

MINUTES OF THE 452<sup>st</sup> MEETING  
OTSEGO COUNTY PLANNING BOARD

Meadows Office Building  
Middlefield, NY

February 8, 2010  
6:00 P.M.

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1. Call to Order

The meeting was called to order by Vice Chairman Jeff House at 6:02 pm.

2. Introductions and roll call were taken.

The following members were recorded as present: Jeff House, Scott Fickbohm, Tom Clarke, Flo Loomis, Phil Durkin, and Mark Babilonia.

Ron Streek and Betty Anne Schwerd were excused.

Also present were Terry Bliss, Karen Sullivan and Psalm Wyckoff – staff.

Guests included: Jim Simpson, Alan Lord, and a local official from the Town of Burlington.

3. Privilege of the Floor: No one was present to request the privilege of the floor.

4a. Minutes of December 17, 2009.

S. Fickbohm requested that the minutes be amended. M. Babalonia's amendment of the November 19, 2009 minutes should read: "S. Fickbohm reported on a conversation with a lawyer who relayed that there are no legal standards with regard to frequency of testing and parameters." M. Babalonia has lengthy minute changes to propose. Upon a motion, by M. Babalonia, seconded by T. Clarke, and approved (6-0 vote) the board deferred reading and revision of the minutes until after referrals.

5. Report of Communications

No communications were received.

6. Referrals – Referrals were taken out of order so that guests could be accommodated.

6.c. Karen Sullivan presented referral # 19-10-01 for an application by the Estate of Janet Nelsen to subdivide a 140 acre parcel into 16 lots (141.00-2-12.01) located on State Highway 51, entitled Clear Creek Farm Subdivision, referred by the New Lisbon Planning Board. Alan Lord from Land and Lakes Development Company reviewed the subdivision map. He pointed out the major roads shown on the map. He discussed the lot design that provided for driveways that would not need to cross the stream that follows Rt 51. The driveway locations have been reviewed by NYS DOT, County and Town highway department staff. There are protective covenants prohibiting further subdivision and mobile home installation. There are wetlands on Lot 16, however, there is sufficient room for a building site. There are wetlands in the southern portion of the property that would have to be crossed by driveways. The ACOE will conduct a site visit. ACOE staff has indicated that the applicant could mitigate by design by providing for a shared driveway that would limit the impact to the wetland to less than 0.1 acre, which is allowed under a nationwide permit. The applicant may opt to combine two lots to reduce the impact to one driveway crossing. Driveways will not be marked at the roadside. The NYS DOT indicated that this section of Rt 51 is straight with no limitations on driveway location. The site is not located in an agricultural district, but is contiguous to an active farm in an agricultural district. The application package did not include an Ag Data Statement. Mr. Lord was certain that one was submitted to the town. He did send certified letters notifying neighbors of the proposal. There is a public hearing on the project on Feb 9<sup>th</sup>. Upon a motion by M. Babilonia, seconded by P. Durkin, and approved (5-0-1 vote, Flo Loomis abstaining), the Board recommended approval so long as the applicant produces an agricultural data statement.

6.a. Karen Sullivan presented referral #22-10-01 for an amendment to the Town of Otego's zoning law to establish the position of alternate member of the Zoning Board of Appeals. Upon a motion by P. Durkin, seconded by S. Fickbohm, and approved (6-0 vote), the Board recommended approval.

6.b. Karen Sullivan presented referral #22-10-02 for an amendment to the Town of Otego's zoning law to establish the position of alternate member of the Planning Board. Upon a motion by P. Durkin, seconded by F. Loomis, and approved (6-0 vote), the Board recommended approval.

The board conducted a discussion of the four actions that the Board may take, including "approval", "modification", "disapproval" and "remanding to the local board finding no countywide impact". The board discussed the local board's option of overriding the county planning board's recommendation by a majority plus one vote in particular cases.

6.d. Karen Sullivan presented referral #28-10-01 for a proposed zone change from S-1 to B-1 for the proposed Glimmerglass Opera Rehearsal Hall, located at East Main Street in the Village of Richfield Springs referred by the Village Board of Trustees. The applicant has previously applied for a use variance and was denied. The Town classified this project as an unlisted action. The applicant submitted a short environmental assessment form. The project is within a historic district and is contiguous to a publicly owned park, which requires classification as a Type I action and a full (long) environmental assessment form. The Town will require the applicant to resubmit a full environmental assessment form. The village has not consulted with the Comprehensive Plan as they have not been able to locate a copy. Discussion included zoning change application versus site plan approval, what constitutes a "full statement" or complete application package. Discussion included the options to table, postpone definitely, postpone indefinitely, or disapprove the project. Upon a motion by M. Babilonia, seconded by P. Durkin, and approved (6-0 vote), the Board postponed definitely to the next regular meeting of the board pending receipt of a full statement of the proposed action according to 239-m including a full environmental assessment form, relevant sections of the local law and the comprehensive plan.

6.e. Psalm Wyckoff presented referral # 13-10-01 from the Maryland Town Board for the draft amendments to the Town Comprehensive Plan. Discussion included actions proposed, gas drilling, and the time interval for review. Upon a motion by F. Loomis, seconded by P. Durkin, and approved (6-0 vote), the Board recommended approval and recommended that the town consider recommendations by planning staff, particularly incorporating the interval for review. Those recommendations included:

- A summary of the planning process, such as the number of meetings and workshops held, information regarding public notice and participation would be beneficial. For example, were there any workshops, including a SWOT (strengths, weaknesses, opportunities, threats) analysis?
- The chairman of the planning committee recommended in his cover letter that the committee recommends review at least once every ten years. The Town Board should cause this recommendation to be officially incorporated in the plan.
- A copy of the recent community survey and a summary of the results would be a valuable addition to the plan. The overview narratives have only a few references to the results of the surveys; additionally, references do not include information regarding which survey is being referred to (1993 or 2008). It is not clear that the plan reflects the survey results and public input.
- Comprehensive plans often include a vision statement.
- The demographics section was updated to include 2000 census data. 2006 population estimates are available. A good resource is the Southern Tier East Regional Planning Development Board Otsego County Data Book, available on the web.
- The housing section was not updated with 2000 data. There are references to survey results in the demographics sections, but it is not clear if it the 1993 or 2008 survey. A good resource is the Otsego County "Integrated Housing Needs and Opportunity Study", completed in August, 2009.
- Natural gas development was addressed only through two actions in the transportation section. The actions were regarding impacts to roads.
- The plan does not discuss if the committee considered the Otsego County Agriculture and Farmland Protection Plan.
- The transportation section does not include discussion of the County operated public transportation system, Otsego Express, which provides service to the Town of Maryland along the Route 7 corridor five days per week.

- The Town may want to expand more on past and present trends. Trends may include the loss of agriculture, fiscal trends, or seasonal rentals.
- Economic Development Action Item: The Town should encourage renewable energy projects that would: first, be a benefit to all property owners in the Town; second, the town would have primary ownership and control of the facility with Town employees.  
The above action item seems to correlate to the following action item in the implementation schedule: Establish renewable energy project owned and controlled by Town employees, for Towns' people.  
It is unclear what the plan is proposing. Does the Town wish to own, operate and control an industrial wind turbine or other facility?

#### 7. Report of Committees –

The nominating committee reported that there was no response from board members to an email soliciting nominations. Individuals on the board may serve in office for a total of three years. Ron has served as chairman since September 2007.

The Vice Chairman called for nominations for Chairman. P. Durkin, seconded by S. Fickbohm, nominated J. House. M. Babilonia nominated R. Streek. J. House declined to accept the nomination. Planning Department staff will notify R. Streek and will ask if he accepts.

The Vice Chairman called for nominations for Vice Chairman. F. Loomis, seconded by T. Clarke, nominated J. House. J. House accepted the nomination.

The Vice Chairman called for nominations for Secretary. P. Durkin nominated F. Loomis. F. Loomis accepted the nomination.

#### 8. Old Business

8a. M. Babilonia requested that the next meeting agenda include the County Planning Board's request to the Board of Representatives to require the members of the County Planning Board received four hours of training annually pursuant to Chapter 662 of the Laws of 2006. M. Babilonia had previously prepared a resolution to that effect.

8b. Business brought by members – none.

#### 9. New Business

9a. David Parker has resigned from the Board. B. Schwerd may also resign from the Board. The Board members reviewed the by-laws regarding appointment to the board. Joan Terry and Jim Simpson have expressed interest. At the Board's direction, the planning staff will advertise in the paper and will review the file of previously interested candidates.

9b. Business brought by members – The Mayor of Dish, Texas will be speaking at various location in the area on February 16th.

#### 10. Report from County Planning Director

T. Bliss reported that the County is reacting to the departure of the GIS coordinator. The Planning Department is a key player in the new plan. The County is giving attention to a grant writer. Methods to contract such a person are under consideration, including development of contracts with individuals and the manner of payment related to the award. The City of Oneonta has experience with contracting professional grant writers and J. House could offer some insights.

4.a. M. Babilonia requested a closed session to the review the minutes. After discussion, the board concluded that the topic did not meet the criteria required for executive session.

Regarding the Hurtibise application, M. Babilonia's first objection was regarding the motion to approve versus a motion to approve based on no county-wide impact. M. Babilonia's second objection was regarding tabling the action versus no action taken. Discussion included the options for action that the Board may take. Additional discussion included the implications of a failed vote and failure of a main motion as it impacts the agenda. Discussion included referring to T. Bliss' notes of the meeting in comparison to the minutes recorded. Additional discussion included general construction law regarding a quorum and majority versus the by-laws and Robert's Rules of Order, which holds precedence. The planning department staff will inquire with the NYS Department of State if our by-laws are acceptable as they stand and what takes precedence: the by-laws, the general construction law, and Robert's Rules of Order.

11. The meeting adjourned at 9:20 pm. The next meeting was scheduled for March 8<sup>th</sup>, 2010 at 6 pm.

Respectfully submitted,  
Psalm Wyckoff, Planner

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