

Town of Otsego Planning Board  
Minutes – July 7, 2015

PUBLIC HEARING

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

Acting Chairman Joe Potrikus called the Gohde public hearing to order at 7:33 PM, and asked representative Les Sittler if he had anything to present. Sittler said he had nothing to add to the application as submitted. Potrikus opened the floor to questions or comments from the public.

Shirley Dickison said she and her husband, Keith, are the prospective buyers of the smaller lot created by the proposed subdivision. She said they wanted Gohde to have a survey done so they know where their property boundaries will be.

Christine Voulo said there is a shed on the Gohde property only 24 feet from her property line, which is illegal according to the Land Use Law. She indicated the location of the shed on the applicant's map.

Sittler said that Gohde was not aware of the shed being non-compliant until a complaint was recently filed. Sittler said that Gohde is working to resolve the issue. Voulo said Gohde is refusing to move the shed, which faces her bedroom window.

Michael McCarty said that, besides the shed, there is a load of dirt sitting on the edge of the Gohde property. He said Gohde doesn't care what he does.

Marilyn McCarty asked how the Board can proceed on the subdivision application, in light of the illegal shed. She said that Gohde plans to live in the shed.

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.

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 Joe Potrikus called the meeting to order at 7:40 and had John Phillips lead the Pledge of Allegiance.

Clerk Bill Deane took roll call. Members present were Potrikus, Tom Huntsman, Steve Purcell, Scottie Baker, and Ed Hobbie. With Donna Borgstrom not yet replaced and Rosemary Craig absent, alternate members John Phillips and Darryl Szarpa joined the meeting table. Also present were Planning Board Attorney Jim Ferrari, Zoning Enforcement Officer Tavis Austin (who arrived at 8:37), and Town Board member Tom Hohensee. Third alternate member Trevor Fuller was again absent; Potrikus said that he was no longer on the Board.

The Board reviewed the minutes of June 2, 2015, e-mailed to the members. Baker moved to approve them as written. Phillips and Potrikus noted the omission of Attorney Ferrari's comments about unintended consequences of Land Use Law changes, relevant to the "Heroux Law" addressing building footprint and commercial storage. Hobbie seconded Baker's motion and it was approved, 7-0.

Correspondence received since the last meeting included:

- Updated pages (distributed to members) to the Land Use Law, supplied by Town Clerk Pam Deane.
- The May/June 2015 issue (Volume 29, #3) of Talk of the Towns & Topics, copies of which were distributed.
- A registration form (passed around) from the Association of Towns, for 2015 planning and zoning summer schools.

Acting Chairman Potrikus asked if anyone on the Board had a conflict with any of tonight's applicants. Szarpa said he would recuse himself from the Otsego Land Trust application.

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

## APPLICATIONS

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

Clerk Bill Deane read aloud from the minutes of June 2 relevant to the application.

Representative Les Sittler said that, in light of the public hearing comments, the Board might make any approval contingent on moving the shed to make it compliant. Sittler said that he knows nothing about a pile of dirt, but that would be a Town Highway issue.

Sittler noted that Gohde has a letter on file, authorizing Christine Voulo's husband Christopher to represent him, and wondered why there is hostility between the Voulos and Gohde now. Christine Voulo said that Christopher had subsequently decided that Gohde was not someone he wanted to do business with.

Regarding the survey, Sittler said that Gohde is just putting the lots back as they were up to 1999, using the same descriptions, and that is why the Board had waived the survey requirement. If the buyer wants to pay for a survey, he can do so. Keith Dickison said that he doesn't think he should have to pay for a survey. Shirley Dickison noted that Sittler had privately recommended a survey, and thinks that the Board should require it. Christine Voulo agreed, saying that a survey is warranted under the circumstances; she said she has a survey of her property. Sittler said it is a matter of contract between the seller and buyer, and not the Planning Board's concern. John Phillips agreed, saying the seller and buyer should negotiate the matter out.

Tom Huntsman said that the question before the Planning Board is, "Can Gohde subdivide the property?" He said he didn't think the other issues were pertinent to the Planning Board.

Acting Chairman Potrikus listed the items the Board waived at the last meeting, and asked if they wanted to reconsider any of those items. No one expressed interest in doing so.

Questions arose necessitating Zoning Enforcement Officer Austin's input. Ed Hobbie moved to table the application until Austin arrived. Steve Purcell seconded the motion and it was approved, 7-0.

The application was resumed after Austin's arrival. Sittler said he had checked with Gohde on the shed situation in the meantime. Gohde said he is waiting for John Stucin to get back to him about moving the shed. He has no problem with the conditional approval as proposed earlier.

Deane asked Attorney Ferrari whether he had reviewed the proposed deed language. Ferrari said he had and found it satisfactory.

Huntsman moved to approve the minor subdivision as submitted, contingent on the moving of the shed to meet setback requirements, and submission of the deed descriptions, within 30 days. Hobbie seconded the motion and it was approved, 7-0.

### 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)

Darryl Szarpa recused himself and left the meeting table. Clerk Bill Deane read aloud from the minutes of April 7 relevant to the application.

Otsego Land Trust officials Virginia Kennedy (Executive Director), Marcy Foster, and Joe Homburger were present. They submitted an application packet (filed), including a site map, survey, Department of Environmental Conservation permit, and long Environmental Assessment Form (EAF). They said they also needed a permit from the OPHRD, due to the Historic District status.

John Phillips reviewed the EAF. The consensus of the Board was to do State Environmental Quality Review (SEQR) after a public hearing.

Tom Huntsman went through the site plan requirements in Section 8.04 of the Land Use Law. The consensus of the Board was that all the requirements had been met. Scottie

Baker moved to deem the application complete and schedule a public hearing for August 4. Steve Purcell seconded the motion and it was approved, 6-0.

Szarpa returned to the meeting table.

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)

No one appeared on behalf of this application. The consensus was to remove it from the agenda until further notice.

John Phillips said that he had reviewed the case with Attorney Ferrari, and is of the opinion that the July, 2014 application should not be honored as a still-pending application.

Robert McGovern & Matthew Collison (Ryan Miosek) – Sketch plan conference, motor vehicle repair shop – 6670 State Highway 28 (#97.00-1-2.00)

Applicants Robert McGovern and Matthew Collison were present, along with Ryan Miosek, an attorney authorized to represent them (authorization letter filed). They want to open a motor vehicle repair shop in the building currently owned by Ken Stabler in the GB2 district. The property was used as a motor vehicle repair shop until 10 or 15 years ago, and was more recently used for a different enterprise. Miosek said that there would be no changes to the property, but the drawings showed garage doors replacing windows.

Zoning Enforcement Officer Austin said that he could find no file material on the property, showing whether there was ever a special permit issued.

The consensus of the Board was that this project would require site plan review for a special permitted use. They referred Miosek to the site plan requirements in Section 8.04 of the Land Use Law. Miosek asked to be put on the August 4 agenda.

Ryan Miosek – Sketch plan conference, manufacturing operation – 6106 State Highway 28 (#114.00-1-7.31)

Applicant Kim Condon was present, along with property owners Don and Sharon Oberriter, and Ryan Miosek, an attorney authorized to represent Condon (authorization letter filed).

Condon said she wanted to start a “light assembly” operation in the Oberriter building formerly used as a bat factory. She would be manufacturing organic marshmallow crème. There would be no retail activity, and no new signs or lighting.

Zoning Enforcement Officer said that the proposed use is consistent with the existing special use permit, and asked the Board if they wanted to do site plan review. The consensus of the Board was that no review was necessary.

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 said that he had nothing new to present, but again asked to remain on the agenda until further notice.

#### OTHER BUSINESS

Tavis Austin distributed copies of his July 7 Zoning Enforcement Officer report (filed), and discussed various cases and situations, particularly the Bissells. He discussed a prospective application from attorney Bob Birch. Austin and Attorney Ferrari had reviewed it and determined that it is a first lot split, not requiring Planning Board review.

Joe Potrikus said that the Planning Board’s By-Laws allow them to pick their own chairman, contrary to the usual process of the Town Board appointing the Planning Board chair. He brought this to the attention of the Town Board, but has gotten no response.

Ed Hobbie moved to appoint Potrikus as Planning Board chairman, and Steve Purcell seconded the motion. Potrikus noted that his term ends on December 31, and also that he is running for a Town Board position, so there is a good chance that he will not be on the

Planning Board after 2015. In the interest of continuity, he thinks the Board should consider someone else for chairman. The consensus of the Board was that "We'll deal with that when we get there." The motion was passed, 5-0, with Potrikus abstaining (Tom Huntsman had left the meeting by this time).

The Board discussed filling the vice-chairman position, which Potrikus held while Donna Borgstrom was chairman. The consensus was to wait on that until the August meeting. Potrikus noted that the Town Board had not done anything with their recommendation to promote John Phillips back to a full-fledged Board member, nor had they appointed anyone else to fill Borgstrom's or Trevor Fuller's vacancies.

Regarding Phillips's recommendations (regarding public hearings) to the Town Board made during the June meeting, Potrikus said that Carina Franck had replied on behalf of the Town Board. They agreed to two of the suggestions: giving five days' notice to the Planning Board chairman, and posting signs outside the Town building.

Phillips discussed the "Heroux Law," which he said is a bad law and should be rescinded. Scottie Baker said the Town Board should at least reconsider the consequences of their March 11 action, and other members agreed. Phillips said he would bring the matter up at the July 8 Town Board meeting, and write up something for next month's Planning Board meeting.

Bill Deane discussed the August 4, 2015 agenda. Otsego Land Trust (public hearing), McGovern & Collison, and Potrikus are expected to return.

With no further business, at 9:57, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk