

## **Town of Otsego Planning Board**

Minutes – February 2, 2016

### **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 John Phillips called the meeting to order at 7:02 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Members present were Phillips, Tom Huntsman (Vice-Chairman), Rosemary Craig, Ed Hobbie, Scottie Baker, and Darryl Szarpa. With Steve Purcell absent, first alternate member Paul Russo joined the meeting table. Also present were second alternate member Chip Jennings and Planning Board Attorney Jim Ferrari.

The Board reviewed the minutes of January 5, 2016, e-mailed to the members. Hobbie moved to approve them as written. Szarpa seconded the motion and it was approved, 7-0.

The only correspondence received since the last meeting was a January 7 e-mail from Town Supervisor Meg Kiernan, confirming the Town's appointment of John Phillips as member and chairman of the Planning Board.

Chairman Phillips asked if anyone had a conflict with tonight's applicants. Rosemary Craig said she would be recusing herself from the Miller application as usual.

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

### **APPLICATIONS**

#### **LLIB, LLC (Bill Miller) – Request to extend conditional approval of Upper West Side major subdivision to May 16, 2016 – County Highway 28, Pierstown (#84.00-1-15.62)**

Rosemary Craig recused herself and left the meeting table. Applicant Bill Miller is again requesting a 90-day extension to his conditional approval for the Upper West Side major subdivision approved in 2011. He said there were no changes. Clerk Bill Deane noted the current approval is good through February 16, 2016.

Ed Hobbie moved to extend the approval for another 90 days, to May 16, 2016. Scottie Baker seconded the motion and it was approved, 6-0. Miller or an authorized representative will return at the May meeting if he wants another extension. Craig returned to the meeting table.

#### **Ed Leslie – Subdivision? – Keating Road (#97.00-1-7.21)**

Applicant Ed Leslie said he wants to split off 21.68 acres from his 165-acre lot on Keating Road, to give to his son. He presented a survey map prepared by Michael Austin on December 1, 2015.

The Board examined the map and determined that the new lot would meet acreage and frontage requirements. Tom Huntsman checked the tax maps and determined that there had been no previous subdivisions on the property since 1987.

Scottie Baker moved to deem this a first lot split and authorize Chairman Phillips to sign the survey map. Rosemary Craig seconded the motion and it was approved, 7-0. Phillips stamped the map “approved” and signed it. Clerk Bill Deane advised Leslie to file it with the County within 30 days.

### **Bernie Zeh – First lot split – State Highway 205 (#96.00-1-26.00)**

In absence of a Zoning Enforcement Officer, Attorney Ferrari had advised applicant Bernie Zeh that he could come to tonight’s meeting and present this case to the Board. After discussion, the consensus of the Board was to add it to the agenda.

Zeh said he wants to split his 8.09-acre lot on State Highway 205 into two lots of 3.74 and 4.35 acres, respectively. He presented a survey map prepared on January 27, 2016. Ferrari said he had checked the tax maps and determined that this would qualify as a first lot split. The Board examined the map and determined that the new lots would meet acreage and frontage requirements.

Rosemary Craig moved to deem this a first lot split and authorize Chairman Phillips to sign the survey map. Scottie Baker seconded the motion and it was approved, 7-0. Phillips stamped the map “approved” and signed it. Clerk Bill Deane advised Zeh to file it with the County within 30 days.

### **OTHER BUSINESS**

Town Supervisor Meg Kiernan and Town Board member Carina Franck reported on the Zoning Enforcement Officer (ZEO) situation. The Town Board is interviewing for the position, and Kiernan and Town Clerk Pam Deane are checking the ZEO’s mail and phone messages in the meantime. Kiernan brought up a few thorny cases:

- The Flynn/Belmonte case (168 Sugar Hill Road; #68.00-1-27.226). Kiernan said they got permission from former ZEO Austin to build a new detached garage, with upstairs used for storage. Codes officer Tony Gentile inspected the property last week and found that the space above the garage is essentially an apartment: it has a full bathroom and heat, with the potential for a kitchen to be added. Gentile refused to give the go-ahead because this did not follow what the applicants had permission to do. Kiernan said the property is on 10+ acres in the RA2 district, and asked if this would constitute two principal buildings on the same lot. The Board focused on *Land Use Law* #3.04; Attorney Ferrari said this case falls into a “gray area.” The consensus was that the new ZEO should determine

whether the new quarters constitute “accessory use,” in which case no Planning Board intervention would be required.

- The Zoeller case (#114.00-1-54.21). In an August 4, 2015 e-mail from former ZEO Austin to representative Bob Birch, Austin said that this would qualify as a first lot split if the applicants built a private road (thus creating the required road frontage). Chairman Phillips said this case eventually would come to the Planning Board.
- The Jeffrey Wait case, discussed at the December and January Planning Board meetings. Kiernan said he was scheduled to come before the Town Board on February 10. Ed Hobbie reported that he had learned Wait received a Certificate of Occupancy from the County on November 9, 2007. The consensus of the Planning Board was that Wait could not come before them as long as he is in violation of the *Land Use Law*.

Chairman Phillips said that Planning Board members should visit the sites of applications they will be discussing. He warned them against trespassing, however.

Ed Hobbie offered to build frames to hang up Town maps to post on the wall of the meeting room. Carina Franck said she would check with the Town Board to make sure that was OK.

Chairman Phillips asked for a volunteer to serve as Planning Board liaison for the February 10 Town Board meeting. Rosemary Craig again volunteered.

Chairman Phillips, Vice-Chairman Tom Huntsman, and Scottie Baker all said they would not be able to attend the March meeting, and Rosemary Craig said that she may not be able to. Phillips asked Darryl Szarpa to act as chairman for that meeting; Szarpa agreed.

Bill Deane discussed the March 1, 2016 agenda. As of now, there are no new or pending applications.

Ed Hobbie said he would check into education opportunities for the Board.

With no further business, at 8:20, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk