

Town of Otsego Planning Board

Minutes – June 2, 2015

PUBLIC HEARING

Richmond Hulse & Christine McBrearty-Hulse – Site plan review, special permitted use (bed & breakfast) – 5928 State Highway 28 (#114.00-1-14.52)

Chairman Donna Borgstrom opened the Hulse public hearing at 7:35, recused herself, and left the meeting table. Joe Potrikus took over as acting chairman, and second alternate member Darryl Szarpa joined the table.

Acting Chairman Potrikus asked applicants Rick Hulse and Christine McBrearty-Hulse to describe their proposed project. They did so with the help of two posters. Potrikus asked if anyone from the public had comments or questions.

Sharon Oberriter asked how many guests the bed & breakfast would accommodate. The Hulses said one to six. Oberriter said that she feels this would be a good use of the property, adding to the tax base, and would be appropriate to the law and neighborhood.

Don Oberriter asked if the Hulses would be enlarging the house. The Hulses said they would not.

With no further comments or questions, John Phillips moved to close the public hearing. Ed Hobbie seconded the motion and it was approved, 7-0. Borgstrom returned to the meeting table.

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 Donna Borgstrom called the meeting to order at 7:31 and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Members present were Borgstrom, Joe Potrikus (Vice-Chairman), Tom Huntsman, Rosemary Craig, Scottie Baker, and Ed Hobbie. With Steve

Purcell absent, first alternate member John Phillips joined the meeting table. Also present were second alternate member Darryl Szarpa, Planning Board Attorney Jim Ferrari, Zoning Enforcement Officer Tavis Austin, and Town Board members Carina Franck and Tom Hohensee. Third alternate member Trevor Fuller was absent.

The Board reviewed the minutes of May 5, 2015, e-mailed to the members. Potrikus moved to approve them as written. Baker seconded the motion and it was approved, 7-0.

The only correspondence received since the last meeting was an April 1 memo (filed in "general correspondence") from the County Planning Department, regarding Department of Transportation notification on certain Planning Board applications. Zoning Enforcement Officer Austin said that the Planning Board appears to be exempt from this requirement based on a 1994 memorandum of agreement. Austin said he would check if there is any more recent agreement with the County, and help facilitate the notification process if necessary.

Chairman Borgstrom asked if anyone on the Board had a conflict with any of tonight's applicants. She said that she would again recuse herself from the Hulse application.

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

APPLICATIONS

Richmond Hulse & Christine McBrearty-Hulse/Hulse Hill Farm – Site plan review, special permitted use (bed & breakfast) – 5928 State Highway 28 (#114.00-1-14.52)

Chairman Borgstrom recused herself and left the meeting table, leaving Vice-Chairman Joe Potrikus in charge. Second alternate member Darryl Szarpa remained at the meeting table. Tom Huntsman read aloud from the May 5 minutes relevant to the application.

John Phillips asked if there were any changes to the application. Applicants Rick Hulse and Christine McBrearty-Hulse said there were not. The Board discussed restricting future expansion. Attorney Ferrari noted that any expansion of the enterprise would require further site plan review.

After brief review, John Phillips moved to approve the site plan and special permitted use (bed & breakfast) as submitted, with no special conditions. Rosemary Craig

seconded the motion and it was approved, 7-0. Clerk Bill Deane prepared a special permit which acting Chairman Potrikus signed. The original was filed and copies were given to the applicants. Borgstrom returned to the meeting table, and Szarpa left it.

Otsego Land Trust – Site plan review, shed/composting toilet within 500 feet of Otsego Lake; recreational facility? Brookwood Point, 6000 St. Hwy. 80 (#99.00-1-32.01)

Zoning Enforcement Officer Austin said that the applicants had asked that this application be tabled until the July meeting.

Roger Heroux (Jon McManus) – Site plan review, special permitted use, self-storage units & gravel mine – County Highway 26, Fly Creek (#114.00-1-74.01)

Clerk Bill Deane said that the applicants had asked that this application be tabled until the July meeting.

Later during the meeting, the Planning Board members and attorney discussed the case. John Phillips said he still wonders whether the July 22, 2014 application had ever been withdrawn, and if not, is it still valid? Chairman Borgstrom said that there have been many applications over the years which were abandoned but never formally withdrawn, and it would be ridiculous to consider all of them still valid, and thus not subject to subsequent law changes. Ed Hobbie said he had spoken to Natasha in the New York State office about the situation, and they opined that the July, 2014 application was “still open.” Attorney Ferrari again said he could find no case law which addresses such a situation, but noted that the original application did not mention a service trade establishment; therefore, he doesn’t think the applicant would be “grandfathered” from the revised definition. He also suggested the Planning Board might deem that, by virtue of Heroux’s subsequent application, the July, 2014 one was abandoned. Ferrari referred to *Land Use Law* Section 3.04, “accessory use,” and noted there is no definition of “storage.”

Rich & Barbara Polgar – Sketch plan conference, addition of deck within 100 feet of Otsego Lake – 6584 State Highway 80

Barbara Polgar was present, along with contractor David Clapper. She wants to expand her existing residence within 100 feet of Otsego Lake, adding a deck (underneath the existing deck) which would extend about 30 feet to the concrete retaining wall. She submitted photos of the property and plans of the proposed project, and answered some questions about it.

Zoning Enforcement Officer Austin said that Polgar will need variances from the Zoning Board of Appeals (ZBA) before she can apply for site plan review. She will also need approval from the Department of Environmental Conservation.

John Phillips said that the project is similar to the Scarzafava project approved years ago. Chairman Borgstrom advised Polgar to consult with *Land Use Law* Section 4.04, and work with Zoning Enforcement Officer Austin in the application process. Clerk Bill Deane said that, if Polgar submits a ZBA application within five weeks, she could get on their July 21 agenda, potentially have variances approved in August, and return before the Planning Board in September. Phillips and Ed Hobbie gave advice on what to submit to the ZBA. Chairman Borgstrom advised Polgar to talk to her neighbors about the proposed project.

Kevin Gohde (Les Sittler) – Minor Subdivision – 2420 State Highway 26, Fly Creek (#33.00-1-6.02)

This application was added to the agenda at the direction of Chairman Borgstrom. Attorney Les Sittler had sent a letter to the Board on May 14, before the agenda cutoff, but the letter had not been discovered until after the agenda was prepared. Clerk Bill Deane advised Sittler to submit future applications and agenda requests to the intake officer (Tavis Austin), not the Planning Board, as their mail is generally checked only once a month.

Deane read aloud from the January 6 minutes relevant to the application. It had been determined at that time that this would qualify as a minor subdivision.

Attorney Sittler explained that applicant Kevin Gohde had combined contiguous lots of ten and six-plus acres into one 16+-acre parcel in 1999. He now wants to split it back into two lots exactly as before. Neighbors Keith & Shirley Dickison want to buy the smaller parcel.

Sittler asked if the Board could schedule a special meeting to expedite the process. The Board expressed no interest in doing that.

Chairman Borgstrom went through the requirements listed in Section 5.2 on page 17 of the *Land Subdivision Regulations*. She said that there do not appear to be any issues with road frontage, and noted that the Gohde Subdivision would not need to be filed with the County. Sittler said there were no covenants or deed restrictions on the property, and that Gohde had paid the subdivision fee (check in file).

After discussion, Joe Potrikus moved to waive requirements #1, 2, 3, and 6 of *Land Subdivision Regulations* Section 5.2, deem the application complete, and schedule a public hearing for July 7. Ed Hobbie seconded the motion and it was approved, 7-0.

Joe Potrikus – Sketch plan conference, special permitted use (solar panels) – 467 County Highway 26 (#114.00-1-74.01 & 130.00-2-74.01)

Joe Potrikus went to the applicants' side of the meeting table, and second alternate member Darryl Szarpa joined the meeting table. Potrikus said that he had nothing new to present, but again asked to remain on the agenda until further notice. Potrikus returned to the members' side of the table.

OTHER BUSINESS

Tavis Austin distributed copies of his June 2 Zoning Enforcement Officer report (filed), and discussed various cases and situations, particularly the Bissells.

John Phillips again expressed the opinion that Joe Potrikus should be appointed as Planning Board liaison for Town Board meetings, saying that they felt Potrikus can separate this role from his personal issues with the Town Supervisor and Board. Potrikus expressed willingness to continue in this role. Ed Hobbie moved to again recommend this to the Town Board. Phillips seconded the motion and it was approved, 7-0, with Potrikus abstaining and Darryl Szarpa voting in his stead. Chairman Borgstrom said she would e-mail this decision to the Town Board members. Phillips mentioned other Planning Board recommendations to the Town Board which had been ignored.

Board members expressed concern about third alternate member Trevor Fuller's having not attended a meeting since January.

Ed Hobbie advised Potrikus to “get rid of (his) personal vendetta” against the Town Board and Supervisor Anne Geddes-Atwell. Potrikus said it was not a vendetta, but his reaction to inappropriate behavior and treatment (i.e., bullying). Rosemary Craig disagreed with Hobbie, saying Potrikus should continue to “push back.”

With this being Chairman Borgstrom’s last Planning Board meeting, Scottie Baker had brought in refreshments for a farewell party. John Phillips said that Borgstrom was the finest chairman he has worked with, and the other members and employees applauded in agreement. Borgstrom thanked them and said she had enjoyed her time on the Board. Town Board member Tom Hohensee thanked the Planning Board and Chairman Borgstrom for their service.

Bill Deane discussed the July 7, 2015 agenda. Otsego Land Trust, Heroux, Gohde (public hearing), and Potrikus are expected to return.

With no further business, at 9:28, Chairman Borgstrom adjourned the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk