

Town of Otsego Planning Board

Minutes – November 13, 2012

PUBLIC HEARING

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

Acting Chairman Donna Borgstrom called the Corbett public hearing to order at 7:03 PM, and asked for questions or comments from the public. No one responded. Bill Deane noted that the letter addressed to applicant Joseph Corbett had been returned; Corbett later gave his correct address. Paul Lord moved to close the public hearing. Steve Purcell seconded the motion and it was approved, 4-0.

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 Donna Borgstrom called the meeting to order at 7:04 PM, and clerk Bill Deane took roll call. Members present were Borgstrom, Paul Lord, Steve Purcell, Tom Huntsman (who arrived at 7:11, during the LLIB application), and Joe Potrikus (who arrived at 7:15, after the LLIB application). With Chairman Joe Galati and Rosemary Craig 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 October 2, e-mailed to the members. Baker moved to approve the minutes as written. Purcell seconded the motion and it was approved, 4-0.

There was no correspondence received since the last meeting.

Zoning Enforcement Officer Austin distributed copies of his November 13 Zoning Enforcement Officer report (filed). It listed four land use permits issued and two pending Planning Board approval.

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

APPLICATIONS

LLIB, LLC (Bill Miller) – Request to extend conditional approval of Upper West Side major subdivision – County Highway 28, Pierstown (#84.00-1-15.62)

Applicant Bill Miller of LLIB, LLC, returned before the Board to again ask for extension of his conditional approval of the Upper West Side major subdivision. The current extension expires December 3, 2012. Miller said there was no change to the situation.

Miller noted that the Board barely had a quorum at tonight's meeting, and his extension could have expired before the next scheduled meeting. He asked if the process could be done earlier in the future. Acting Chairman Borgstrom suggested that Attorney Ferrari could look into that possibility. Paul Lord said that the Board could schedule a special meeting if necessary, and did not think it was necessary to change the procedure.

Scottie Baker moved to extend the conditional approval another 90 days (through March 3, 2013). Steve Purcell seconded the motion and it was approved, 5-0. Miller said he would probably be back in February to ask for another extension.

Glen Miller & Diane Wicks-Miller – Major subdivision (completion of SEQR process) – 1988 County Highway 22 (#52.00-2-10.06)

Bill Deane read aloud from the October 2 minutes relevant to the Wicks-Miller application. During that meeting the applicants' major subdivision was approved, but there was no Environmental Assessment Form (EAF) on file, and the Board failed to complete the State Environmental Quality Review Act (SEQRA) process. Paul Lord noted that he received confirmation that the applicants have filed the subdivision with the County.

The applicants since submitted a short EAF, which acting Chairman Borgstrom went through with member input. Joe Potrikus moved to declare a negative declaration and authorize the acting chairman to sign the EAF. Steve Purcell seconded the motion, it was approved, 6-0, and Borgstrom signed the EAF.

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

Bill Deane read aloud from the October 2 minutes relevant to the Ellis application. Applicant Gene Ellis submitted documents, including drawings and photos, to satisfy the list requested by the Board on that date. Erosion control plans consisted of piping going from both sides of the roof. Ellis said construction would take about two weeks.

Joe Potrikus moved to waive the public hearing, due to the Zoning Board of Appeals (ZBA) having a hearing earlier this year with no negative feedback, and the applicant's providing letters from his neighbors in support of the project. Steve Purcell seconded the motion and it was approved, 6-0.

The Board tabled the application to allow Ellis to complete a short EAF. After he did so and returned, Tom Huntsman moved to declare a Type II action under SEQRA Section 617.5(c)(10). Purcell seconded the motion and it was approved, 6-0.

Purcell moved to deem the application complete and approve the site plan as submitted. Scottie Baker seconded the motion and it was approved, 6-0. Acting Chairman Borgstrom stamped the site plan "approved" and signed it.

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

Bill Deane read aloud from the October 2 minutes relevant to the Corbett application. Applicant Joseph Corbett submitted a letter (filed), requesting six months' extension on his construction sequence due to impending winter weather. He also submitted a short EAF.

After discussion, Paul Lord moved to declare a Type II action under SEQRA Section 617.5(c)(7). Steve Purcell seconded the motion and it was approved, 6-0.

Purcell moved to approve the site plan with the construction sequence modification. Scottie Baker seconded the motion and it was approved, 6-0. Acting Chairman Borgstrom stamped the site plan “approved” and signed it. Corbett thanked the Board.

Addison Bissell – Site plan review, special permitted use, hotel/motel and eating establishment (under heirloom barn law) within 500 feet of Otsego Lake – 6515 State Highway 80 (#84.12-1-6.00)

Zoning Enforcement Officer Austin explained that, after further review of the application, he advised applicant Addison Bissell that his project did not qualify under the “heirloom barn” law. He also advised Bissell that his establishment was in violation of the *Land Use Law*, and gave him a deadline to apply for something to remedy the situation. Options include applying to the ZBA for a use variance; to the Town Board for rezoning of the property; or to the Planning Board for something permissible under the *Land Use Law*.

Maria Foster Brashear – Minor subdivision – 805 Keating Road (#67.00-2-16.01)

Applicant Maria Brashear submitted a Mylar showing a proposed split of a 3.24-acre lot out of a 43-acre parcel. Board members examined the tax maps and determined that there had been one previous split of the property since 1987; thus, this qualifies as a minor subdivision rather than a first lot split.

Brashear also submitted a September 28, 2012 letter from the army Corps of Engineers, stating that no permit was required; an aerial photo of the property; and a survey. She noted that the perc test was completed, and that there are no deed restrictions or covenants on the property.

Acting Chairman Donna Borgstrom and Paul Lord expressed concern that the subdivision would leave a non-rectangular lot, which the Board is supposed to discourage. Brashear explained that the configuration was chosen due to topographic constraints (wetlands).

The consensus of the Board was that the only things missing were a list of neighbors within 200 feet of the property lines; and the \$175 subdivision fee. Zoning Enforcement Officer Austin said he would provide the list of neighbors within a few days, and Brashear said she would pay the fee by the next meeting.

Joe Potrikus moved to deem the application complete, contingent on the list of neighbors being submitted by November 20, and to schedule a public hearing for December 4. Steve Purcell seconded the motion and it was approved, 6-0.

OTHER BUSINESS

Zoning Enforcement Officer Austin asked for a better explanation of the “heirloom barn” law, and particularly wondered where the “110 years” came from. Paul Lord and others explained the law and the ideas behind it, but none could recall the rationale for the “110.”

Paul Lord discussed the *Land Subdivision Regulations*. He distributed draft copies of his proposed revisions covering pages 1-25, and explained the revisions. Lord

asked the members to read through the pages and be prepared to give thoughts and corrections at the December 4 meeting.

Acting Chairman Borgstrom said that she did not have any “official news” as to the status of the Planning Board chairmanship.

Bill Deane discussed the December 4 agenda. As of now, the only applicant is Brashear (public hearing), with the agenda deadline only a week away. Other business items include discussion of 2013 Board personnel, and continuation of proposed revisions to the *Land Subdivision Regulations*. Tom Huntsman reminded the Board that he would not be present for that meeting.

With no further business, at 8:49, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk