

Town of Otsego Planning Board
Minutes (Unapproved) – May 2, 2017

PUBLIC HEARING

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

Chairman Tom Huntsman called the Shepard public hearing to order at 7:32 PM, and explained the purpose of the hearing, and asked for courtesy. At his request, representative Brad Carso gave a brief description of the proposed project.

Unidentified neighbors asked to see the site plan. Carso showed it to them and answered their questions to apparent satisfaction.

Chairman Huntsman read aloud an April 23 letter from Howard “Bill” Michaels, offering his full support of the project.

With no further comments or questions, Rosemary Craig moved to close the public hearing. Tim Feury seconded the motion and it was approved, 5-0.

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 7:37 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Scottie Baker, Rosemary Craig, Chip Jennings, and Ted Feury. Darryl Szarpa (Vice-Chairman), Steve Purcell, and alternate member Toby Wilcox were absent. Also present were Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board members Carina Franck and Tom Hohensee.

The Board reviewed the minutes of April 4, 2017, e-mailed to the members. Feury moved to approve them as written. Jennings seconded the motion and it was approved, 5-0.

Chairman Huntsman said there was no correspondence received since the last meeting, other than that read during the public hearing, and that which will be addressed during “public comment.”

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. Julio Roy read from a prepared statement concerning the Bissells’ Cobblecote property, handing out packets with photos to illustrate her points. Roy listed alleged violations of Town law and projects done without proper approvals. She said she and her family have spent over \$30,000 trying to get the situations rectified over the past seven years, and have appealed to various Town personnel. Nothing has changed, and they don’t know whom they should

direct their complaints to. Huntsman explained that the Planning Board does not enforce the laws, but that the Bissells may be coming before them with an application in the near future. Zoning Enforcement Officer Hobbie said that he had visited the property two weeks ago with former ZEO Barbara Monroe and Tony Gentile of the County Planning Department. The result was that the Bissells were ordered not to operate their business until various issues are resolved or clarified, and the new building is not to be used as a rental. A member of the Bissell family interjected with objections to Roy's statements, starting an argument in the audience. Attorney Miosek ordered the discussion to be stopped.

The Board moved on to applications.

APPLICATIONS

LLIB, LLC (Bill Miller/Jon McManus) – Request to extend conditional approval of Upper West Side major subdivision in RA1 district to August 9, 2017 – County Highway 28, Pierstown (#84.00-1-15.62)

Rosemary Craig recused herself and left the meeting table. Clerk Bill Deane said that, with only four members voting, a unanimous vote would be needed to pass any motion.

Applicant Bill Miller is again requesting a 90-day extension to his conditional approval for the Upper West Side major subdivision approved in 2011. Miller said there was nothing new to report. Deane noted the current approval is good through May 11, 2017, and a 90-day extension would take it to August 9, 2017.

Zoning Enforcement Officer Hobbie said that the brush has been removed, and he thinks Miller is making a good-faith effort to address the Board's concerns, listed during the February meeting. Chairman Huntsman said that he sees no reason not to extend the approval. Tim Feury asked for and was given an explanation of the state law which permits more than one extension to a conditional approval.

Chip Jennings moved to extend the conditional approval another 90 days, to August 9, 2017. Scottie Baker seconded the motion and it was approved, 4-0. Miller was advised to return in August if he wants another extension. Craig returned to the meeting table.

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

Clerk Bill Deane read aloud from the minutes of March 7 relevant to the Shepard application. He said that representative Brad Carso had requested that the public hearing be postponed until May.

Chairman Huntsman said that attorney Les Sittler had sent legal documents, explaining the previous deed language. Huntsman read aloud the requirements from the *Land Subdivision Regulations*, and said the Board's options

were to approve the subdivision, approve it with modifications, or deny it. Carso again gave a brief description of the proposed project.

Chip Jennings moved to approve the minor subdivision as submitted, with no modifications. Rosemary Craig seconded the motion and it was approved, 5-0. Chairman Huntsman stamped and signed the application and site plan as “approved.” Deane advised Carso to file it with the County within 30 days.

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)

Clerk Bill Deane read aloud from the Zoning Board of Appeals (ZBA) minutes of December 20, 2016 and January 17, 2017. During the latter meeting, a public hearing had been held, with the only comments being in a January 13 letter from attorneys Kernan & Kernan on behalf of neighbor Ruth Bond. Zoning Enforcement Officer Hobbie said he had since communicated with Bond and addressed her concerns. Later during the January meeting, the ZBA performed State Environmental Quality Review (SEQR), and approved the variances sought: a 19-foot variance on the north side, an 18-foot variance on the south side, and a variance from *Land Use Law* 4.04 (Lakeshore protection), with the conditions that the roof overhangs comply with the variances, that the septic system (holding tank) is engineered, and that silt barriers are in place before demolition.

Representative Daniel Cohen submitted a site plan with elevations and a survey. He said there would be no trees removed, no new lighting, and no landscaping, and that they had paid the \$25 site plan application fee. Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus was that all either had been met or were not applicable, and that the project was consistent with the Town’s Comprehensive Plan.

Scottie Baker moved to waive the public hearing in light of the ZBA’s hearing result. Chip Jennings seconded the motion and it was approved, 5-0.

Tim Feury moved to deem the application complete. Baker seconded the motion and it was approved, 5-0.

Jennings moved to approve the site plan as submitted. Rosemary Craig seconded the motion and it was approved, 5-0. Chairman Huntsman stamped the site plan “approved” and signed it.

Brett Thompson – Sketch plan conference, replacement of residence within 500 feet of Canadarago Lake in RA2 district – 2207 County Highway 22 (#38.16-2-12.00)

Brett Thompson submitted photos, and explained his proposed replacement of a residence within 500 feet of Canadarago Lake, including an 18-foot extension which would bring it closer to the road. Thomson said the building is 74 feet from the road, though it was not clear whether that accounted for the extension, and the photos made it appear it would be closer than that (the RA2

front-yard setback requirement is 60 feet from the center of the road). Thompson said he would also be diverting water to existing wetlands on the property. Chairman Huntsman listed items which would be needed for site plan review.

Clerk Bill Deane advised Thompson to work with Zoning Enforcement Officer Hobbie to meet site plan requirements, and to determine whether any ZBA variances would be needed before Planning Board review. Thompson said he would return to the June 6 Planning Board meeting with everything the Board needs.

Henry Jones (Alan Lord) – Apple Blossom Farm major subdivision in RA2 district – State Highway 80, Vice Bresee Road & Thayer Road (#96.00-1-7.00, -8.01 & -9.00)

Clerk Bill Deane read aloud from the minutes of April 4 relevant to the Jones application. Representative Alan Lord submitted a March 23, 2017 survey map, showing wetlands flagged and perc tests done for each lot, and proposed covenants for the property. He said there are currently three parcels totaling 213.52 acres, and the subdivision would result in 16 lots.

Chairman Huntsman went through the requirements in Sections 5.3 and 3.3 of the *Land Subdivision Regulations*. He noted that these specify a fee of \$11 per lot, whereas the Town practice has been to charge \$175 per lot created by subdivisions. Huntsman asked members to consider whether the proposed project is consistent with the Town's Comprehensive Plan. He noted that, once people start buying and building on the lots, the Planning Board would not be involved except in steep slope cases.

The Board discussed SEQR. Lord had submitted a long environmental assessment form (EAF) with part 1 completed, and said that the County Planning Department should be notified. Clerk Bill Deane suggested that the Board declare lead agency status. After long discussion, Chip Jennings, citing the scope of the project and the wetlands, moved to deem this a Type I action per SEQRA Section 617.5(b)(5)(2). Tim Feury seconded the motion and it was approved, 5-0.

Jennings read aloud from part 2 of the EAF and completed it with member input. Neighbors interjected with comments. The consensus of the Board was that all questions produced an answer of "no or small input." The Board discussed part 3. Scottie Baker moved to declare a negative declaration with conditions (the proposed property covenants), and authorize the chairman to sign the EAF. Rosemary Craig seconded the motion, it was approved, 5-0, and Chairman Huntsman signed the form.

Baker moved to approve the preliminary plat with SEQR modifications as specified in the negative declaration. Feury seconded the motion and it was approved, 5-0.

Chairman Huntsman moved to schedule a public hearing for June 6. Jennings seconded the motion and it was approved, 5-0.

Renckens Trust – Site plan review, conversion of garage into rental apartment in RA2 district – 2021 County Highway 22 (#52.00-2-11.00)

Zoning Enforcement Officer Hobbie said the Renckens application was postponed until June.

OTHER BUSINESS

Ed Hobbie distributed copies of an undated Zoning Enforcement Officer report (filed). He discussed the Bissell and Vezza properties.

Hobbie asked what happened to the Planning Board's proposed revisions to the *Land Use Law*? This has been on the agenda for the past two months, but nothing has been submitted to the Town. Clarifying the laws would make Hobbie's job easier.

Chairman Huntsman asked for a volunteer to serve as Planning Board liaison at the May 10 Town Board meeting. Rosemary Craig volunteered.

Clerk Bill Deane discussed the June 6 agenda. Jones/Lord will be returning, with a public hearing, and Thompson and Renckens may be ready for that meeting. Hobbie said that there were three more applications he expected to be ready.

With no further business, at 10:57 PM Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk