

Town of Otsego Planning Board

Minutes (unapproved), January 2, 2018

PUBLIC HEARING

Donabeth Kimmerer (Jon McManus) – Site plan review, retail/home occupation (arts & crafts boutique in existing barn) under “Heirloom Barn Law” in RA-2 district – 5995 State Highway 28 (#114.00-1-36.02)

Chip Jennings recused himself and left the meeting table. Chairman Huntsman opened the Kimmerer public hearing at 7:02 PM, and listed the guidelines for a public hearing. He asked if anyone had comments or questions about the proposed project.

Mary Winne of [106 Johnston’s Road](#) expressed concern about the poor visibility at that intersection, due to the hill on State Highway 28. She said she had no objection to the project, but had concerns about traffic safety. Winne asked if the proposed business would be year-round. Representative Jon McManus said that the plan was for it to be seasonal, as the building is not insulated.

With no further comments or questions, Scottie Baker moved to close the public hearing. Walter Dusenbery seconded the motion and it was approved, 4-0 (Elizabeth Horvath arrived after the vote). Jennings returned to the meeting table.

REGULAR MEETING

The monthly meeting of the Town of Otsego Planning Board was held on this date at the Town Office Building in Fly Creek, New York. Chairman Tom Huntsman called the meeting to order at 7:06 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Scottie Baker, Chip Jennings, Elizabeth Horvath, Walter Dusenbery (newly-appointed to replace Rosemary Craig on the Board for 2018-24), and Ted Feury. Darryl Szarpa (Vice-Chairman) and alternate members Sharon Kroker (newly-appointed to replace Dusenbery) and Toby Wilcox were absent. Also present were Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board member Carina Franck.

The Board reviewed the minutes of December 5, 2017, e-mailed to the members. Jennings read aloud from his prepared statement dated January 2, 2018:

“I respectfully request my comments regarding Mr. Galati’s letter to include not only my summary statement, but the factual information that led to it. This would include the fact that Mr Galati as a member of the (2013) Planning Board would have known of the ethics policy and it’s subsequent amendment allowing recused planning board members to remain in the room during their application presentation in order to answer questions or provide additional information.”

Feury moved to approve the minutes as amended. Baker seconded the motion and it was approved, 6-0.

Chairman Huntsman discussed correspondence. He read aloud an e-mail from Bill Miller, dated December 13, 2017. Miller wrote that, “you state the existence of deed restrictions on my parcel at end of Reiss Road prevent the construction of a modular home. This is factually untrue... I am asking the Board to read the deed in question (and assuming it finds no deed restrictions) and to correct the record by stating in the minutes that it has reviewed the deed and found no deed restrictions.”

Chairman Huntsman cited an e-mail from County Attorney Coccoma, regarding the Otsego County Transfer Station’s withdrawal of its Zoning Boards of Appeals application. Coccoma said that a New York State agreement supersedes Town of Otsego law on this matter.

Chairman Huntsman said that he had also received copies of letters from Joe Galati to Zoning Enforcement Hobbie, which he would discuss later during the meeting.

Deane passed around a copy of the 2018 Planning Board directory, asking members to check and make corrections to it.

Chairman Huntsman asked if anyone had a conflict with any of tonight’s applicants. Chip Jennings said he would again recuse himself from the Kimmerer application.

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. No one responded. The Board moved on to applications.

APPLICATIONS

Donabeth Kimmerer (Jon McManus) – Site plan review, retail/home occupation (arts & crafts boutique in existing barn) in RA-2 district – 5995 State Highway 28 (#114.00-1-36.02)

Chip Jennings recused himself and left the meeting table. Clerk Bill Deane read aloud from the minutes of December 5 relevant to the Kimmerer application. Representative Jon McManus said there were no changes to the application.

Scottie Baker asked whether a “caution” sign could be put up to mitigate the traffic concerns brought up during the public hearing. McManus said he would discuss this with the New York State Department of Transportation representative, and at the least would plan for a sign on the fence. The Board discussed adding conditions about signage to an approval.

