

Town of Otsego Planning Board

Minutes – December 4, 2012

PUBLIC HEARING

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

Acting Chairman Donna Borgstrom called the Brashear public hearing to order at 7:00 PM, and asked for questions or comments from the public. Neighbor Matt Jennings asked for a description of the project, which Justin Foster gave him. With no further questions or comments, Paul Lord moved to close the public hearing. Joe Potrikus seconded the motion and it was approved, 6-0.

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 7:03 PM, and clerk Bill Deane took roll call. Members present were Borgstrom, Paul Lord, Steve Purcell, Rosemary Craig, and Joe Potrikus. With Chairman Joe Galati and Tom Huntsman absent, alternate member Scottie Baker joined the meeting table. Planning Board Attorney Jim Ferrari and Town Supervisor Anne Geddes-Atwell were also present; Zoning Enforcement Officer Tavis Austin arrived at 7:31 and was present for part of the meeting.

The Board reviewed the minutes of November 13, e-mailed to the members. Potrikus moved to approve the minutes as written. Baker seconded the motion and it was approved, 6-0.

Acting Chairman Borgstrom reviewed correspondence received since the last meeting:

- An e-mail from Wayne Bunn (filed in “general correspondence”), expressing interest in reappointment to his role as Planning Board Engineer.
- The September/October issue of *Talk of the Towns & Topics*, copies of which were distributed.
- The Planning Board’s revised By-Laws, copies of which were distributed.

There was no Zoning Enforcement Officer report available.

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

APPLICATIONS

Tripp & Davis – Site plan review, family athletic building in steep-slope area – 200 Huff Road (#84.00-1-3.01)

Architect Kurt Ofer said he was representing applicants Tripp and Davis. Acting Chairman Borgstrom asked him for a letter of representation, but Ofer said he did not have one. He was reminded that the Board does not consider applications unless the applicant or authorized representative is present. Ofer was dismissed.

Darryl & Patricia Szarpa – Site plan review, special permitted use (bed & breakfast) – 629 County Highway 28 (#84.00-1-10.00)

Applicant Patricia Szarpa wants to open a bed & breakfast, using three bedrooms of her existing house on County Highway 28. She submitted a site plan application package, including a site map, a short environmental assessment form (EAF), and a letter from neighbors Francella & José Betancourt, expressing approval of the proposed project.

Acting Chairman Borgstrom went through the site plan review requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that the only missing items were a list of neighbors (with addresses) within 200 feet of the property, and information on signage. Szarpa said that Zoning Enforcement Officer Austin had told her the latter could wait until after site plan approval, but Paul Lord said that signage information is part of the special permitted use requirements. He acknowledged that the site plan notes the signs will meet Town specifications.

Joe Potrikus moved to deem the application complete, contingent on the signage information

and list of neighbors being submitted by December 24, and to schedule a public hearing for January 8, 2013. Steve Purcell seconded the motion and it was approved, 6-0.

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

Paul Lord read aloud from the November 13 minutes relevant to the Brashear application. Applicant Maria Brashear said there were no changes to the application.

After tabling the application so that Brashear could complete an EAF, acting Chairman Borgstrom went through it with member input. Joe Potrikus moved to declare a negative declaration and authorize the acting chairman to sign the form. Rosemary Craig seconded the motion, it was approved, 6-0, and Borgstrom signed the EAF.

After discussion, Potrikus moved to approve the minor subdivision with a waiver of *Land Subdivision Regulations* Section 4.5(b), per Section 6.1, due to topographic conditions (wetlands). Steve Purcell seconded the motion and it was approved, 6-0. Acting Chairman Borgstrom stamped the subdivision plat “approved” and signed it, advising Brashear to file it with the County within 30 days.

Addison Bissell – Site plan review, special permitted use (Cobblescote Bed & Breakfast) – 6515 State Highway 80 (#84.12-1-6.00)

Applicant Addison Bissell said he has been operating a bed & breakfast for some 30 years, predating the 1987 *Land Use Law*, and now wants to bring it into compliance with the law. He said the property had opened as a summer resort by his family in 1912, and he believes it should be grandfathered; however, he is unable to prove that the B&B has been in continuous use (i.e., no lapses of more than two years) since 1987, thus it is technically in violation of the law. Scottie Baker asked Bissell why he chose to address this issue now; Bissell said he was “uncomfortable” with not being in compliance.

Bill Deane read aloud from the September 6, 2011 minutes relevant to the property. Bissell said that there were four guest rooms (separate from the carriage barn apartments), but no café or marina.

Zoning Enforcement Officer Austin noted that Bissell has a web-site, advertising the B&B. Bissell said that the B&B is not currently open, but that he is taking reservations for next summer. Acting Chairman Borgstrom said that, as long as the web-site is operational, the Board will consider the B&B open for business, thus in violation of the *Land Use Law*. Borgstrom said that the Board cannot consider an application if the applicant is in violation of the law. She advised Bissell to take down the web-site and return before the Board after he has done so. Bissell said he would return for the January 8, 2013 meeting.

Susanne Adsit & Joe Galati – Site plan review, special permitted use, Blackbird Hollow (multi-family housing with 12 apartments) – 6588 State Highway 80 (#69.44-1-5.00)

Donna Borgstrom recused herself from this application, due to a previous business relationship with the applicant, and left the meeting table. She said she did not believe she was obliged to recuse herself, but wanted to “keep the peace.” Paul Lord took over as acting chairman.

Applicant Joe Galati was accompanied by engineer Jon McManus (letter of authorization filed) and attorney Les Sittler. Sittler said the Town’s Code of Ethics dictates that Galati, as a Planning Board member, should not be in the room during consideration of his application. Though Sittler objects to this rule, and thinks it is illegal, he advised Galati to comply with it. Galati left the room.

McManus distributed copies of a spiral-bound application booklet divided into eight sections. [\(Link to application booklet. Note: 8mb zip file\)](#) He went through the booklet section by section. He said the only significant change from the application of last winter is the improved septic system. McManus asked that the Board deem the application complete, do State Environmental Quality Review, and declare itself lead agency. He noted that the Town of Springfield should be notified about any public hearing, and the project should be classified as a Type I action due to the property being in the Historic District.

Acting Chairman Lord went through Sections 7.03 (special permits) and 8.04 (site plan

requirements) of the *Land Use Law*. The consensus of the Board was that the only missing items were details on lighting, signs, and on-site staffing. Steve Purcell moved to deem the application complete, contingent on those items being submitted by December 21. Joe Potrikus seconded the motion and it was approved, 5-0.

The consensus of the applicant and Board was that the public hearing should be delayed so as to allow time to effect coordinated review with the Department of Transportation, County Planning Department, and State Historic Preservation Office. Purcell moved to schedule a public hearing for February 5, 2013. Potrikus seconded the motion and it was approved, 5-0. Lord advised McManus to talk to the neighbors. Purcell noted that other community members would have interest as well.

Potrikus moved to declare lead agency for the Planning Board, and effect coordinated review. Rosemary Craig seconded the motion and it was approved, 5-0. Borgstrom returned to the meeting table.

OTHER BUSINESS

The Board discussed 2013 personnel. Paul Lord moved to recommend to the Town Board that Donna Borgstrom be appointed Planning Board Chairman. Joe Potrikus seconded the motion and it was approved, 5-0, with Borgstrom abstaining. Bill Deane suggested that appointment of a Vice-Chairman should wait until the chairmanship is resolved.

Donna Borgstrom noted that Paul Lord's term as member ends at the conclusion of the year, and moved to recommend to the Town Board that he be reappointed for 2013-19. Scottie Baker seconded the motion and it was approved, 5-0, with Lord abstaining.

Paul Lord moved to recommend that the Town Board replace Joe Galati as member. Joe Potrikus seconded the motion and it was approved, 4-2, with Donna Borgstrom and Steve Purcell opposed.

Joe Potrikus moved to reappoint Wayne Bunn as engineer under the same arrangement as previously. Scottie Baker seconded the motion and it was approved, 6-0. Potrikus moved to reappoint Jim Ferrari as attorney. Rosemary Craig seconded the motion and it was approved, 6-0. Potrikus moved to reappoint Bill Deane as clerk. Craig seconded the motion and it was approved, 6-0.

Paul Lord discussed the *Land Subdivision Regulations*. He distributed draft copies of his proposed revisions covering pages 25-42, and explained the revisions. Lord asked for volunteers to compare the revised draft with the current book, making sure he did not inadvertently delete something. Steve Purcell said he would go through the section on minor subdivisions, and Donna Borgstrom said she would do the same on major subdivisions. The Board discussed scheduling a workshop for January 22, 2013 to finalize the recommended revisions.

Bill Deane discussed Kurt Ofer's being dismissed for not having a letter of authorization. He reminded the Board of John Phillips's addressing this situation during the November 9, 2010 meeting. Deane suggested that the absence of an authorization letter could be treated the same as any other missing documentation: the Board could require it as a contingency for deeming an application complete, but still go forward with the application in the meantime. No one expressed interest in changing the policy.

Town Supervisor Anne Geddes-Atwell discussed the agreement with the County Planning Agency, originally brought before the Board in August. She asked that it be reviewed and voted on during the January 8, 2013 meeting. The Board discussed the agreement.

Bill Deane discussed the agenda for the January 8, 2013 meeting (rescheduled from January 1 so as not to conflict with New Year's Day). Applicants expected to return are Szarpa (public hearing), Tripp & Davis, Bissell, and Galati. Also discussed will be the *Land Subdivision Regulations* revisions and the County Planning Department agreement. Joe Potrikus said he would not be at the meeting. Paul Lord said he may not, if he is not reappointed in time.

With no further business, at 9:35, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk