

Town of Otsego Planning Board
Minutes (Unapproved) – June 6, 2017

PUBLIC HEARING

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

Chairman Tom Huntsman opened the Jones public hearing at 7:32, and asked if anyone had comments or questions.

Danny Lapin, environmental planner for the Otsego County Conservation Association (OCCA), submitted written and oral statements (filed), and read aloud from the latter. Lapin said that the Board incorrectly issued a conditioned negative declaration through State Environmental Quality Review (SEQR), and he wants it rescinded; that the sketch plan was not signed or sealed by a licensed surveyor; and that significant portions of the proposed subdivision are in a floodplain.

John Phillips, long-time Planning Board member, said he had never seen a major subdivision receive as little scrutiny from the Board as this one. He said that, while he is not against development, he is concerned that this property is fraught with beaver dams, and that the perc tests are irrelevant without building locations. Chairman Huntsman noted that the Board had approved only the preliminary plat.

Burnett Zeh said that he is concerned with water runoff into his property, which is in the middle of the proposed subdivision.

Jack Cooper said that he had not been formally notified about this hearing (clerk Bill Deane said that he had mailed Cooper a notice on May 12 and it had not been returned to the Town). Cooper said that proposed lot #16 has only 96 feet of road frontage (actually 100.2'), and that several proposed lots have steep slopes of 15-25°. He expressed concern about traffic and septic systems, and wondered who enforces the proposed protective covenants, and is particularly concerned about covenants mentioning camping and bed & breakfasts. Attorney Miosek said that the covenants would be part of the deeds, and subject to civil litigation if not adhered to. He and Huntsman also pointed out that bed & breakfasts and camping are permitted uses, regardless of the covenants.

With no further comments or questions, Ted Feury moved to close the public hearing. Steve Purcell seconded the motion and it was approved, 6-0.

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 8:02 PM and led the Pledge of Allegiance, also asking for a moment of silence in remembrance of D-Day.

Clerk Bill Deane took roll call. Board members present were Huntsman, Darryl Szarpa (Vice-Chairman), Steve Purcell, Scottie Baker, and Ted Feury. With Rosemary Craig and Chip Jennings absent, alternate member Toby Wilcox joined the meeting table. Also present were Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board member Carina Franck. Huntsman announced that Purcell was resigning after this meeting, and members and attendees applauded his long service to the Board.

The Board reviewed the minutes of May 2, 2017, e-mailed to the members. Deane noted that he had given Feury the first name Tim instead of Ted in several places. Baker moved to approve the minutes as amended. Purcell seconded the motion and it was approved, 6-0.

Chairman Huntsman said there was no correspondence received since the last meeting, other relating to tonight's applications.

Chairman Huntsman asked if anyone had a conflict with tonight's applicants. Attorney Miosek said that he has a conflict with Dunn.

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. Danny Lapin said that the OCCA is working on updating various plans and documents, copies of which he would give to the Planning Board upon completion.

The Board moved on to applications.

APPLICATIONS

Mike Dunn – Sketch plan conference, new house on 26.65-acre lot in RA2 district – 211 Day Road (#114.00-1-38.22)

Zoning Enforcement Hobbie said that this application did not need Planning Board review, and that Dunn was not here. Hobbie just wanted to let the Board know what is going on, and to make the plans available to them, as he will do with all plans he receives.

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)

Chairman Huntsman gave an overview of the major subdivision process, reading aloud from the *Land Subdivision Regulations*.

Representative Alan Lord distributed copies of a revised site map. Clerk Bill Deane noted that the date still said 3/23/17. Lord addressed issues which came up during the public hearing:

- A surveyor normally stamps and seals only the final map, not a preliminary plan.
- He can eliminate the proposed covenants mentioning camping and bed & breakfasts, if requested.
- Only one of the proposed parcels would drain onto Zeh's property.
- The property is not classified as a DEC wet-land, and a federal floodplain would be part of a DEC wet-land.
- The project does not require Department of Health approval.
- Lord will revise the plan so that lot #16's road frontage meets the 150-foot requirement.
- Lord walked the property to identify potential building sites before drawing up lot lines and doing perc tests.
- New York Land & Lakes would manage the property until all lots are sold, and reserves the right to enforce deed restrictions during that time.

Chairman Huntsman noted that construction on any of the steep-slope lots would require Planning Board review.

Deane said that he had sent out coordinated review packages to the Otsego County Planning Department (also requesting "239 review") and the New York State Department of Environmental Conservation (DEC) on May 15. Chairman Huntsman noted that the County had responded on May 24, deferring lead agency status to the Planning Board and identifying "no significant countywide impact." The DEC has until June 14 to respond.

Deane said that the subdivision fee would be \$175 times 13 new lots created (going from three to 16), for a total of \$2,275.

Chairman Huntsman proposed that the Board consider their first attempt at SEQR a learning experience, and redo it in July. After discussion, Scottie Baker moved to rescind the negative declaration and redo SEQR during the July meeting. Darryl Szarpa seconded the motion and it was approved, 6-0.

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

No one appeared on behalf of this application. Zoning Enforcement Hobbie said he would contact Thompson. Hobbie showed his updated plan.

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

Applicants Jim and Polly Renckens want to convert their garage into living space, possibly a rental apartment. Zoning Enforcement Hobbie said that County Codes would determine whether a septic system upgrade is required.