Deane said that the Board should address special permitted use along with site plan approval. Chairman Huntsman and Attorney Miosek said that they thought no special permit would be necessary, due to the use of the “Heirloom Barn Law.” This issue was also discussed later during the meeting. Deane noted that, in the previous use of the Heirloom Barn Law (for Joe Galati), a special permit was issued.

Elizabeth Horvath moved to approve the site plan as submitted. Baker seconded the motion and it was approved, 5-0. Chairman Huntsman stamped the site plan “approved” and signed it.

Jennings returned to the meeting table.

Tashi Rabten (Bruce Phillips) – Site plan review, special permitted use (yoga hall/temple) in RA-2 district – 533 Cook Road (#112.00-1-20.02, -.04, -.05 & -.06)

Jon McManus said that he is now working with applicant Tashi Rabten. He said that they are redoing the plans, and he would return with them at the February 6 meeting. McManus said that a partial place of worship would be included with the yoga hall. Clerk Bill Deane advised McManus to bring a document to the next meeting, authorizing him to represent Rabten.

Joyce Boyd – Minor subdivision in RA1 & RA2 districts – 1914 County Highway 26 (#68.00-1-23.02)

Applicant Joyce Boyd submitted a November 14, 2017 survey Mylar showing a proposed division of her 105.99-acre parcel of property. Lot #1, on the northwest side, would contain 39.37 acres in the RA2 district. Lot #2, on the southeast side, would contain 66.62 acres (bisected by County Highway 26) in the RA1 and RA2 districts. The two lots would be divided by Fly Creek and a tributary.

Boyd said she had sold ten acres from the original parcel in 2016. That would make this a minor subdivision. Chairman Huntsman read aloud from the *Land Subdivision Regulations*.

The Board examined the Mylar. They agreed that there were no concerns about meeting acreage or road frontage requirements on either proposed lot. Boyd said there would be no deed restrictions or covenants. She submitted a check for \$175 (delivered to Town Clerk Bill Deane) for the subdivision fee. Zoning Enforcement Officer Hobbie printed out a list of neighbors (filed) for public hearing purposes.

The consensus of the Board was that the only missing item was a completed application form. Boyd will complete one and return to the February 6 meeting.

Lisa Roberts – Sketch plan conference, use of existing barn – 101 Cemetery Road (#113.00-1-27.00)

Luke Wyckoff said that he was representing Lisa Roberts. He said that Roberts wants to install a concrete pad for parking of campers and RVs. Wyckoff said there would be no change to the garage.

Chairman Huntsman said that he thought the project would qualify as “landscaping,” not requiring site plan review. The other Board members agreed by consensus.

OTHER BUSINESS

Zoning Enforcement Officer Hobbie distributed copies of his most recent report (filed), along with a December 19, 2017 document containing suggested revisions to the *Land Use Law*.

Chairman Huntsman asked for a volunteer to serve as liaison at the January 10 Town Board meeting. Walter Dusenbery volunteered.

Huntsman said that the Town Board had reappointed him as Planning Board Chairman. The Board discussed the Vice-Chairman position, currently held by Darryl Szarpa. Chip Jennings moved to reappoint Szarpa to the position. Scottie Baker seconded the motion and it was approved, 6-0.

Clerk Bill Deane discussed the February 6, 2018 agenda. Only Rabten and Boyd are expected to return at this point. Deane also noted that he would be absent for the March 6 meeting, and needed someone to cover for him. The Planning Board's By-Laws, Section 2.3 (c), say that the Board should appoint a Secretary, whose duties are to "Perform all duties of the Clerk in the Clerk's absence." No one volunteered for this position, nor to cover for Deane in March. Chairman Huntsman suggested that Town Clerk Pam Deane could cover for the March 6 meeting, and said he would ask Town Supervisor Meg Kiernan about it.

Several Cooperstown High School students were present for the meeting. Chairman Huntsman and Clerk Bill Deane signed papers to verify their attendance.

With no further business, at 8:15 PM Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk