both parcels, and Chairman Lord said that they would.

Sittler said he would return to the Board in the future with the surveys, a letter of application, a completed environmental assessment form (EAF), and a check covering the \$175 subdivision fee. Bill Deane asked him to give two weeks’ notice when he was ready.

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, representing the applicant, moved to the applicants’ side of the meeting table. John Phillips read aloud from the October 6 minutes relevant to this application.

The Board reviewed the State Environmental Quality Review Act (SEQRA) regulations. Phillips

moved to deem this a Type II action under SEQRA Section 617.5(c)(7), as used in previous similar applications. Joe Galati seconded the motion and it was approved, 5-0.

Chairman Lord asked whether the special permitted use should contain any special conditions, but the consensus was that it should not. Galati moved to approve the special permitted use for professional office space on the first floor of the building. Doug Greene seconded the motion and it was approved, 5-0.

Doug Greene moved to approve the site plan with the waiver of the survey requirement. Galati seconded the motion and it was approved, 5-0. Lord stamped the site plan "approved" and signed it. Bill Deane prepared a special permit which Lord also signed, with a copy made for the file and the original given to Borgstrom.

OTHER BUSINESS

Donna Borgstrom returned to the members' side of the table. Members discussed the amended Planning Board By-Laws, specifically the latest (October 6) version distributed by Chairman Lord. Doug Greene moved to approve them as submitted. Borgstrom seconded the motion and it was approved, 6-0. Lord asked Bill Deane to put this topic on the January agenda for discussion of the next step.

It was noted that Donna Borgstrom's current term expires at the end of the year, and that there is usually a lapse of time between a member's term ending and his being formally reappointed by the Town Board.

John Phillips moved to recommend to the Town Board that Borgstrom be immediately reappointed, due to her exemplary performance as a member and Vice-Chair. Joe Potrikus seconded the motion and it was approved, 5-0, with Borgstrom abstaining.

Donna Borgstrom moved to recommend to the Town Board that Paul Lord be reappointed as Planning Board Chairman. Joe Galati seconded the motion and it was approved, 5-0, with Lord abstaining. John Phillips said he would convey the recommendations to the Town Board during their meeting the next night. Chairman Lord noted that the Board's By-Laws called for one member to be named as Secretary, to act in the absence of the Clerk, and another named as liaison to the Town Board. Joe Galati moved to appoint Wes Ciampo as Secretary. Donna Borgstrom seconded the motion and it was approved, 6-0. Borgstrom moved to appoint John Phillips as Town Board Liaison. Galati seconded the motion and it was approved, 5-0, with Phillips abstaining. Lord advised Phillips that he should make it clear during Town Board meetings as to when he was speaking on behalf of the Planning Board.

Chairman Lord brought up the issue of Wayne Bunn, mentioned during "correspondence." Any application involving Lamont Engineers could create a conflict of interest situation, so a contingency plan would have to be put in place. Lord said he would talk to Hans deWaal about serving as Planning Board Engineer for any applications involving Lamont. Also, Lord wondered whether there would be an increase in fees due to Bunn's employment by Lamont. He asked that this be put on the December agenda for further discussion, giving him time to get more information.

Joe Galati distributed copies of a packet on planned unit developments (PUDs), including guidelines and a draft of a proposed new law. He asked members to review it and be prepared to discuss it at the next meeting.

Zoning Enforcement Officer Schecher and Bill Deane explained a matter that had come before the ZBA in October. Schecher distributed copies of a survey map, showing how Laurel O'Brien wants to divide her 5.3-acre parcel on Williams Road (RA-2) into two equal lots. Because these would fall short of the three-acre requirement in Section 2.03 of the *Land Use Law*, Schecher thought she would need to apply for a variance. The ZBA had discussed whether they had the authority to rule on such a case, and didn't think they did, unless O'Brien got some sort of denial, either from the Zoning Enforcement Officer or the Planning Board, before coming to the ZBA. Chairman Lord said that this subdivision would be illegal, thus could not come to the Planning Board without a variance.

Zoning Enforcement Officer Schecher discussed two contingent approvals granted by the Planning Board: John & Stacey Hatem (approved September 1 contingent on DEC approval), and Roger & Linda Scott (approved October 6, contingent on DEC & Army Corps approval). He showed documentation (filed) that these applicants had met their contingencies. Chairman Lord said that means they are now full approvals from the Planning Board's standpoint.

Chairman Lord said that the Board would need to schedule a two-hour workshop for Planning Board training, with no clerk needed. After discussion, the Board decided to hold this on November 24, from 7-9 PM. After Bill Deane pointed out that the December 1 agenda had no applications, with only one week to the cutoff deadline, the Board agreed that it would be better to hold the workshop immediately following

the December 1 meeting. Deane will recheck the agenda status on November 17 and discuss with Lord, who will then decide whether to hold the workshop on November 24 or December 1. Joe Potrikus said that Wes Ciampo had told him he would be missing the next three meetings, asking Potrikus to cover for him. Chairman Lord said that he would talk to Ciampo about his missing meetings. Attorney Ferrari reported on the pending Article 78 action: they are awaiting the judge's decision on Ferrari's motion to dismiss, determining whether it goes any farther than that. With no further business, at 8:52, Joe Potrikus moved to adjourn the meeting.

Respectfully submitted,
Bill Deane

Planning Board Clerk