

**NEW LISBON TOWN BOARD—FEBRUARY 9, 2010---7:00 PM**  
**PUBLIC HEARING ON SUBDIVISION #01-10—NY LAND & LAKES**  
**16 LOT MAJOR SUBDIVISION PROPOSAL OF THE NELSEN FARM**

Present: Supervisor Robert Taylor, Councilmen Robert Eklund, Connie Chase, Glen Noto, & Edward Lentz, Clerk Charlene Wells, Attorney Martin Tillapaugh, Also: Jeremy Bolton, Joe Gregory, Daniel Schoellig, Ilyssa Berg, Lenny Melillo, George Newsome, Nate Cotten, Charles Williamson, Sue Eschler, Planning Board Chairman Daniel Morehouse, Planning Board member Flo Loomis, Bruce Page, Victor Lasher, Willard Lasher, Allison Lasher, Marjorie Lasher, Shad Gregory, Henry Gregory, Donald Smith, Sue Smith, one Burlington Planning Board member, and Alan Lord  
Absent: Hwy. Supt. Bill Whitaker

Supervisor Taylor opened the Public Hearing at 7:00 PM. A special thank you and presentation was made to Marjorie Lasher who is retiring from keeping the Town Hall schedule and performing custodial services for the past 20 years.

Attorney Tillapaugh noted that the purpose of the public hearing was to solicit comments and concerns about the proposed subdivision. Alan Lord gave a brief overview of the proposed subdivision which would turn the 138 acre Nelsen Farm (tax map #141.00-2-12.01) into 16 lots ranging in size from 3.1 acre to 17.1 acres. All lots will have access onto existing roads. No driveways will have to cross the creek. They will have deed restrictions including no further subdivision, no single wide mobile homes allowed, only residential uses, etc. Notice of the hearing was sent to adjacent landowners.

Lenny Melillo advised that he has worked with NY Land & Lakes in the past and has found their work very thorough. The owners have tried selling the parcel as a farm for two years but have had no luck with the present economic conditions.

Jeremy Bolton, who previously purchased a lot subdivided from this parcel thought the proposal looked good. He would like to see the deed restrictions added to his parcel and the other ones which had previously been subdivided from the farm. Attorney Tillapaugh advised that the Town Board did not have the authority to add restrictions on previously subdivided parcels.

Ilyssa Berg noted that it looked like several parcels would require crossing the creek for access. She was concerned about the wetland areas, the slopes and erosion controls, positioning of septic systems and payment in lieu of a recreation area. George Newsome also commented on the payment in lieu of a recreation area. There were no further comments from the floor.

Supervisor Taylor noted that the Planning Board had reviewed the application and preliminary map and recommended approval to the Town Board. The application was reviewed at the Otsego County Planning Board's meeting held on February 8<sup>th</sup>, 2010. Alan Lord advised that he was present at that meeting and it was approved, but we have not received the written comments yet. Consultant Alan Sorensen was requested to review the application and help us with the SEQRA forms. He sent a list of his comments and concerns. The application was further reviewed by Engineer John O'Rourke, who also submitted his comments. Since we have not received the written findings of the County Planning Board and have unanswered questions raised by the consultant, a motion was made by Robert Eklund, seconded by Connie Chase and carried 5/0 to adjourn the Public Hearing on Subdivision application #01-10 until Tuesday, March 9, 2010 at 7:00 PM at the Town Hall.

**NEW LISBON TOWN BOARD—REGULAR MEETING—FEBRUARY 9, 2010**

Present: same as at hearing listed above, (some left early) Justice Bruce Moskos

Supervisor Robert Taylor opened the regular meeting at 7:30 PM. Consultant Alan Sorensen has prepared a first draft of revised site plan review regulations. The Town Board will join the Planning Board at their March 1, 2010 (7:30PM) meeting to begin reviewing them. The Planning Board met on February 1, 2010 and recommended approval of Site Plan Application #01-10 for the addition of a tasting room and sales room to the Butternuts Beer & Ale Brewery. Charles Williamson, owner of the brewery was present and advised that the addition of the tasting room and sales room was the result of many people wishing to access the brewery like other local breweries provide.

He would hope to have it open in the late spring, after he receives state and federal approval. He would have the room staffed Friday through Sunday to accommodate tourists. After further review, a motion was made by Robert Eklund, seconded by Edward Lentz and carried 5/0 to approve Site Plan Review Application #01-10 for Charles Williamson for the addition of a tasting room and sales room to the Butternuts Beer & Ale Brewery, located at 4020 St. Hwy. 51, Garrattsville.

The Town Board and Alan Lord reviewed the comments on the Nelsen farm-Clear Creek Farm subdivision received from consultant Alan Sorensen. Since only three lots are less than 5 acres, the NYS Dept. of Health does not have to be involved per Alan Lord. He advised that the gray shading on the map along St. Hwy. 51 is the DOT right-of-way and he will add that to the legend. He also stated that he revised the topography to 5 foot contours as per Alan Sorensen's recommendation. An engineer out of the Oneonta NYS DOT office had been contacted for the driveway approvals on St. Hwy. 51. It was recommended that the proposal needed to go to Christine Klein at the Binghamton office of the NYS DOT. Alan Lord stated that he would contact her about the driveways onto St. Hwy. 51. He further advised that each lot can have access without crossing the creek so the NYS DEC does not need to be contacted for stream crossing permits. He also noted that all lots have sufficient area to allow for driveways that can meet the slope requirement. Alan Sorensen had recommended that since raised bed absorption trenches (considered an alternative treatment system) were needed, detailed plans, designed by an engineer must be included and be approved by the Otsego County Code Office. Alan Lord noted that he felt the lots were more than sufficient in size to support a well and septic system that would meet codes and that it should be up to the purchasers to have them designed if and when they are going to build on the lots. Councilmen Robert Eklund and Edward Lentz agreed with this thought. Attorney Tillapaugh noted that if the Board agreed with this, they could waive the requirement to have engineered septic designs at this stage. We will have to check with Alan Sorensen to see if the law requires them or just our regulations. Alan Sorensen further advised that the map should show the location of wells and septic. Alan Lord stated that he added well sites to the map and will add wetland and floodplains to the map. He will also follow up to get the driveway approvals from the Otsego County Highway Dept., as we only had copies of the applications. Alan Sorensen further advised that the applicant should complete the Full EAF instead of the Short EAF, which Alan Lord completed and submitted to the Board.

Councilman Eklund questioned if one parcel was developed could it impact another. If one parcel owner placed his well or septic along property lines it could. Attorney Tillapaugh suggested there might need to be lot setbacks in the deed restrictions. Alan Lord did not want to add setbacks to the covenants because he wanted to keep them simple. He felt there were already enough restrictions. They originally were not going to allow double wide and single wide mobile homes but changed it to only no single wide mobile homes. It was suggested that in accordance with our comprehensive plan perhaps a "lighting" covenant could be added. It was noted that the corner lot on Gregory Road does have a wetland area on it. Fill could be brought in to raise up part of the lot for building. Alan Lord again stated that it is their company policy to guarantee that all lots are buildable, or they will buy them back. Alan Lord advised that he will get us a generic form they give buyers with this buy back information.

Alan Lord advised that he is going to set up a meeting with the Army Corps of Engineers about the two parcels on the corner of Co. Hwy. 17 & St. Hwy. 51. Each lot is 10 acres, but the access to them is through swampy land. They may have to put in one joint driveway, or sell as one lot. He further stated that with five parcels already being subdivided off of this farm parcel, these further splits fit into the characteristic of the neighborhood. He advised that they do not retain the mineral rights to the parcels. All future land owners will have to comply the NYS DEC stormwater runoff regulations. If they disturb more than one acre they would have to get a permit.

Alan Lord advised that he did not feel they needed to provide a recreation area in the subdivision since all parcels are large enough to allow room for recreational purposes. The Board will have to discuss further whether they will require a payment in lieu of a recreation area. After further discussion, a motion was made by Robert Eklund, seconded by Glen Noto and carried 5/0 to declare the Town Board's intent to be Lead Agency for the required SEQRA review. Notice will be sent of this to involved agencies. The comments received from Engineer John O'Rourke were also reviewed and given to Alan Lord.

Justice Bruce Moskos questioned if the Board was going to review his 2009 books. Supervisor Taylor felt that since the State Comptroller's office did a review of our books in 2009, that it was not necessary this year since they found nothing wrong. Councilman Lentz noted that he would be interested in looking at them. Justice Moskos further noted that he had been touring the courts in the district with court officials. It was suggested that we need to get a raised bench and bulletproof wall. There is a grant program available to fund this. After further discussion a motion was made by Edward Lentz, seconded by Robert Eklund and carried 5/0 to authorize Justice Bruce Moskos to get estimates for having a raised platform bench and bulletproof wall placed in the conference room for the court and to apply for grant funds to cover the expense.

We received notice of a Green Building Conference in Syracuse on 3/11 & 3/12. NYSERDA is sponsoring a Low-Income Forum on Energy in Albany on 5/18 & 5/19. We received notice of meetings on 2/16 with DISH Texas Mayor Calvin Tillman speaking on their problems they have had with gas drilling in their town. Flo Loomis suggested that someone from the Board should attend this.

We received notice from the NYS Office of Real Property Services concerning our assessment inventory records. They feel that we may have deficiencies and they have offered their assistance to help us to correct the problem.

We received notice from the Otsego County Treasurer that in 2009 we received \$78,739.38 in Sales Tax, \$17,557.75 in Mortgage Tax and \$332.25 in Dog Money.

A motion was made by Connie Chase, seconded by Robert Eklund and carried 5/0 to accept the minutes for the January 5, 2010 Public Hearing, 2010 Organizational meeting and regular monthly meeting as written.

Supt. Whitaker was absent, but sent word with Supervisor Taylor that he would like Board approval to search for a dump box for the military truck/tractor he purchased last year. He estimated it would cost about \$2500.00. Councilman Eklund noted that he thought the plans for this truck were to become a snowplow and now he wants to make it into a dump truck. The Board decided to talk this over further with the Hwy. Supt. next month before making any decisions. The dozer has been broke down for a month while they are waiting for the needed parts. A motion was made by Glen Noto, seconded by Robert Eklund and carried 5/0 to authorize the Hwy. Supt. to hire Carl Rockwell as Temporary help when needed. Highway bills #9 through #27 for a total of \$26,982.38 were audited and approved for payment by the Board.

An estimate of \$4375.00 was received for paving the upper firehouse parking area. We could use some stone on hand to cut down the cost and the Fire Dept. members will help get the site ready for paving. An estimate of \$14,870.00 was received for paving the Town Hall driveway and parking lot. Lenny Melillo noted that the area would have to be prepared properly with the right pitch, etc. or else the paving would be a waste of money. It was also discussed that the driveway portion could be excluded to cut down the cost. No decision was made at this time.

Supervisor Taylor noted that he had a successful driving safety class/luncheon with the highway employees. He explained some of the resolutions that will be voted on at the Assoc. of Towns annual meeting in NYC. He noted that the energy audit had been conducted at the Town Hall. We will miss the grant program deadline this year, but it didn't sound like we would qualify for any funds because we don't use enough energy. We will have to eventually change the lights since they won't be making the kind of florescent bulbs we use any longer.

A motion was made by Glen Noto, seconded by Robert Eklund and carried 5/0 to pay General Fund bills #24 through #50 for a total of \$8,455.30. Supervisor Taylor paid bills #15 through #23 for a total of \$2,922.16 with prior Board approval.

A motion was made by Glen Noto, seconded by Robert Eklund and carried 5/0 to authorize Town Clerk Charlene Wells to attend the NYSTCA annual conference in Saratoga on April 25<sup>th</sup>-28<sup>th</sup>, 2010.

Councilman Eklund noted that gas drilling may have an effect on assessments, but the state doesn't have any information yet on how to assess gas wells. He also noted that homeowners may have a problem with affording insurance because they may be rated as industrial if they have a gas well.

With no further business, a motion was made by Glen Noto, seconded by Connie Chase and carried 5/0 to adjourn at 9:35 PM. Charlene Wells, Town Clerk

