

Town of Otsego Planning Board
Minutes (Unapproved) – March 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 7:01 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Darryl Szarpa (Vice-Chairman), Steve Purcell, Rosemary Craig, Chip Jennings, and Ted Feury. Scottie Baker and alternate member Toby Wilcox were absent. 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 7, 2017, e-mailed to the members. Feury moved to approve the minutes as written. Purcell seconded the motion and it was approved, 6-0.

Chairman Huntsman reviewed correspondence received since the last meeting:

- A letter (filed) from Otsego 2000 to Zoning Enforcement Officer Hobbie, regarding Blackbird Hollow.
- A March 6 letter from attorneys Kernan & Kernan on behalf of neighbor Ruth Bond, regarding the Ossont application on tonight's agenda. Huntsman read the letter aloud and filed it.

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

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. Mike Dennis of MADesign, architects for Joe Vizza, discussed the proposed Upstate Bar & Grill to be opened c. June 1 at the site of the former Pepper Mill Restaurant (5418 State Highway 28) owned by Vizza. Attorney Miosek said he had a conflict with this matter, as he represents Vizza. Dennis submitted architectural drawings (filed) of the proposed restaurant, which he said would be in the same footprint as the existing building. He described improvements in and features of the building. Dennis said there would be a new 12'x50' patio for seating in front of the restaurant, extending to within 15 feet of State Highway 28. Miosek said that, since the patio would have no roof, it does not meet the Town's definition of "building," thus is not subject to setback requirements. Chairman Huntsman said that he did not think this project requires Planning Board review. Deane noted that whenever the Board has approved a site plan/special permitted use, it has advised the applicant to return before them for site plan modification if there is any change to the site plan. The Board members agreed with Huntsman by consensus.

The Board moved on to applications.

APPLICATIONS

Donald Ossont (Daniel Cohen) – Site plan review, replacement of residence within 100 feet of Canadarago Lake in RA2 district – 185 Marble Road (#52.08-1-25.00)

No one appeared on behalf of this application. Zoning Enforcement Officer Hobbie said that he would contact the applicant, who may be waiting for engineering plans on the septic system.

Joyce Boyd – Minor subdivision in RA1 district – 1914 County Highway 26 (#68.00-1-23.02)

No one appeared on behalf of this application. Zoning Enforcement Officer Hobbie said that applicant Joyce Boyd was awaiting a survey before she was ready to proceed.

Mark Rathbun (Verizon Wireless; Young/Sommer, LLC) – Site plan review, special permitted use, addition to cell tower in RA2 district – 4307 State Highway 80 (#97.00-2-2.00)

E. Hyde Clarke of Young/Sommer LLC was present. He said they represent Verizon Wireless, and have a letter of representation from the owner of the tower, SBA Towers, LLC. He contended that they did not need a letter of representation from property owner Mark Rathbun, since SBA Towers leases from him.

Young/Summer had submitted seven sets of a thick application package, which Chairman Huntsman and some of the other members had reviewed. They want to put an addition to the existing 150' cell tower, a "collocation" of the existing tower. It would consist of 12 panel antennas on three antenna frames at a height of about 130 feet, plus additional equipment in an existing fenced-in 11.5'x16' equipment platform. The tower's height would not be increased.

Chairman Huntsman referenced the Telecommunications laws, and reviewed the site plan requirements in Sections 7.03 and 8.04 of the *Land Use Law*. The consensus was that the only missing item was a list of neighbors, needed for scheduling a public hearing. Clarke asked whether a public hearing could be waived, since they had one during the original application. Chip Jennings moved to waive the public hearing. Rosemary Craig seconded the motion and it was approved, 6-0.

The Board discussed State Environmental Quality Review (SEQR). Steve Purcell moved to deem this a Type II action per SEQR Section 617.5(c)(11). Darryl Szarpa seconded the motion and it was approved, 6-0. Chairman Huntsman said that this determination constituted deeming the application complete.

Craig moved to approve the site plan/special permitted use. Purcell seconded the motion and it was approved, 6-0. Huntsman stamped two copies of the site plan "approved" and signed them, giving one to the representative and keeping the other for the file. Clerk Bill Deane advised Clarke to pay the \$25 site plan application fee to Zoning Enforcement Officer Hobbie.

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

Representative Brad Carso discussed the acreage discrepancies brought up during the last meeting. The tax map formerly listed the total acreage of the two parcels as 9.45 acres, and now show it as 8.05. Carso submitted a 1/28/17 survey, showing the correct acreage to be 8.83 acres, plus road easements totaling 1.1 acres, for a total of 9.93. From these they want to create three lots (A, B & C) of 5.33, 2.25, and 2.35 acres, respectively.

Chairman Huntsman referred to page 22 of the *Land Subdivision Regulations*. He said the proposed lots would meet the minimum acreage (one acre), road frontage (75 feet), and setback requirements for the HR district. He asked whether there would be any deed restrictions. Carso said he was not sure. Clerk Bill Deane advised Carso that there would be a \$175 subdivision fee for the creation of one new lot.

The Board discussed State Environmental Quality Review (SEQR). Steve Purcell moved to deem this a Type II action per SEQR Section 617.5(c)(12). Rosemary Craig seconded the motion and it was approved, 6-0.

Purcell moved to deem the application complete, contingent on any deed restrictions and the \$175 fee to be received by the Zoning Enforcement Officer by March 21, and to schedule a public hearing for April 4. Chip Jennings seconded the motion and it was approved, 6-0.

OTHER BUSINESS

Ed Hobbie distributed copies of his undated Zoning Enforcement Officer report (filed). He gave updates on various situations, including Cobblecote and LLIB.

Town Board member Carina Franck announced that the annual training for Town employees and Board members would be held on May 2, and that Town Supervisor Meg Kiernan would e-mail everyone with details.

Chairman Huntsman asked for a volunteer to serve as Planning Board liaison at the March 8 Town Board meeting. Rosemary Craig volunteered.

Clerk Bill Deane distributed copies of the 2017 Planning Board directory.

Chairman Huntsman noted that there is nothing in the Town laws regarding first lot splits, "mother-in-law apartments," or a definition of "porch," among other things. He asked the members to think about laws which need clarification, and at the next meeting be prepared to discuss proposed *Land Use Law* additions and revisions to be submitted the Town Board.

Two members of the Cooperstown Graduate Program were in attendance and introduced themselves. They said they are reviewing the Town's "Heirloom Barn Law," and expect to submit suggested revisions to the Town and Planning Boards in May.

John Phillips noted that, in the Shepard application, the Board deemed the application complete and scheduled a public hearing in one motion. He said he had been criticized when he was Planning Board Chairman, saying it should be done in two separate motions. Phillips wondered if something had changed. The consensus was that doing it in two separate motions may be preferable.

Deane discussed the April 4 agenda. Shepard will be returning, probably with a public hearing, and Ossont, Boyd, and Kevin Green may be ready for that meeting.

With no further business, at 8:32 PM Craig moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk