

Town of Otsego Planning Board

Minutes (unapproved), March 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), Chip Jennings, Walter Dusenbery, and Sharon Kroker. With Chairman Tom Huntsman, Elizabeth Horvath, and Darryl Szarpa absent, new first alternate member Rosemary Brodersen joined the meeting table; however, she had not been sworn in, so could not vote. New second alternate member Rob Bohm was absent (and later declined his nomination to the Board). Acting Chairman Ted Feury reminded the Board that, with only four voting members, a unanimous vote would be required to pass any motion. 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 February 5, 2019, e-mailed to the members. Dusenbery moved to approve the minutes as written. Kroker seconded the motion and it was approved, 4-0.

The only correspondence received since the last meeting was a copy of the Article 78, filed by Attorney Gozigian to challenge the Board's decision on the Cathedral Farms application.

Acting Chairman Feury asked if anyone had a conflict with any of tonight's applicants. 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. Jon McManus noted that he had e-mailed a municipal definition of "family" to the Board.

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)

Applicant Laura Kilty submitted the proposed deed, as requested during the previous three meetings. Attorney Miosek examined it and expressed satisfaction with the language. Acting Chairman Feury reviewed the criteria for a first lot split.

Chip Jennings moved to approve the first lot split. Walter Dusenbery seconded the motion and it was approved, 4-0. Feury stamped the Mylar and file copy "approved" and signed them. Clerk Bill Deane advised Kilty to file the Mylar with the County within 30 days.

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

Per a February 28 e-mail from applicant Mike Richtsmeier, "It looks like we will not be subdividing our property on Armstrong. My father will actually be signing the deed over to me. So at this point, I am withdrawing my application for the subdivision."

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

Once again, no one appeared on behalf of this application. Zoning Enforcement Officer Hobbie said to take the application off the agenda until further notice.

Lawrence & Corrine Brooks – First lot split – 2014 County Highway 22 (#52.00-2-10.07)

Applicants Lawrence & Corrine Brooks were present. They submitted a map, showing a split of 3.12 acres from their 28.12-acre lot. Zoning Enforcement Officer Hobbie said that there had been no previous splits on the property since 1987; therefore, this qualifies as a first lot split. He said they paid the application fee.

The proposed new lot meets acreage and appears to meet road frontage requirements. Attorney Miosek advised the applicants that they would have to submit a deed for the new lot. He showed them the Kilty/Kramer deed to give an example of what the Board would need. The Brookses said they would work on getting a deed written up, and let Hobbie know if they were not going to have it ready in time for the April 2 meeting.

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. Walter Dusenbery read aloud from the minutes of February 5, 2019 relevant to the Epic Landscapes application.

Representative Jon McManus said there were no changes to the previously-submitted plans to relocate a barn and add greenhouses and parking to Epic's existing facility. Epic anticipates retail activities in the

greenhouses. McManus said that, as a pre-existing, non-conforming enterprise, they will need at least one special permit for expansion. They hope to start in April.

Acting Chairman Feury said that he saw no problem with the Board issuing two permits on one application, as they did with the Phillips application. After reviewing the special permitted uses for the GB2 district in *Land Use Law*, Section 2.07, all four members agreed that Epic would need special permits for “Business/Professional Offices at a minimum of 2001 square feet,” and “Retail Trade at a minimum of 2001 square feet.”

Acting Chairman Feury reviewed the criteria for site plan review and special permits in Sections 7.03 and 8.04 of the *Land Use Law*. McManus said there were no signs or landscaping planned at this time, and that the only required permit he is aware of would be a County building permit. He asked that the survey requirement be waived, due to no changes in the boundaries nor any setback issues. The consensus of the Board was that this was reasonable, and that the only missing items were information on lighting, business hours, elevations, and construction sequence.

After discussion, Walter Dusenbery moved to deem the application complete, waiving the survey requirement, and contingent on the aforementioned items being submitted by March 19. Sharon Kroker seconded the motion and it was approved, 4-0.

The Board discussed State Environmental Quality Review (SEQR). After considerable discussion, Dusenbery moved to deem this a Type II action per SEQR section 617.5(c)(3). Kroker seconded the motion and it was approved, 4-0.

Chip Jennings moved to schedule a public hearing for April 2, with the same contingency as with deeming the application complete. Kroker seconded the motion and it was approved, 4-0.

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 February 5, 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 demonstrated that they could subdivide the lot, leaving sufficient acreage, road frontage, and setbacks for both the existing house and garage. As discussed in February, this would qualify both buildings under *Land Use Law* Section 3.04, without an actual subdivision being done. Acting Chairman Feury noted that, although “apartments” are not allowed in the RA2 district, the proposal appears to be covered by the definition of “Multiple Family Dwelling.”

McManus said the barn would have its own septic system, and share a well with the nearby house. Chip Jennings questioned whether that would be allowable under *Land Use Law* Section 3.02. Attorney Miosek noted that Section 3.04 states only that “The identified land area associated with each principal building shall be sufficient to provide independent water supply,” not that an independent water supply must be provided. He recalled the 2017 Worthington application as a similar situation.

After discussion, the consensus of the Board was that this project does not require site plan review.

OTHER BUSINESS

Zoning Enforcement Officer Ed Hobbie submitted a report, and discussed various cases of interest.

At the February meeting, Sharon Kroker was assigned to serve as Planning Board liaison for the March 13 Town Board meeting. Ted Feury said he had served in that role in February, and that the Town Board had discussed potential changes to laws and definitions. Carina Franck said that they hoped to get the committee going again on those efforts.

Clerk Bill Deane discussed the April 2, 2019 agenda. Brooks and Epic (public hearing) are expected to return.

With no further business, at 8:40 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk