

Town of Otsego Planning Board
Minutes (unapproved), February 5, 2019

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 Ted Feury called the meeting to order at 7:03 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Feury (vice-chairman), Darryl Szarpa, Chip Jennings, Walter Dusenbery, Elizabeth Horvath, and Sharon Kroker (Chairman Tom Huntsman arrived at 7:47, during the Longview Allied application review). Also present were Zoning Enforcement Officer Ed Hobbie and Planning Board attorney Ryan Miosek.

The Board reviewed the minutes of January 8, 2019, e-mailed to the members. Jennings noted that the minutes were incorrectly dated “2018.” Feury said that he had abstained in the vote to nominate him as vice-chairman. Hobbie said that the motion on the Cathedral Farms conditional approval should read as follows:

“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 south of the Letters Patent line (including the Mohican Camp and the “gore” area) 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.”

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

Acting Chairman Feury reviewed correspondence received since the last meeting:

- The Winter 2019 issue of the New York Planning Federation’s *Planning News* (passed around).
- The November/December 2018 and January/February 2019 issues of *Talk of the Towns & Topics* (copies distributed).
- A January 29, 2019 notice from the Otsego County Planning Department, regarding the rescheduling of a “hazard mitigation” workshop.
- A December 28, 2018 notice (read aloud; copies distributed) from the Otsego County Planning Department, regarding projects which are to be referred to them, excepting those covered by a 2013 agreement between the Town and County.
- An updated Planning Board directory (copies distributed).
- A Cathedral Farms public hearing notice addressed to Douglas Polley, returned to sender due to no mail receptacle.
- A Stagliano public hearing notice addressed to Matthew Shea, returned to sender due to no mail receptacle.

Acting Chairman Feury asked if anyone had a conflict with any of tonight’s applicants. Horvath said she had a conflict with the Cooperstown Country Club application. Miosek said he had a conflict with the Epic Landscapes application.

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

APPLICATIONS

Laura Kilty & Bruce Kramer (Bob Birch) – First lot split in RA1 district – Johnston Road (#114.00-1-18.01)

Walter Dusenbery read aloud from the minutes of January 8, 2019 relevant to the Kilty/Kramer application.

Applicants Laura Kilty and Bruce Kramer submitted a January 14, 2019 survey of the property. However, they did not have the proposed deed, as requested during the previous two meetings. They will plan to return to the March 5 meeting with that.

Michael Dolan – Sketch plan conference, conversion of barns into apartments in RA district – County Highway 26 (#99.00-1-3.02)

No one appeared on behalf of this application.

Mike Richtsmeier – Sketch plan conference, minor subdivision (12-acre parcel from 80-acre lot) in RA1 district – Armstrong Road (#84.00-1-34.01)

Applicant Mike Richtsmeier wants to split off about 12 acres from an 80-acre parcel. Zoning Enforcement Officer Hobbie said there had been a previous split of the property in 1989, thus making this a minor subdivision.

Richtsmeier asked for direction. Acting Chairman Feury and Attorney Miosek referred him to Sections 5.1 and 5.2 of the *Land Subdivision Regulations*, and Hobbie gave him copies. Richtsmeier was advised that the resulting lots should meet the minimum requirements for acreage (3 acres) and road frontage (150 feet) in the RA1 district. Among the items he will need to provide are a survey, a proposed deed, and a list of neighbors (with addresses) within 200 feet of the property lines.

Richtsmeier said he would return in March.

Epic Landscapes, Inc. (Jon McManus) – Site plan review, relocation of barn and installation of greenhouses in GB2 district – 6132 State Highway 28 (#114.00-1-6.00)

Attorney Miosek recused himself, and left the meeting table. Jon McManus submitted an application, aerial photo, and a letter authorizing him to represent applicant Epic Landscapes. He said they are looking to relocate a barn and add greenhouses and parking to its existing facility.

