

MINUTES OF THE 456th MEETING
OTSEGO COUNTY PLANNING BOARD

Meadows Office Building
Middlefield, NY

July 12, 2010
6:00 P.M.

1. Call to Order
The meeting was called to order by Chairman Ron Streek at 6:00 pm.
2. Introductions and roll call were taken.
The following members were recorded as present: Ron Streek, Tom Clarke, Phil Durkin, Betty Anne Schwerd, Scott Fickbohm, Mark Babilonia and Jeff House. Flo Loomis, and Doug Greene, were excused.

Also present was Terry Bliss, and Tavis Austin, staff. T. Bliss, introduced T. Austin, and stated his temporary role within the Planning Department.
3. Privilege of the Floor: No one was present to request the privilege of the floor.
4. Minutes of May 10, 2010 meeting. R. Streek entertained a motion to waive the reading of the minutes and asked if there were any members who sought changes in the presented minutes. M. Babilonia presented an objection to item 8a and proffered amendment to the May 10, 2010 minutes; suggesting further that the agenda for the July 12, 2010 agenda also be changed to reflect the changes in the minutes as suggested. Upon a motion by M. Babilonia, seconded by S. Fickbohm, and unanimously approved, (7-0-0 vote), the board agreed to accept the minutes and include the proffered amendment as presented by M. Babilonia.
- 5a. T. Austin reported a notice of action from the Hartwick Town Planning Board for the approval of referral #10-10-02, for the 28 mini-storage units site plan application, submitted by Greg Horth.
- 5b. T. Austin reported a notice of action from the Village of Cooperstown Planning Board for the approval of referral # 05-10-03, for a Special Permit to operate a commercial paid parking lot located at 135 Main Street near the batting cages at Double Day field, submitted by Lawrence Petraglia.
- 6a. T. Austin presented referral # 15-10-01 from the Town of Milford Planning Board for a proposed 8,000 square foot vehicle repair shop to be constructed within 500 feet of State Rt. 28, south of the Cooperstown Cheese Factory.

S. Fickbohm suggested that the site was large enough to require a Storm Water Pollution Protection Plan (SWPPP). J. House questioned the "Special Permit." Milford zoning and associated permitting were discussed. S. Fickbohm, questioned whether the New York State Department of Transportation (NYSDOT) had established thresholds for determining impacts on ST Hwy 28 traffic patterns. No thresholds were known.

Upon a motion by J. House, seconded by B. Schwerd, the board agreed the proposed project posed no significant county-wide or inter community impact and to remand back for local decision (7-0-0 vote). Motion carried.
7. No reports were submitted.
- 8a. T. Austin addressed the request from the Village of Cooperstown to amend the existing 239 waiver agreement between the County and the Village. The Village would like to include the following statements for consideration of waiver:
Site Plans, Special Permits and/or Special Extensions:
 - *Site Plans for any project **not** requiring Special Permit.*
 - *parking needs will not be increased by more than 10 spaces***Variances:**
 - *area variances in Residential zoning districts*

- *area variances which do not exceed 40% of the stated minimum or 40% of the stated maximum standards in the local zoning schedules in Business and Commercial Zoning Districts.*

T. Austin, representing the Village, stated that Site Plan Review is required for all principle uses within the Village—even single family homes. The Village is essentially requesting a waiver for those actions not requiring discretionary review in excess of the prescriptive Laws.

Upon a motion by J. House, seconded by B. Schwerd, the board agreed to approve the 239 waiver as requested by the Village of Cooperstown (7-0-0 vote). Motion carried.

8b. T. Bliss reviewed all correspondence received from the NYS DOS and their ruling on the 1) number of votes required to pass a motion and 2) what occurs when there is a split vote amongst a seated quorum. It was further stated that, regarding the first question, the Otsego County Planning Board (CPB) cannot rely on its bylaws, as presently worded, and that they must rather apply General municipal Law—5 of 9 votes are required to pass a motion. Regarding the second question, it was stated that a split vote does not default to either approval or denial of an action. Such a split vote is, rather, a “non-action.” The CPB retains the ability to pass an action in accordance with its authority within the 30-day action window.

M. Babilonia, expressed concern over the case law cited by the Department of State (DOS) in their response to T. Bliss’s questions.

J. House stated that the split vote debate would be more cumbersome if the CPB had only two choices—approval and denial. As the CPB has a range of options—No county-wide impact, approval as submitted, approval with conditions, and denial—the split vote scenarios can be remedied by simply acting on a separate motion that can achieve a majority vote. R. Streek agreed with J. House on this point. T. Bliss suggested the creation of a *Bylaws Committee* comprised of one CPB member and Planning Department staff to propose changes to the bylaws.

CPB members agreed to form a committee of J. House and M. Babilonia, as research assistant, to propose changes to the bylaws that Planning Department staff would refer to the County Attorney for review with ultimate ratification by the County Board of Representatives.

8c. T. Bliss reported that the IGA committee met on Tuesday, May 11, 2010, and discussed the department’s submitted resolution requesting consideration of training for the County Planning Board members. The IGA committee referenced their 2008 resolution waiving the training requirement. The 2008 resolution was upheld.

8d. No other business was brought by members.

9. T. Bliss updated the Board on topics including gas drilling, the Public Works Committee’s work on road preservation, a status update on MOSA proceedings, and changes in Public Transportation (OPT coordination and changes occurring near Richfield Springs).

J. House asked if the Planning Department was still providing mapping services. T. Bliss stated that Planning staff are providing mapping services within their areas of knowledge and that through the Inter-governmental Affairs Committed, proposals were being reviewed to provide training to current staff for advanced GIS work.

10. The meeting was adjourned at 7:15 pm. The next meeting is scheduled for August 9, 2010.

Respectfully submitted,

Tavis Austin, AICP, Planner

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