

Town of Otsego Planning Board
Minutes (unapproved), January 8, 2018

PUBLIC HEARINGS

Cathedral Farms, Inc. (Jon McManus) – Site plan review, construction within 100 feet of Otsego Lake – 6512 State Highway 80 (#84.12-1-14.00)

Acting chairman Darryl Szarpa opened the Cathedral Farms public hearing at 7:10 PM, and asked if anyone from the public had questions or comments about the application.

Curt Wilbur said he is a member of the Violon family, which owns the Mohican Camp south of the Cathedral Farms property. He displayed copies of the 1999 Lawson and 2018 KMS surveys on easels. Wilbur urged the Board to deny the application due to the “gore” boundary dispute or, if they approve it, to do so contingent on removal of the fence and no further development in the disputed area.

Brian Roy read aloud a January 5 letter (filed) from Barbara Margaritis, focusing on the boundary dispute.

Hyde Clarke of Young-Sommer, LLC said he was representing the Violon family. He urged the Board to look at all the facts and circumstances related to the application. Clarke said the Board should not approve the site plan, as it includes a fence which is not on their property. He said they should demand an updated survey and site plan.

Joyce Putnam echoed the other speakers, and thanked the Board for their service.

Clerk Bill Deane noted that a letter (filed) addressed to neighbor Boyd Bissell was returned to sender due to “no mail receptacle.”

With no further comments or questions, Chip Jennings moved to close the public hearing. Walter Dusenbery seconded the motion and it was approved, 7-0.

Mary Winne – Minor subdivision in RA1 district – 106 Johnston Road (#114.00-1-12.01)

Acting chairman Darryl Szarpa opened the Winne public hearing at 7:33 PM. Applicant Mary Winne gave a brief description of the project, and Szarpa asked if anyone from the public had questions or comments. No one responded. Chip Jennings moved to close the public hearing. Ted Feury seconded the motion and it was approved, 7-0.

Joseph Stagliano (Jon McManus) – Site plan review, excavation within 100 feet of Otsego Lake – 6723 State Highway 80 (#69.68-1-10.00)

Acting chairman Darryl Szarpa opened the Stagliano public hearing at 7:34 PM, and asked if anyone from the public had questions or comments about the application. No one responded. Chip Jennings moved to close the public hearing. Elizabeth Horvath seconded the motion and it was approved, 7-0.

Jonathan Svahn (Jon McManus) – Site plan review, addition to existing residence within 500 feet of Otsego Lake in RA1 district – 6765 State Highway 80 (#69.60-1-14.00)

Acting chairman Darryl Szarpa opened the Svahn public hearing at 7:34 PM, and asked if anyone from the public had questions or comments about the application. No one responded.

Szarpa read aloud from a January 8 e-mail from Deb Creedon, listing seven other neighbors. Creedon said she had asked Zoning Enforcement Officer Hobbie for a copy of the site plan on December 23, but had not received it. She said the Board should postpone its decision until the neighbors receive and have a chance to review the site

plan. Hobbie said he had talked to Creedon on the phone and answered her questions. Representative Jon McManus said that the neighbors had ample opportunity to come in and review the site plan, and if anyone wanted it sent, they should have issued a FOIL request. The Board agreed that that was the correct way to go about such a request, though Chip Jennings remarked that Hobbie should have sent Creedon the site plan.

Clerk Bill Deane noted that a letter (filed) addressed to neighbor Nettie Jean Scarzafava was returned to sender due to “no mail receptacle.”

With no further comments or questions, Jennings moved to close the public hearing. Elizabeth Horvath seconded the motion and it was approved, 7-0.

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. Acting Chairman Darryl Szarpa called the meeting to order at 7:02 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Tom Huntsman (reappointed as 2019-25 member and as Chairman by the Town Board; Huntsman arrived at 7:30, near the end of the Cathedral Farms public hearing), Szarpa, Ted Feury, Chip Jennings, Walter Dusenbery, Elizabeth Horvath, and Sharon Kroker (appointed to complete Scottie Baker’s term, through 2019). Deane said that, according to Town Supervisor Meg Kiernan, the Board had no alternate members at present. 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 4, 2018, e-mailed to the members. Feury moved to approve the minutes as written. Horvath seconded the motion and it was approved, 7-0.

Other than that read during the public hearings, no correspondence was received since the last meeting.

Acting Chairman Szarpa asked if anyone had a conflict with any of tonight’s applicants. Horvath said she had a conflict with the Stagliano application.

Acting Chairman Szarpa asked if anyone from the public had a comment on a non-agenda item. Zoning Enforcement Officer Ed Hobbie introduced Kevin Kellogg and Brian Hart to the Board. He said Kellogg had bought the former B&B Ranch, and Hart helped in the transaction. Both spoke. Kellogg described his plans for the property, which he plans to name the Inn at Fly Creek. He said he wants to work with the Town to do things the right way, unlike they had been done before.

Szarpa turned the meeting over to Chairman Huntsman. The Board moved on to applications.

APPLICATIONS

Cathedral Farms, Inc. (Jon McManus) – Site plan review, construction within 100 feet of Otsego Lake – 6512 State Highway 80 (#84.12-1-14.00)

Walter Dusenbery read aloud from the minutes of December 4, 2018 relevant to the Cathedral Farms application. Darryl Szarpa did the same with the November 13, 2018 minutes.

Chairman Huntsman noted that the Board had deemed the application complete, completed State Environmental Quality Review (SEQR), and held a public hearing. Its options now were to approve the application, approve it with conditions, or deny it.

Chairman Huntsman said he was not comfortable approving the application without a survey agreed upon by all parties. Attorney Miosek said it was not up to the Board to determine the accuracy of a survey.

Zoning Enforcement Officer Hobbie said his “stop-work” order was still in effect and, per *Land Use Law* Section 7.2(c), the Board cannot act on an application while there is an outstanding violation. He said applicant

Marty Patton had put up two fence posts on the Violon property after the order was issued. Hobbie agreed that removal of the fence would resolve the violation. Representative Jon McManus said that he had never seen the stop-work order; Hobbie gave him a copy. McManus said that Patton's workers had attempted to remove the fence posts, but had been ordered off the Violon property. Attorney Hyde Clarke said that the Violon family would not impede removal of the fence in the future.

Neighbors interrupted, and McManus said he would not respond to public comments any further. McManus also reiterated that he did not acknowledge the Board's authority to deny an application due to a boundary dispute.

The Board discussed conditional language which could be added to an approval motion. They also discussed the timing issue, since the February meeting would be more than 62 days after the application was deemed complete. Clerk Bill Deane said his understanding was that the Board had 62 days after deeming an application complete to hold a public hearing, which they did; they then had another 62 days after the hearing to decide on an application, which would give them until March 11. Chairman Huntsman agreed. Deane added that the Board, in view of the boundary line dispute, should consider construction which might not only be over the property line, but within 30 feet of the line (the setback requirement); otherwise, it might essentially be approving a variance without the Zoning Board of Appeals's review.

After much discussion and input, Elizabeth Horvath moved to approve the site plan, with the modifications that no new construction is to take place in the area south of the Letters Patent line; that the fence bordering or on the property to the south is to be removed; and that the Board does not endorse the accuracy of any survey with its decision. Ted Feury seconded the motion and it was approved, 7-0. Zoning Enforcement Officer Hobbie said he would notify the Board in writing when the fence is removed.

Chairman Huntsman stamped the site plan "approved" and signed it.

Mary Winne – Minor subdivision in RA1 district – 106 Johnston Road (#114.00-1-12.01)

Walter Dusenbery read aloud from the minutes of December 4, 2018 relevant to the Winne application. Chairman Huntsman said the Board's options were to approve the application, approve it with conditions, or deny it.

Chip Jennings moved to approve the minor subdivision as submitted. Sharon Kroker seconded the motion and it was approved, 7-0. Huntsman stamped the application and site plan "approved" and signed them.

Laura Kilty & Bruce Kramer (Bob Birch) – Sketch plan conference, first lot split in RA1 district – Johnston Road (#114.00-1-18.01)

Walter Dusenbery read aloud from the minutes of December 4, 2018 relevant to the Kilty-Kramer application. Applicant Bruce Kramer and representative Bob Birch were present. Kramer gave Zoning Enforcement Officer Hobbie a check for \$25 for the application fee.

Birch said he didn't want to have a survey done without the Board's input, and asked what would be needed at the next meeting. Chairman Huntsman reiterated what had been requested at the December meeting: a survey and proposed deeds for the two resultant lots, showing that both meet the minimum acreage (three acres) and road frontage (150 feet) for the RA1 district. Birch will plan to return with those items in February.

Joseph Stagliano (Jon McManus) – Site plan review, excavation within 100 feet of Otsego Lake – 6723 State Highway 80 (#69.68-1-10.00)

Elizabeth Horvath recused herself and left the meeting table. Walter Dusenbery read aloud from the minutes of December 4, 2018 relevant to the Stagliano application.

Chairman Huntsman said the Board's options were to approve the application, approve it with conditions, or deny it. Ted Feury said he did not think the project would look good, and that it is not in keeping with the Town's Comprehensive Plan.

Chip Jennings moved to approve the application as submitted. Darryl Szarpa seconded the motion and it was approved, 5-1, with Feury opposed. Chairman Huntsman said he had nothing to stamp and sign. Horvath returned to the table.

Jonathan Svahn (Jon McManus) – Site plan review, addition to existing residence within 500 feet of Otsego Lake in RA1 district – 6765 State Highway 80 (#69.60-1-14.00)

Walter Dusenbery read aloud from the minutes of December 4, 2018 relevant to the Svahn application. Clerk Bill Deane noted that the requested items had been received.

Chairman Huntsman said the Board's options were to approve the application, approve it with conditions, or deny it. After discussion, Ted Feury moved to approve the site plan as submitted. Dusenbery seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the site plan "approved" and signed it.

Longview Allied, LLC (Jon McManus) – Sketch plan conference, conversion of garage into apartment –281 Christian Hill Road (#133.00-1-66.09)

Representative Jon McManus said that applicant Joe Potrikus wants to put in up to two apartments above his existing detached garage. He and the Board wondered whether this could be considered "accessory use." McManus asked the Board to research the laws and be prepared to discuss the proposed project next month. He will return in February.

OTHER BUSINESS

Zoning Enforcement Officer Ed Hobbie had no formal report, but discussed various cases and potential cases of interest.

Chairman Huntsman said he would serve as Planning Board liaison for the January 9 Town Board meeting. He said the Board would discuss a rotation for the role at the February meeting.

The Board discussed appointment of the 2019 Planning Board Vice-Chairman. Darryl Szarpa said he did not wish to be reappointed. Chip Jennings nominated Ted Feury for the role. Sharon Kroker seconded the motion and it was approved, 6-1, with Feury opposed.

Clerk Bill Deane passed around a 2019 Planning Board directory, asking members to note any corrections. Deane noted that Town Supervisor Kiernan had given everyone copies of the Town's annual ethics and harassment policy forms, which are to be signed and returned to her. Most of these were signed and left in Kiernan's office after the meeting.

Deane discussed the February 5, 2019 agenda. Kilty-Kramer and Longview Allied are expected back, and there is a new application from Epic Landscapes. Jon McManus said that the Susquehanna SPCA would not be ready to return until further notice.

With no further business, at 9:35 PM Walter Dusenbery moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk

