

Town of Otsego Planning Board

Minutes – December 6, 2011

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 Joe Galati called the meeting to order at 7:04 PM, and roll call was taken by clerk Bill Deane. Members present were Galati, Donna Borgstrom (Vice-Chairman), Paul Lord, John Phillips, Joe Potrikus, and Rosemary Craig. With Steve Purcell absent, alternate member Dan Croft joined the meeting table. Zoning Enforcement Officer Hank Schecher and Planning Board Attorney Jim Ferrari were also present.

The Board reviewed the minutes of November 1, 2011, e-mailed to the members. Potrikus moved to approve the minutes as written. Borgstrom seconded the motion and it was approved, 6-0, with Phillips abstaining because he was not at the meeting.

Chairman Galati passed around correspondence received since the last meeting:

- Fliers from Lorman Educational Services about a seminar, "Construction Claims," to be held in Latham on January 24, 2012.
- The November/December 2011 issue of *Talk of the Towns & Topics*.
- The Summer/Fall 2011 issue of the *Biological Field Station Reporter*.
- An e-mail from Wayne Bunn, expressing interest in being reappointed as Planning Board Engineer, under the same terms as 2011.

Schecher distributed copies of his Zoning Enforcement Officer report (filed). It listed one land use permit issued, two applications pending Planning Board review, and one pending Zoning Board of Appeals (ZBA) review.

Chairman Galati mentioned public comments on non-agenda items, noting there was no one from the public present at the time.

The Board moved on to applications.

APPLICATIONS

Ed Leslie Trust/Philip Hodgins (Donna Borgstrom) – Lot line adjustment – Keating Road & Bedbug Hill Road (97.00-1-7.02 & -51.02)

Donna Borgstrom went to the public side of the meeting table. She submitted letters from applicants Ed Leslie Trust and Philip Hodgins, authorizing her to represent them in this application. She also submitted a \$20 check to Zoning Enforcement Officer Schecher in payment for a boundary line adjustment application.

The applicants want to convey two small parcels, totaling 1.22 acres, from the Leslie Trust to Hodgins, who owns the adjoining lot. They will be combined with Hodgins's larger lot. Attorney Ferrari examined the proposed deeds and expressed approval with them. The Board examined the application package, agreeing that the only missing requirement was a survey, which Borgstrom requested be waived.

John Phillips moved to waive the survey requirement, due to the agricultural nature of the land and the fact that the new boundary will be a highway, and to approve the lot line adjustment. Rosemary Craig seconded the motion and it was approved, 6-0. Chairman Galati stamped the application "approved" and signed it. Borgstrom returned to the meeting table.

Village of Cooperstown (Peter Lovola) – Site plan review, special permitted uses, Cooperstown Intermodal Transit Center Project – Linden Avenue

No one appeared on behalf of this application. Zoning Enforcement Officer Schecher said he had spoken with Village of Cooperstown Attorney Martin Tillapaugh today. Tillapaugh told him the Village plans to withdraw the current application and plans to proceed with the approved site

plan. Attorney Ferrari said that he had also had a “heated” discussion with Tillapaugh, lasting about 40 minutes.

Chairman Galati said that this is “a very approvable project” if the applicant would only cooperate with the Planning Board’s standard procedures. He said the Board was asking only for a review of the Storm-Water Pollution Prevention Plan (SWPPP) and the requirements for a “recreational facility” permit. If the Village decides to go forward without Planning Board approval, the Zoning Enforcement Officer will issue a “stop-work” order as soon as they start demolishing the ballfield, since that demolition is not part of the May 19, 2010 plans approved by the Board. Ferrari said the Village would then let the courts decide the matter.

Chairman Galati submitted a November 15 memo he had addressed to the Village of Cooperstown. It asked, in light of the four different SWPPPs submitted by the applicant, and their intent to start construction, which SWPPP is being built, which was put out for bid proposals, and which was reviewed by Clough Harbor & Associates? Also, which set of construction documents is the Village intending to build, and which has the Village put out for bid? Galati received no response.

Attorney Ferrari noted that the Village still has a pending application. Paul Lord noted that, if a stop-work order is issued, the Village cannot file any other site plan applications until it is resolved. Rosemary Craig said that it would be the Board’s responsibility if they approved a site plan which was unsafe. Donna Borgstrom and John Phillips said that there were other issues which the Board never even got to, such as parallel parking and lighting.

Borgstrom read aloud from a history/timeline of the Village application, prepared by clerk Bill Deane. Chairman Galati asked that it be made part of the record:

- February 3, 2009 – Representative Peter Loyola makes his first appearance (sketch plan conference) before the Board, saying he hopes to start on the project in the spring, and asking to be put on the March agenda.
- July 7, 2009 – After a no-show in March and a five-month hiatus, Loyola returns with further information. He promises to give the Board regular updates on the project.
- May 4, 2010 – After a ten-month hiatus, Loyola returns, claiming a September 30 deadline on the project.
- June 1, 2010 – Loyola returns with Village Attorney Doug Zamelis, but still has no site plan application. In view of the looming deadline, the Board schedules a special meeting to accommodate the applicant.
- June 22, 2010 – Loyola and Zamelis return for the special meeting and, amidst divided votes, the application is deemed complete and scheduled for public hearing.
- July 6, 2010 – A 40-minute public hearing is held, with many questions and comments, pro and con. The Board gives Loyola a long list of unresolved issues. Loyola agrees to extend the 62-day clock by one day, to coincide with the September 7 meeting.
- August 3, 2010 – Loyola returns with some of the requested material. Another special meeting is scheduled for August 10.
- August 10, 2010 – Loyola returns with some of the requested material. Jim Forbes explains his engineering review. The Board discusses scheduling yet another special meeting on August 24, provided Loyola can be prepared with the remaining documents needed. Loyola fails to meet the contingency.
- September 7, 2010 – Loyola returns, seeking site plan approval. The Board notes two significantly-changed site plans submitted since the one they deemed complete on June 22. The Board finally approves the May 19 site plan, hoping this will give the Village enough to meet their reported deadline. They instruct Loyola to return for site plan modification, after which the special permits will be issued.

- October 5, 2010 – Loyola returns with no site plan modification application, and eventually is dismissed.
- November 9, 2010 – Village Attorney Martin Tillapaugh appears. The Board's instructions given to Loyola are explained and reiterated. The Village is put on the December agenda, but they fail to appear.
- September 6, 2011 – After a ten-month hiatus, Loyola and Tillapaugh return to start another round.

OTHER BUSINESS

Newly-elected Town Councilmen Bennett Sandler and Julie Huntsman introduced themselves and asked questions about the Village of Cooperstown application.

The Board discussed personnel for 2012:

- Donna Borgstrom moved to recommend to the Town Board that Joe Galati be reappointed as Planning Board Chairman. Joe Potrikus seconded the motion and it was approved, 6-0, with Galati abstaining.
- Borgstrom moved to reappoint Wayne Bunn as Planning Board Engineer. Rosemary Craig seconded the motion and it was approved, 7-0.
- Borgstrom moved to reappoint Jim Ferrari as Planning Board Attorney. Potrikus seconded the motion and it was approved, 7-0.
- Borgstrom moved to reappoint Bill Deane as Planning Board Clerk. Craig seconded the motion and it was approved, 7-0.
- Borgstrom moved to recommend to the Town Board that John Phillips be reappointed to a new seven-year term as Planning Board member. Potrikus seconded the motion and it was approved, 6-0, with Phillips abstaining.
- Potrikus moved to reappoint Borgstrom as Planning Board Vice-Chairman. Craig seconded the motion and it was approved, 6-0, with Borgstrom abstaining.

The Board discussed the training workshop scheduled for December 13.

Zoning Enforcement Officer Schecher asked about the requirements for having a second residence on a lot – are three acres required for each residence? Paul Lord said that three acres per residence are required, per *Land Use Law* Article 3.04 and Definitions. Others expressed different thoughts and interpretations.

Bill Deane said there was nothing on the January 3, 2012 agenda as of now.

With no further business, at 8:16, Joe Potrikus moved to adjourn the meeting.

Respectfully submitted,

Bill Deane
Planning Board Clerk