Chairman Huntsman said that he thought that this constitutes "accessory use," which does not require site plan review. The Board agreed by consensus.

Later during the meeting, Carina Franck questioned this decision, noting that the property is only 1.2 acres.

Melissa Worthington – Sketch plan conference, second dwelling in 108.53-acre lot in RA2 district – 638 County Highway 26 (#114.00-1-78.00)

Applicant Melissa Worthington owns a home on a 108.53-acre lot. She wants to build a 20x40' second dwelling for her mother, and a third building about the same size for a home office.

Chairman Huntsman and Attorney Miosek said there should be no issue with the home office, as it could be considered "accessory use," as long as there is no kitchen.

Chairman Huntsman discussed the *Land Use Law* as it applies to second principal residences. He said that there are contradictions between Sections 2.11 and 3.04. The proposed location of the second dwelling would not meet setback and frontage requirements. Various possible strategies were discussed for the project to meet the law.

Huntsman advised Worthington to consult the *Land Use Law*, and to bring a more exact proposal/drawing to a future meeting. He said that the Board would also consider alternate strategies in the meantime. Clerk Bill Deane asked Worthington to give Zoning Enforcement Officer Hobbie two weeks' notice when she is ready to return.

Joe Corbett – Site plan review, expansion of deck within 500 feet of Canadarago Lake – 113 Marble Road Extension (#52.00-2-10.14)

Applicant Joe Corbett described his plan to replace existing decks at his residence, 385 feet from Canadarago Lake. The new decks would be larger, set on footings, and extending away from the lake. He submitted a site plan and photos.

Chairman Huntsman wondered if this would be considered landscaping, not requiring Planning Board intervention. Clerk Bill Deane said that a deck is considered a structure.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus was that all were met or not applicable. The only permit required would be a County building permit after Planning Board approval.

The Board discussed the State Environmental Quality Review Act (SEQRA). Steve Purcell moved to deem this a Type II action per SEQRA Section 617.5(c)(10). Toby Wilcox seconded the motion and it was approved, 6-0.

Purcell moved to deem the application complete and schedule a public hearing for July. Darryl Szarpa seconded the motion and it was approved, 6-0.

Lona Smith (Schlather & Birch) – Boundary line adjustments – County Highway 26 (#68.00-1-25.02, -26.00 & -18.22)

Attorney Bob Schlather said he was representing applicant Lona Smith. Clerk Bill Deane reminded Schlather that Planning Board applications should go to the Zoning Enforcement Officer, not to Deane.

Attorney Schlather said that Smith wants to do three boundary line adjustments (not two, as originally submitted), with neighbors Harter, Armstrong, and Torruella. He submitted proposed deed language, and asked that the survey requirement be waived. Darryl Szarpa moved to waive the survey due to economic hardship and low density. Scottie Baker seconded the motion and it was approved, 6-0.

Zoning Enforcement Officer Hobbie said that waiving the survey was a mistake. Clerk Bill Deane said that the Board needs to determine whether the proposed new lots meet acreage, frontage, and setback requirements, and he doesn't know how they can do that without a survey. He asked that the three adjustments be addressed separately. Chairman Huntsman said that it is obvious the lots meet acreage requirements.

Ted Feury noted that one of the new lots owned by Jones would be landlocked (i.e., would not meet the frontage requirement). After discussion, Attorney Miosek said that that is not an issue, since the property is contiguous to another lot she owns. He suggested that a motion to approve include that, after due deliberation, the Board determined that the lot line adjustments would produce no non-conforming lots, and that a survey is not necessary to confirm that determination.

Szarpa moved to approve all three boundary line adjustments, noting Miosek's suggestion. Steve Purcell seconded the motion and it was approved, 5-0, with Feury abstaining. Chairman Huntsman stamped the application "approved" and signed it.

Bianca Bello – Sketch plan conference, addition of 40x60' pole barn – 2438 County Highway 26 (#53.00-1-8.02)

Although this application was not on the agenda, Zoning Enforcement Officer asked applicant Bianca Bello to come in and discuss the case. She wants to erect a 40x60' pole barn near her existing residence, but it would be ten feet short of the 30' setback requirement. Her affected neighbor, Steve

Purcell, wrote a letter (filed) saying he has no objection to this location. Hobbie thought that Bello could bypass the Zoning Board of Appeals (ZBA) in such case.

The consensus was that Bello would still need a ZBA variance. Clerk Bill Deane said that Bello was already on the June 20 ZBA agenda.

OTHER BUSINESS

Ed Hobbie had no formal Zoning Enforcement Officer report, but reported on various cases.

Carina Franck again asked the Board to submit recommended changes to the *Land Use Law*, particularly definitions.

Chairman Huntsman asked for a volunteer to serve as Planning Board liaison for the June 14 Town Board meeting. With no volunteers, he said he would try to make the meeting himself.

Bill Deane discussed the July, 2017 agenda. Returning will be Jones, Corbett (public hearing), and possibly Thompson and Worthington. Zoning Enforcement Officer Hobbie said he knew of three other possible applications in the works. Deane noted that the first Tuesday in July is Independence Day, and the first Tuesday in November is Election Day. The consensus of the Board was to reschedule those meetings to the following Tuesdays, July 11 and November 14, respectively. Deane said he would send out a notice about the date changes.

With no further business, at 10:29 PM Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk