

Town of Otsego Planning Board
Minutes (Unapproved) – February 7, 2017

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 7:03 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Darryl Szarpa (Vice-Chairman), Scottie Baker, Chip Jennings, and Ted Feury. Steve Purcell, Rosemary Craig, and alternate member Toby Wilcox were absent. Deane reminded the Board that, even with only five members present, four votes would be required to pass any motion. Also present were Zoning Enforcement Officer Ed Hobbie, and Town Board members Carina Franck and Tom Hohensee.

At 7:05, Chairman Huntsman moved to go into executive session. Baker seconded the motion and it was approved, 5-0. The room was cleared of everyone except the Board members.

At 7:10, attendees and employees were invited back into the room. Jennings moved to come out of executive session. Szarpa seconded the motion and it was approved, 5-0. Chairman Huntsman said that, while in executive session, the Board discussed a personnel matter, and no votes were taken.

Chairman Huntsman listed the two applicants for 2017 Planning Board Attorney, Ryan Miosek and Jim Ferrari, neither of whom was in attendance. Huntsman asked for a show of hands for those supporting Miosek; Huntsman, Szarpa, Baker, and Jennings raised their hands. He asked for a show of hands for those supporting Ferrari; Feury raised his hand. Huntsman said that, per the Planning Board's By-Laws, Miosek was hereby appointed as Board Attorney.

The Board reviewed the minutes of January 3, 2017, e-mailed to the members. Feury asked that the minutes under the Burch application be amended to say "Ted Feury abstaining because he was not a board member in December when the plan was originally submitted." Feury moved to approve the minutes as amended. Baker seconded the motion and it was approved, 5-0.

Chairman Huntsman reviewed correspondence received since the last meeting:

- A letter from Bill Miller of LLIB, LLC. Miller said it was the same letter he submitted in November, and did not need to be read aloud; he resubmitted it for the benefit of new Board members.
- A February 5 e-mail from Miller's neighbors Robert & Patricia Hanft, Douglas Sokolik, and Jack Drumm, expressing concerns about Miller's property. Huntsman read it aloud. Zoning Enforcement Officer Hobbie said that the brush on the property had since been cleaned up.
- A February 6 package from Otsego 2000, listing alleged violations and improper approval of the Blackbird Hollow 2014 site plan. Nicole Dillingham was present and said it was time that Hobbie issue a decision on these violations, and that the Planning Board "correct that error."

Chairman Huntsman asked if anyone had a conflict with tonight's applicants. No one reported a conflict.

Several members turned in their signed Town Code of Ethics forms. Deane left them in Town Supervisor Meg Kiernan's office.

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. Bill Miller asked who is responsible for snow removal on cul-de-sacs, specifically the one he owns. Chairman Huntsman said that the Board and/or Zoning Enforcement Officer could look into that. Miller noted that Reiss Road is still owned by Howard Reiss, who was supposed to put up a \$130,000 performance bond and ultimately turn it over to the Town as a paved road.

Zoning Enforcement Officer Hobbie discussed Verizon's proposed addition of an aerial to the cell tower on State Highway 80. Deane said that Verizon asked to be put on the March 7 agenda, but gave conflicting information as to the location of the tower.

The Board moved on to applications.

APPLICATIONS

LLIB, LLC (Bill Miller) – Request to extend conditional approval of Upper West Side major subdivision in RA1 district to May 11, 2017 – County Highway 28, Pierstown (#84.00-1-15.62)

Applicant Bill Miller is again requesting a 90-day extension to his conditional approval for the Upper West Side major subdivision approved in 2011. Clerk Bill Deane noted the current approval is good through February 10, 2017, and a 90-day extension would take it to May 11, 2017.

Zoning Enforcement Officer Hobbie displayed a site map of the original 1989 Reiss Subdivision, and gave a history of it, based on his many hours of study of the matter. He said that a road built to Donovan specifications was to be put in after the fifth house was built and sold; there are four houses there now. Hobbie again said that he would not have an answer on the New York State asbestos test until March 30.

Miller said that he has three options:

1. If the Board chooses not to give another extension of the approval, he will harvest the lumber on the property.
2. He could sell the property as a single parcel, which he has been trying to do.
3. He could sell an individual lot, at which point he would put the road in and seek final approval from the Board. He said that his road would not have to be to Donovan specs.

Neighbors Pat Hanft and Paul Russo interjected with comments and questions, resulting in a heated exchange with Miller. Chairman Huntsman said this was not the forum for such an exchange, and offered to speak to concerned people after the meeting.