McManus noted that the GB2 district allows only special permitted uses, and Epic operates as a pre-existing enterprise; there is no special use permit in existence, as far as he knows. He said he was unsure on how to proceed, knowing only that site plan review will be required. The Board discussed the adding of a retail component to the business, and the possible issuance of multiple special permits.

McManus said he would return in March with pictures, and a list of uses and measurements of the proposed buildings. He asked the Board to consider and ponder how the *Land Use Law* applies to this case in the meantime.

Miosek returned to the meeting table.

Longview Allied, LLC (Jon McManus) – Site plan review, conversion of garage second floor into apartments in RA2 district – 281 Christian Hill Road (#133.00-1-66.09)

Walter Dusenbery read aloud from the minutes of January 8, 2019 relevant to the Longview Allied application.

Representative Jon McManus said he and the applicant had thought about the potential issue of two principal buildings. He said they could subdivide the lot, leaving sufficient acreage, road frontage, and setbacks for both the existing house and garage. Chip Jennings noted that, as long as they could demonstrate that, it would qualify both buildings under *Land Use Law* Section 3.04, without an actual subdivision being done. Having two apartments in the barn might be covered by the definition of “Multiple Family Dwelling,” though that would exclude transient lodgers.

McManus said he would return in March, and asked the Board to consider and ponder how the *Land Use Law* applies to this case in the meantime.

Cooperstown Country Club (Jon McManus) – Site plan review, construction of deck within existing facility in R-E district – 5748 State Highway 80 (#115.00-1-11.00)

Elizabeth Horvath recused herself, and left the meeting table.

Representative Jon McManus said that the Cooperstown Country Club wants to construct a deck on its existing facility along Otsego Lake. Chairman Huntsman said he didn't think the project needs Board review, per *Land Use Law* Section 2.08: "Any use under 1500 square feet does not require site plan review and approval by the Planning Board." Attorney Miosek noted that, per Section 4.04, being within 500 feet of the lake, it would require site plan review. Clerk Bill Deane said that, being within 100 feet of the lake, it would need a variance from the Zoning Board of Appeals (ZBA) before the Planning Board could even act. The Board agreed.

McManus said that the Department of Environmental Conservation (DEC) will be involved, due to it being a designated wetland. The Board discussed whether they should defer State Environmental Quality Review (SEQR) to DEC. The consensus was that it would be a Type II action anyway, so the Planning Board could handle SEQR.

McManus said he would apply to the ZBA in March, and return to the Planning Board after they grant a variance.

Horvath returned to the meeting table.

OTHER BUSINESS

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

Chairman Huntsman proposed a rotation for the Planning Board liaison role starting with the February 13 Town Board meeting. After discussion, the following assignments were agreed upon: Ted Feury (February), Sharon Kroker (March), Darryl Szarpa (April), Elizabeth Horvath (May), Chip Jennings (June), Walter Dusenbery (July), and Tom Huntsman (August). Clerk Bill Deane reminded the Board the purpose of the role; following is from a recent e-mail exchange on the subject between Chairman Huntsman and him:

<< The position is part of the Planning Board By-Laws, Section 2.1: "The officers of the Town Planning Board shall consist of the Chair, Vice Chair, a Secretary, and a Liaison to the Town Board, each of whom will serve through the calendar year." Its duties are covered in Section 2.3 (d). If this is going to be changed or abolished, I think the By-Laws should be amended.

More importantly, the purpose of the liaison is to facilitate communication between the two Boards, which have a long history of lack of communication (better now, but things change). When something happens at the PB meeting which is pertinent to the TB (e.g., recommendations for personnel appointments or revisions to the law), the liaison should report it at the TB meeting. Likewise, when something happens at the TB meeting which is pertinent to the PB (e.g., law changes), the liaison should report it at the PB meeting. When the TB rescinded the Heirloom Barn Law, for example, neither the liaison nor the TB members in attendance mentioned it at the next PB meeting. >>

Deane discussed the March 5, 2019 agenda. All but the Cooperstown Country Club are expected back, and the Susquehanna SPCA may be ready to return.

With no further business, at 8:34 PM Chairman Huntsman moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk