

# **Town of Otsego Planning Board**

Minutes (Unapproved) – July 11, 2017

## **PUBLIC HEARING**

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

Chairman Tom Huntsman called the Corbett public hearing to order at 7:31 PM and reminded attendees of the posted comment guidelines. He asked if anyone had comments or questions, but no one responded.

Clerk Bill Deane noted that two hearing notices (filed), sent to Jerry Carr and Mr. & Mrs. Gerald Bleaking, were returned to sender as “unable to forward.”

Rosemary Craig moved to close the public hearing. Darryl Szarpa 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. Chairman Tom Huntsman called the meeting to order at 7:32 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. All Board members were present: Huntsman, Darryl Szarpa (Vice-Chairman), Scottie Baker, Rosemary Craig, Chip Jennings, and Ted Feury. With no one yet appointed to replace Steve Purcell, alternate member Toby Wilcox joined the meeting table. 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 June 6, 2017, e-mailed to the members. Feury moved to approve the minutes as written. Baker seconded the motion and it was approved, 7-0.

Chairman Huntsman clarified that what the Board approved during the May 2 meeting (regarding the Jones subdivision) was *the application for a preliminary plat*.

Chairman Huntsman said there was no correspondence received since the last meeting, other than the returned notices mentioned during the public hearing.

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

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. Tony and Deb Dianich described their purchase of a property on Otsego Lake (6711 State Highway 80), and their plans to demolish and rebuild it, staying within the existing footprint but increasing the height. Chairman Huntsman said that he envisioned no problem with the project, but advised the Dianiches that they would need site plan approval per *Land Use Law* 4.04, and should work with Zoning Enforcement Officer Hobbie in that process.

The Board moved on to applications.

## **APPLICATIONS**

### **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 June 6 relevant to the Jones application. He noted that the New York State Department of Environmental Conservation (DEC) did not respond to the coordinated review mailing sent out in May, and that representative Alan Lord had submitted a \$2,275 check (delivered to the Town Clerk) in payment of the subdivision fee.

Chairman Huntsman noted updates to the application since last month, most in response to concerns brought up during the June public hearing. A new Mylar, dated June 14, 2017, has been submitted, and is signed and sealed. Lot #16 is now shown with 196 feet of road frontage. Other lots have been repositioned to mitigate Burnett Zeh's runoff concerns. Huntsman said he was not sure about the floodplain status. He suggested that covenants #1 and 5, which mention campers and bed & breakfasts, should be removed, lest that buyers think they can do these things without Planning Board approval for a special permitted use. Lord said he would remove these covenants.

After discussion, Scottie Baker moved to approve the preliminary plat with the aforementioned changes. Chip Jennings seconded the motion and it was approved, 7-0. Chairman Huntsman stamped & signed two copies of the plat, labeling them "preliminary."

Chairman Huntsman discussed State Environmental Quality Review (SEQR). He referred to the "SEQR Cook Book" and said he believed the Board had erred in deeming this a Type I action: the project does not meet any of the criteria for either a Type I or Type II action as described in Sections 617.4 and 617.5, therefore should be categorized as "unlisted." Huntsman read and explained the purposes of and guidelines for SEQR. He said the Board should envision the project in "maximum buildout" and determine how it fits with the *Land Use Law* and impacts the community, and whether potential environmental impacts have been mitigated. Huntsman noted that the applicant had already submitted a long environmental assessment form (EAF), which the Board discussed at length, determining "no significant impact;" however, they could review it. He also noted that coordinated review had been completed, with minimal input from the County Planning Department and no response from the DEC. Huntsman said a positive declaration would require an environmental impact statement (EIS).

Ted Feury asked if this property was in an agricultural district. Zoning Enforcement Officer Hobbie said there were no ag districts in the Town. Baker said that the large lot sizes, and the covenant preventing further subdivision, were significant. The Board agreed that water problems had been mitigated.

After discussion, Jennings moved to deem this an unlisted action under SEQR. Toby Wilcox seconded the motion and it was approved, 7-0. Rosemary Craig moved to declare a negative declaration with no requirement for modification. Jennings seconded the motion and it was approved, 7-0. Attorney Miosek said the Board needed specific reasoning for such a motion.

After discussion, Baker moved to amend the previous motion with the following conditions for a negative declaration: mitigation of potential environmental impacts; size, road frontage, and layout of lots; protective covenants, particularly the one preventing future subdivision; compatibility with the *Land Use Law* and the Town's Master Plan; no release of air pollutants nor removal of natural barriers; minimal increase of water runoff, noise, and light; the DEC's lack of interest in the application; and the

Board's review of the long EAF, with members weighing in. Craig seconded the motion and it was approved, 7-0.

Chairman Huntsman said that a second public hearing is part of the process, but could be waived. The consensus of the Board was that it should be held. Jennings moved to schedule a public hearing for August 1. Feury seconded the motion and it was approved, 7-0.

**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 evidently left after the public hearing. The consensus of the Board was to not proceed with the application without the applicant present. Zoning Enforcement Officer Hobbie said he would advise Corbett to return in August.

**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)**

This application was not on the agenda, but was added back on by request of Zoning Enforcement Officer Hobbie. Applicant Brett Thompson wants to replace a residence more than 100 feet but less than 500 feet from Canadarago Lake, increasing the living space. He submitted a site plan, and said he hopes to begin work in October. Thompson said there would be no new landscaping or signs.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus was that the only missing items were a list of neighbors (with addresses) within 200 feet of the property lines; and complete elevations of the proposed new building.

The Board discussed SEQR. Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(9). Toby Wilcox seconded the motion and it was approved, 7-0.

Scottie Baker moved to deem the application complete, contingent on the aforementioned items to be delivered to Clerk Bill Deane by July 18, and to schedule a public hearing for August 1. Rosemary Craig seconded the motion and it was approved, 7-0. Deane gave Thompson his business card with contact information.

**OTHER BUSINESS**

Ed Hobbie distributed copies of an undated Zoning Enforcement Officer report (filed), and reported on various cases. He asked people to speak up during the meeting so he could hear everything.

Chairman Huntsman asked for a volunteer to serve as Planning Board liaison for the July 12 Town Board meeting. Chip Jennings volunteered.

Bill Deane discussed the August, 2017 agenda. Jones (public hearing), Thompson (possible public hearing), and Corbett will be back, and Bill Miller is due back for his conditional approval extension. Zoning Enforcement Officer Hobbie said there were several other possible applications in the works.

Chip Jennings expressed concern that the Planning Board essentially has no alternate members, and suggested the Board be on the lookout for candidates. Chairman Huntsman said Town Supervisor Meg Kiernan had been talking with some potential candidates.

Chairman Huntsman reminded members of Danny Lapin's SEQR training, scheduled for July 25 at the Town building.

Scottie Baker said she would not be at the August 1 meeting.

With no further business, at 9:31 PM Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk