

Town of Otsego Planning Board
Minutes (Unapproved) – August 1, 2017

PUBLIC HEARING

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

Chairman Tom Huntsman called the Apple Blossom Farm public hearing to order at 7:33 PM and reminded attendees of the posted comment guidelines. He asked if anyone had comments or questions.

Carol Cooper of Thayer Road noted that there are large signs on the property now, and asked about signage regulations. Chairman Huntsman referred her to the sign ordinance in the *Land Use Law*. Cooper also expressed concern about the condition of the dirt road, and potential problems for a school bus.

Leslie Bendaleski of Thayer Road asked if the land owners would be bulldozing the properties. Representative Alan Lord said they would be just mowing, trimming, and tree-cutting.

Bill Miller asked whether a conditional approval would be made, or if the applicants would be putting up a bond. Chairman Huntsman said that there would be no new roads created, so those options were not applicable.

Clerk Bill Deane noted that a hearing notice (filed), addressed to “Family Residential Breese,” was returned to sender.

With no further comments or questions, Darryl Szarpa moved to close the public hearing. Toby Wilcox 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 7:40 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Darryl Szarpa (Vice-Chairman), Chip Jennings, and Ted Feury. With Scottie Baker and Rosemary Craig absent, and no one yet appointed to replace Steve Purcell, alternate member Toby Wilcox joined the meeting table. Deane noted that Wilcox would be leaving early tonight (he left at 8:28, after the Tedesco application), and reminded members that four votes would be required to pass any motion. Also present were Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board member Tom Hohensee.

The Board reviewed the minutes of July 11, 2017, e-mailed to the members. Feury moved to approve the minutes as written. Jennings seconded the motion and it was approved, 5-0.

The only correspondence received since the last meeting was the Summer 2017 issue of the New York Planning Federation’s *Planning News*, passed around the table.

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

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. No one responded. 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 November 7, 2017 – County Highway 28, Pierstown (#84.00-1-15.62)

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. The current approval is good through August 9, 2017, and a 90-day extension would take it to November 7, 2017.

Ted Feury noted that the Town law allows for only one extension to a conditional approval, and he couldn't find any State law permitting unlimited extensions. Chairman Huntsman said he would look up the relevant law. Miller said that this was probably the last time he would ask for an extension.

Chip Jennings moved to extend the conditional approval another 90 days, to November 7, 2017. Darryl Szarpa seconded the motion and it was approved, 4-0, with Feury abstaining. Clerk Bill Deane advised Miller to return in October if he wants another extension.

Zoning Enforcement Officer Hobbie thanked Miller for cleaning up the end of the cul-de-sac.

Lu's Creekside – Sketch plan conference, new house in hamlet residential district – County Highway 26 (#114.99-1-84.00)

Zoning Enforcement Officer Hobbie said that he just wanted to run this project by the Planning Board. He described the plan for a new house, which had been approved under a previous owner. Chairman Huntsman said that it seems to meet the criteria, so no site plan review would be needed.

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 July 11 relevant to the Jones application.

Representative Alan Lord submitted a new July 31, 2017 plat, saying the only change was removal of the two covenants (#1 and 5) as discussed during the July meeting. Chairman Huntsman summarized what the Board had done, and what its options were.

Chairman Huntsman asked if Thayer Road was a Town Road. Zoning Enforcement Officer Hobbie said it was, and the Town is responsible for keeping it up, dependent on traffic and codes.

Chip Jennings moved to approve the major subdivision as shown on the July 31 plat. Toby Wilcox seconded the motion and it was approved, 5-0. Lord said he had forgotten to bring the Mylar, but would drop it off to Zoning Enforcement Officer Hobbie for Chairman Huntsman's signature. Huntsman stamped and signed two copies of the paper plat, keeping one for the file.

Joe Corbett – Site plan review, expansion of deck within 500 feet of Canadarago Lake in RA2 district – 113 Marble Road Extension (#52.00-2-10.14)

Clerk Bill Deane read aloud from the minutes of July 11 relevant to the Corbett application. The application had been deemed complete and the public hearing held, but applicant Joe Corbett had left, so the Board took no action on his application. Corbett said there were no changes to the application. Chairman Huntsman summarized what the Board had done, and what its options were.

Ted Feury moved to approve the site plan. Darryl Szarpa seconded the motion and it was approved, 5-0. Huntsman stamped and signed two copies of the site plan, keeping one for the file.

John & Mary Tedesco – First lot split – 616 County Highway 26 (#119.00-1-56.02)

Applicant John Tedesco submitted a June 28, 2017 survey, showing his and wife Mary's proposed first lot split. It would divide their 6.485-acre parcel into two lots of 5.485 acres and one acre, respectively, with each lot having an existing house, and the smaller lot having 175 feet of road frontage. Zoning Enforcement Officer Hobbie said that there had been no previous splits on the property since 1987.

Ted Feury noted that the tax map shows the total acreage as 5.99 acres. It was agreed that a survey is more accurate than the tax map. Clerk Bill Deane noted that, based on the acreage shown on the tax map, Tedesco had gotten a Zoning Boards of Appeal (ZBA) variance in 2005, allowing him to build a second house on the property.

Chairman Huntsman said that there was no Town law governing first lot splits, but he passed around relevant policies from the Towns of Springfield and Laurens. Although the lot size minimum for the RA districts is three acres, *Land Use Law* Section 2.11 allows for lot size averaging, as long as the average lot size is at least three acres, and the minimum lot size is at least one acre.

Deane said that Tedesco had paid a \$175 subdivision fee as instructed by Hobbie. Deane said that a first lot split has always been free to applicants. Chairman Huntsman said that he was comfortable waiving the \$175 fee. Hobbie said he would see that Tedesco is reimbursed.

Chairman Huntsman said that he didn't think a public hearing would be needed. Deane said that no public hearing has been held on a first lot split since he joined the Board in 2004. Chip Jennings moved to waive the public hearing, saying "The application speaks for itself." Toby Wilcox seconded the motion and it was approved, 5-0.

Jennings moved to approve the first lot split per *Land Use Law* Section 2.11. Wilcox seconded the motion and it was approved, 5-0. Huntsman stamped and signed two copies of the survey, keeping one for the file.

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)

Clerk Bill Deane read aloud from the minutes of July 11 relevant to the Thompson application. Applicant Brett Thompson had not submitted the required documents (a list of neighbors, with addresses, within 200 feet of the property lines; and complete

elevations of the proposed new building) by the July 18 deadline, so no public hearing was scheduled. Thompson submitted the items today.

Ted Feury moved to deem the application complete. Darryl Szarpa seconded the motion and it was approved, 4-0.

Zoning Enforcement Officer Hobbie said that a porch is not considered part of the building footprint. Deane disagreed, saying that porches and decks had always been considered part of the footprint when the ZBA considered variances.

Szarpa moved to schedule a public hearing for September 5. Feury seconded the motion and it was approved, 4-0.

Matthew & Linda Lionetti – Sketch plan conference, minor subdivision or first lot split – 768 County Highway 26 (#114.00-1-46.01)

Applicants Matthew and Linda Lionetti submitted an April 2, 2015 engineering plan, showing their plan to split 3.2 acres from a 7+-acre lot. Part of the property is in the hamlet residential district and part is in the RA2 district.

Zoning Enforcement Officer Hobbie said that there had been a previous split in 2000, Miller conveying land to Kiser. This would make the proposed split a minor subdivision rather than a first lot split. Attorney Miosek said that he thought this still might be considered a first lot split.

It appeared that one of the new lots would be landlocked, not meeting the 75-foot frontage requirement.

Chairman Huntsman referred the Lionettis to *Land Subdivision Regulations* 5.1 and 5.2. He said the applicants would need to submit a survey and a \$175 subdivision fee. The Lionettis questioned spending money on a survey on something that might not be approved. Huntsman said, “I don’t see any reason that this won’t be approved.”

Clerk Bill Deane advised the Lionettis to complete a site plan application and give two weeks’ notice when they are ready to return to the agenda.

OTHER BUSINESS

Ed Hobbie distributed copies of his August 1 Zoning Enforcement Officer report. He discussed several projects he expected to be on the Planning Board agenda soon:

- Tony & Deb Dianich, who (as explained in July) purchased property on Otsego Lake (6711 State Highway 80), and plan to demolish and rebuild it, staying within the existing footprint but increasing the height.
- Martin & Ann Hansen, who want to raze a residence on their 0.13-acre lot within 100 feet of Canadarago Lake, and replace it in kind.
- Sydney Clark Minkie, who wants to build a cabin on her 0.43-acre lot on Red House Road (#69.00-1-12.03).
- Ronald Scatko, who wants to remove and replace a garage on 184 Bibik Road.
- Todd Jones, who is razing the former Lady Ostapeck house on County Highway 26.

Chairman Huntsman said he would serve as Planning Board liaison for the August 9 Town Board meeting.

Chairman Huntsman passed around proposed new wording for *Land Use Law* Section 4.04 (lakeshore protection). Huntsman said that Town Supervisor Meg Kiernan is seeking new Planning Board member candidates.

Chairman Huntsman said that Town Supervisor Meg Kiernan did not scan and e-mail the new applications to Planning Board members, as she had done in recent months.

Darryl Szarpa said he would not be present for the September 5 meeting.

Bill Deane discussed the September 5, 2017 agenda. Besides the potential applications mentioned by Hobbie, and others who are to let us know when they are ready to return, the only applicant who is definitely returning in September is Brett Thompson (public hearing).

With no further business, at 9:29 PM Ted Feury moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk