

MINUTES OF THE 451st MEETING
OTSEGO COUNTY PLANNING BOARD

Meadows Office Building
Middlefield, NY

December 14, 2009
6:00 P.M.

1. Call to Order

The meeting was called to order by acting chairman Flo Loomis at 6:00 pm.

2. Introductions and roll call were taken.

The following members were recorded as present: Flo Loomis, Dave Parker, Betty Anne Schwerd, Phil Durkin, and Mark Babilonia.

Ron Streek, Jeff House, Scott Fickbohm, and Tom Clarke were excused.

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

Guests included: The Hurtubise family, Jim Simpson, and Bob Augenstern

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

4a. Minutes of November 19, 2009.

M. Babilonia requested an amendment of the minutes. Pg 3, 1st paragraph, 9th line. S. Fickbohm stated that currently there are no standards for water testing. M. Babilonia disagrees. There are state and federal standards. M. Babilonia referenced EPA Guidance on Environmental Data Verification and Data Validation. New York State accredits laboratories and the NYS DOH has recommendations regarding materials testing. M. Babilonia pointed out that the last section should be number 10. Upon a motion by P. Durkin, seconded by M. Babilonia, and approved (5-0 vote), the Board approved the minutes as amended.

5. Report of Communications

No communications were received.

6. Referrals

6.a. Psalm Wyckoff presented referral # 10-09-04 from the Town of Hartwick Planning Board for an application by Pinecrest Builders LLC for a site plan approval for the Cooperstown Outlet Village, temporary vendor sales under a tent. The site is located directly across from the Commons shopping plaza. The proposal includes a large tent with spaces leased to local vendors, a 30 to 40 lot parking lot with a crushed stone surface, repair of the existing concrete slab, and surfacing of the driveway entrance. The 30ftx60ft tent will be set back 20 ft from the highway. The proposal will also include a smaller food tent with picnic tables and port-a-johns. No water, sewage, or fire hydrants are required. A temporary sign will be located at the entrance. The NYS DOT has reviewed the project. Their correspondence indicated that they will post “No Stopping” signs on the highway. The existing main driveway will have to be upgraded to conform to the standards for a minor commercial driveway. The northern entrance will not be permitted. The DOT will coordinate traffic signal upgrades with the improvements to the site. Discussion included: how the northern driveway would be blocked, what traffic information was provided to the DOT, the classification of the action under SEQR, local impacts vs county wide impacts, and community character. Upon a motion by P. Durkin, seconded by B. Schwerd, and approved (5-0 vote), the Board recommended approval conditioned upon meeting the NYS DOT requirements set forth in the NYS DOT correspondence dated Dec 4, and includes the following stipulations: the existing main driveway (across from the Commons) must be upgraded to conform with the Department’s policy and standards for entrances to state highways, specifically for a minor commercial driveway, and the existing driveway on the northern portion of the property will not be permitted without justification.

6.b. Psalm Wyckoff presented referral # 21-09-04 from the Town of Oneonta Planning Board for an application for an area variance to section 103-18(A) of the Town Zoning Ordinance by James A. Hurtubise for a three lot subdivision on Co. Highway 8. The Hurtubise are seeking an area variance in order to create a three lot subdivision. The

proposed lots do not have adequate road frontage. The required road frontage in the RA-40 district is 150 ft. In 1981, the Town of Oneonta Planning Board approved a subdivision that included a 75 ft right-of-way, restricted to use for roadway purposes. The applicant would like to use the right-of-way to access lots 1 and 2. Jim Hurtubise Jr. was included in the discussion. Discussion included: community character, traffic impacts, hardship, the current use of the right-of-way by the owner and by NYSEG, the potential for other subdivision configurations, other lots in the area with less than 150 ft road frontage and their relationship to the date when the Hurtubise purchased the property and the date of the adoption of the zoning regulation. A motion by B. Schwerd, seconded by P. Durkin, to approve, the board finding no county-wide impact, failed (4-1 vote, M. Babilonia opposing). The Board decided to table the vote until next month. The Board asked the Hurtubise to return with a count of properties in the town with less than 150 ft of road frontage.

6.c. Psalm Wyckoff presented referral # 05-09-06 from the Village of Cooperstown Board of Trustees for a proposed zoning amendment including a digital version the Zoning Map for the Village Cooperstown to supersede and replace the original zoning map. The original zoning map was adopted as part of the zoning law in May, 1963. The last recorded amendment to the zoning map was in 2005. The Village researched the history of the zoning map and amendments and believes that the zoning boundaries, as depicted on the digital map, do not include any boundary changes. Upon a motion by M. Babilonia, seconded by P. Durkin, and approved (5-0 vote), the Board recommended approval.

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

8. Old Business

8a. The Planning Department presented a draft revised 239 referral waiver form that includes a category called “other” and includes “Certificates of Appropriateness for projects where no other zoning approvals are required”. Discussion included the legal precedent for the waiver found in General Municipal Law 239.m.3.c. Upon a motion by B. Schwerd, seconded by D. Parker, the board approved (5-0 vote) the addition to the waiver form.

8b. Business brought by members – none.

9. New Business

9a. Bob Augenstern, Director of the Southern Tier East Regional Planning Development Board gave a presentation regarding Census 2010. Mr. Augenstern discussed the three projects being undertaken by the Census Bureau. The three projects include: the decennial census, the Local Update of Census Addresses (LUCA), and the American Community Survey (ACS). In the decennial census, there are major changes. There will no longer be a long form. People may receive long forms that are part of the ACS, which includes all means tested data and is distributed every five years in Otsego County. The ACS sample is very small and will have a statistical variance that may impact housing and other aid programs. The decennial census and the ACS use the same addresses. New York State has \$1 million for publicity related to the census and the ACS, but has not used any yet. In Otsego County, difficult populations to enumerate include college students, migrant agricultural workers, and temporary housing for natural gas drillers. STERP is recommending the formation of Complete Count Committees to promote and provide information regarding the census and the ACS. The purpose of the committees is to overcome resistance and target difficult populations. Mr. Augenstern distributed the Complete County Committee Guide and Training Manual from the Census Bureau.

9b. Business brought by members – none.

10. Report from County Planning Director

T. Bliss reported that the Planning Department will provide training for Planning Board members and ZBA members from the Village of Milford before the end of the year. STERP offered that they have some training sessions that could be offered at the last minute. Some GIS duties are shifting to Planning. We will be meeting with staff from the Real Property office to determine the distribution of duties. MOSA is taking steps toward defeasance of the bonds and post closure agreements are in place to satisfy NYS DEC. These things are first steps toward a reduction in the tipping fee, which may encourage more local haulers to use the MOSA system. The County hopes that there

will be no shortfall for 2010. The GAT will remain in place in 2010, but maybe not beyond that. Terry continues to work with the Hans Arnold, the consultant, and the Solid Waste Committee. The County Board will determine if Otsego County should remain with MOSA or become autonomous in the future. Transportation projects include service for veterans traveling to the VA hospital in Albany, coordinating with ARC to provide transportation service on Rt 7 from Oneonta to Otego, and coordination of transportation services in the Cooperstown area. T. Bliss is evaluating the Code Enforcement office and reporting to the Public Safety Committee on how that office can meet its obligations to enforce the building code while being more efficient. T. Bliss recently met with staff from the NYS Department of State Division of Codes. Dave Parker may resign his position on the County Planning Board. Starting January 1, he will serve on the Worcester Town Board and will be committed to meetings that conflict with the County Planning Board. T. Bliss will query the board members regarding changing the by-laws so that the board can meet on another night.

11. Flo Loomis adjourned the meeting at 8:00 pm. The next meeting was scheduled for January 11, 2010 at 6 pm.

Respectfully submitted,
Psalm Wyckoff, Planner

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