

MINUTES OF THE R450th MEETING  
OTSEGO COUNTY PLANNING BOARD

Meadows Office Building  
Middlefield, NY

November 19, 2009  
6:00 P.M.

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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, Jeff House, Scott Fickbohm, and Mark Babilonia.

Dave Parker, Betty Anne Schwerd, and Flo Loomis were excused.

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

Guests included: Jim Simpson, David Karl representing Bassett Hospital, and William and Colleen Kukenberger

3. Privilege of the Floor:

None were requested.

4a. Minutes of October 13, 2009.

Upon a motion by J. House seconded by P. Durkin, and unanimously approved (6-0 vote), the Board adopted the minutes of October 13, 2009.

4b. Report of Communications

1) A report of final action was received by the Burlington Town Board regarding the Comprehensive Plan. The Town Board disapproved the comprehensive plan, which is contrary to the County Planning Board's recommendation. The minutes of the Town Board Meeting were attached to the report.

2) A letter from the Otsego County Soil and Water Conservation District, addressed to the Chairman of the County Planning Board, was received. The subject of the letter is the upcoming contractor training for stormwater construction when the disturbed area is greater than 1 acre. Topics covered will include how to write a stormwater pollution prevention plan and best management practices. This training program would be beneficial for municipal officials and code enforcers. The training is being offered on December 14<sup>th</sup> at the Oneonta Holiday Inn.

3) A report of final action was received by the Springfield Planning Board regarding the Byler Subdivision. The Town Planning Board approved the action, which was in accordance with the County Planning Board's recommendation.

5. Referrals

5e. David Karl presented referral #10-09-02 from the Hartwick Town Planning Board for a *site plan approval* for the parking expansion plan at the Bassett Greystone Building located on N.Y.S. Route #28. The building is currently undergoing renovations. Mr. Karl conducted an amateur parking analysis to determine the number of needed parking spaces. The proposed lot will have a total of 195 parking spaces. The town also referred the project to Lamont Engineering for review. Psalm Wyckoff added a summary of agency correspondence from the NYS DOH, NYS DOT, and the NYS DEC. In particular, it was noted that the NYS DEC stated that the project does not appear to be in or adjacent to a wetland or a 100 ft buffer. It was also noted that the NYS DOT identified difficulty for traffic turning left to enter the site or exit the site. Mr. Karl noted that the Dreams Park parking lot shown on aerial photos does not exist any longer. Discussion included the following topics: proximity of the project to the creek and the wetland shown on the aerial photograph, current traffic conditions on Rt 28, the location of wetlands as shown on the aerial photograph, sediment filtration and maintenance, past use of the building, potential water quality impacts, review requirements by OPRHP, and the locations of the retention basin and leach field. Upon a motion by M. Babilonia, seconded by P. Durkin, and approved (6-0 vote), the Board recommended approval conditioned upon approval by OPRHP.

5f. William and Collen Kukenberger presented referral #10-09-03 from the Hartwick Town Planning Board for an application by William Kukenberger for site plan approval for a commercial garage located at 3637 State Highway 205, Hartwick, NY. Discussion included commercial building codes, the replacement of a barn which fell down, shared use of the driveway, and ARC's adjacent land use. Upon a motion by J. House, seconded by P. Durkin, and approved (6-0 vote), the Board found no county-wide or inter-municipal impacts and remanded the project to back to the town for a decision.

5.a. Psalm Wyckoff presented referral # 05-09-01 from the Cooperstown Historic Preservation and Architectural Review Board for a *certificate of appropriateness* for the construction of a storage canopy by Bruce Hall Corporation, 206 Main Street. Discussion included the features of the proposed shed, proposed use of the shed, setbacks from parcel boundaries, the proposed parcel merger, and the presence of a tree line which screens the property from the rear in the summer. Upon a motion by J. House, seconded by P. Durkin, and approved (6-0 vote), the Board found no county-wide or inter-municipal impacts and remanded the project to back to the village for a decision.

5.b. Psalm Wyckoff presented referral #05-09-02 from the Village of Cooperstown for a *special use permit*, for a proposed International Guitar Museum and Hall of Fame located at 165-167 Main Street. Discussion included tax implications, the museum's non-profit status, questions regarding special events, parking, traffic, loss of apartments, value of commercial properties and the potential highest and best use, and comparison of impacts of this proposal versus other commercial businesses. Upon a motion by P. Durkin, seconded by J. House, and approved (6-0 vote), the Board approved the project.

5.c. Psalm Wyckoff presented referral #05-09-03 from the Cooperstown Historic Preservation and Architectural Review Board for a *certificate of appropriateness* for the demolition of an accessory building located at 198-200 Main Street. Discussion included detail on the history of the structure, its current condition, and current actions by the County Code Enforcement office. Upon a motion by J. House, seconded by T. Clarke, and approved (6-0 vote), the Board found no county-wide or inter-municipal impacts and remanded the project to back to the village for a decision.

5.d. Ron Streek presented referral #05-09-04 from the Cooperstown Zoning Board of Appeals for an *area variance* on property located at 22 Leatherstocking Street. Discussion included size of the yard, and the proposal for a working studio versus a gallery. Upon a motion by J. House, seconded by T. Clarke, and approved (6-0 vote), the Board found no county-wide or inter-municipal impacts and remanded the project to back to the village for a decision.

6. Report of Committees – There were no standing committees to report.

7. Old Business

7a. Business brought by members – none.

8. New Business

8a. Business brought by members – none.

8b. Discussion of 239 review considerations for certifications. The NYS DOS Division of Local Government has provided their opinion that certificate of appropriateness is subject to 239 review. The Board may wish to consider adding COAs to the list of projects that are waived from review upon mutual agreement between the county planning board and the local board.

9. Report from County Planning Director

T. Bliss reported that department staff will be attending a rural public transportation systems conference in Albany tomorrow. The Department is working on various projects to improve county transportation services while reducing expenses. Projects include the veterans' service to Albany and the potential for opening service to the public, and the greater Cooperstown area transit service. Six service providers currently operate in Cooperstown. There is

potential for greater cooperation, better service, and reduced expenses. The County Codes office may be placed under the Planning Department. Currently, the department is assisting in review of the department and assessing how the codes office may meet their obligations to enforce the building codes in the most efficient way. T. Bliss also reported on the November 9<sup>th</sup> public hearing on gas drilling. A transcript of the comments was taken and will be submitted to the NYS DEC. T. Bliss and S. Fickbohm have been meeting with a water quality working group to discuss potential impacts from gas drilling and actions that could be taken by local governments and citizens. The group includes hydrogeologists from the colleges and personnel from the NYS DOH office in Oneonta. S. Fickbohm has been in contact with attorneys and hydrogeologists regarding legal standards for water sampling. Currently there are no standards. S. Fickbohm has also been in contact with DEC and Gastem. Cornell Law school cautions that the sampling is just a red flag. After detection of contaminates, causality must be proven, which is difficult.

J. House offered the following regarding the Code Enforcement office based on his experience with the Oneonta Code office. Oneonta was without an officer for 18 months. Inspectors have less authority than officers. The city incurred costs related to contracting for code enforcement services. The savings of not replacing the code enforcement director may not be as great as it seems when contracting expenses are considered. In addition, this slowed the normal process down.

11. Ron Streek adjourned the meeting at 7:47 pm. The next meeting is scheduled for December 14, 2009 at 6 pm.

Respectfully submitted,  
Psalm Wyckoff, Planner

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