Chairman Huntsman asked Zoning Enforcement Officer Hobbie if progress was being made in the best interests of the Town. Hobbie said he believed it was, and recommended that the approval be extended.

Ted Feury noted that the Town's *Land Subdivision Regulations* permit no more than two 90-day extensions to a conditional approval. Deane and Huntsman explained that this is superseded by a relatively-recent State law which allows unlimited extensions due to the prevailing real estate market.

Huntsman also wants to clarify the status of the road. According to neighbors, Reiss has abandoned its maintenance, and according to Hobbie, there is no evidence in the file of his ever having put up the performance bond. The hope is to have clarification on the matter before the next extension request.

Jennings moved to extend the conditional approval another 90 days, to May 11, 2017, with Zoning Enforcement Officer Hobbie monitoring the activity (maintaining the

cul-de-sac, no dumping, etc.) on the property. Scottie Baker seconded the motion and it was approved, 5-0.

Dave Shepard (Brad Carso) – Minor subdivision – 113 Goose Street (#114.00-1-7.01 & -7.04)

Representative Brad Carso was present. Clerk Bill Deane read aloud from the minutes of January 3 relevant to the application.

Chairman Huntsman and Ted Feury noted discrepancies on the acreage of the properties. In the January meeting, the applicant said that the two contiguous lots total 11.12 acres in the hamlet residential district. The tax map indicates that they are 6.46 and 1.59 acres, respectively, totaling just 8.05 acres. The survey shows a figure in between those two numbers. This needs clarification from the surveyor before the Board can proceed.

Chairman Huntsman read from the boundary line adjustment policy, and said he believes this project would best be done as a minor subdivision. He said he would discuss this with Attorney Miosek, and contact the applicant with an interpretation. In the meantime, Huntsman said he would give Carso written guidelines on minor subdivisions. Deane said that the fee for subdivisions is \$175 per new lot created.

Shepard and/or Carso will plan to return at the March 7 meeting.

Springbrook (Tom Ford) – Site plan review, addition to residential facility in RA1 district – 152 Armstrong Road (#84.00-1-37.02)

Tom Ford said that Springbrook has owned 6.27 acres in the RA1 district, at the former site of the Susquehanna SPCA, for some 18 years. They have a residential facility with three bedrooms, accommodating four disabled residents. They want to expand the facility to bring it up to code, and permit room for a fifth resident. Ford said that the State permits up to 13 residents in an “R3” residential home. He said there would be no setback issues, as the building is in the middle of the property and over 150 feet from any property lines.

Chairman Huntsman said that this is a permitted use in the RA1 district, and he did not think the project would require any Planning Board intervention. The Board members agreed by consensus. Zoning Enforcement Officer Hobbie said he would write a letter reflecting this, so that Springbrook could present it to Tony Gentile at Otsego County.

OTHER BUSINESS

Zoning Enforcement Officer Hobbie presented no formal report, but discussed three projects of interest: Bissell, Greek, LLC, and Blackbird Hollow. On the latter, Hobbie acknowledged Otsego 2000’s concerns, and said “We goofed.” He said that the matter was at the Town Board level, and he is awaiting direction from Town Attorney Michelle Kennedy. Nicole Dillingham and other audience members interjected with comments and demands on the subject. Chairman Huntsman asked Dillingham to stay after the meeting so he could talk to her.

Hobbie also discussed the March 7 agenda, which he expected would include Shepard/Carso, Verizon, Daniel Ossont (replacement of structure within 100 feet of Canadarago Lake), and Joyce Boyd (minor subdivision).

Chairman Huntsman said that he would serve as Planning Board liaison for the February 8 Town Board meeting.

Chairman Huntsman noted that first lot splits are not addressed in the Town laws. He will discuss this with the Town Board.

Chairman Huntsman discussed potential opportunities to meet training requirements. Nicole Dillingham suggested that Otsego 2000 may be able to present something which would help members meet these requirements.

Chairman Huntsman asked that members get copies of new applications, including a new cover page form. Clerk Bill Deane reminded him that Supervisor Kiernan said she would instruct Zoning Enforcement Officer Hobbie on how to do that electronically. Hobbie said she had not yet done so.

Zoning Enforcement Hobbie asked if the Board could call an executive session. Chairman Huntsman said that they could not, unless the matter pertained to personnel. Hobbie said it did not.

With no further business, at 8:51 PM Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk