

## **Town of Otsego Planning Board**

Minutes, September 1, 2020

(Will be approved with any necessary amendments at the next meeting)

### **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 Ted Feury called the meeting to order at 7:35 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Feury (vice-chairman), Elizabeth Horvath, Darryl Szarpa, Chip Jennings, Walter Dusenbery, Sharon Kroker, and second alternate member Lynn Krogh (who participated via Zoom). Also present were Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board member Carina Franck. Hobbie introduced Jess Lanza, who will be succeeding him as ZEO on October 1. Tom Huntsman (Chairman) and first alternate member Rosemary Brodersen were absent.

The Board reviewed the minutes of August 4, 2020, e-mailed to the members. Horvath noted that, under the Doughty application, it mistakenly referred to the Jones application. Jennings moved to approve the minutes as amended. Szarpa seconded the motion and it was approved, 7-0.

The only correspondence received since the last meeting was from Lisa and Tracy Roberts, who said they would elaborate during the “public comment” period.

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

Feury asked if anyone from the public had a comment on a non-agenda item. Lisa and Tracy Roberts noted problems with their neighboring property at 105 Cemetery Road, showing photos. Chris Chandler has placed various vehicles and airplanes on the lot, creating an eyesore and a safety hazard. This is the latest in a series of incidents in which the Roberts sisters feel harassed by Chandler. Zoning Enforcement Officer Hobbie said that this was a ZEO issue, and he had sent a certified letter to property owner Nancy Chandler today, citing her violation of the 1995 junkyard law.

The Board moved on to applications.

## **APPLICATIONS**

### **Lisa & Tracy Roberts – Sketch plan conference, conversion of shed into studio in hamlet residential district – 101 Cemetery Road (#113.00-1-27.00)**

Attorney Miosek said he had met with Lisa and Tracy Roberts to discuss their proposed project. He advised them to come to the Planning Board.

The Roberts sisters own a home on a .29-acre lot. They live in an RV while they rent the house out for the summer. There is also an old shed or garage on the property which is in disrepair. The Robertses showed photos of the building. They want to rehabilitate and expand it to its original size, adding a bathroom, and converting it into a studio/workshop/storage building for family use. The Robertses said it would have no kitchen facilities, and would not be a dwelling or commercial building.

Chip Jennings and Walter Dusenbery expressed concern about the septic system being able to handle the house, RV, and studio. The Roberts sisters said they have a 1,000-gallon septic tank. Zoning Enforcement Officer Hobbie said that this would be a codes issue.

Acting Chairman Feury, citing similar cases in the Town, said that, if it did not include a kitchen, it would not be considered a principal building. Attorney Miosek and Zoning Enforcement Officer Hobbie agreed. The consensus of the Planning Board was that this project, as presented, would not require site plan review.

### **Inuksuk Farms LLC (N. Jean Scarzafava/Jeneé Rasmussen) – Minor subdivision/lot line adjustment in RA1 district – Hooligan Hill Road (#69.00-1-9.01 & -9.04)**

Clerk Bill Deane read aloud from the Planning Board's minutes of July 7 relevant to the Inuksuk Farms application. Jeneé Rasmussen submitted a letter authorizing her to represent applicant N. Jean Scarzafava, an updated site plan (which she hand-dated 9/1/20), a list of neighbors within 200 feet of the property lines, and proposed deed language for the lots resulting from the minor subdivision.

Rasmussen said there would be no new buildings, and that the proposed lots meet acreage, road frontage (counting Hooligan Hill Road), and setback requirements per *Land Use Law* Section 2.01. The Board agreed that the lots would be in compliance. Attorney Miosek said no State Environmental Quality Review (SEQR) would be needed.

Zoning Enforcement Officer Hobbie said that the fee would be \$350 for the creation of two new lots. Rasmussen wrote a check for \$350 to the Town of Otsego and gave it to Hobbie.

Acting Chairman Feury reviewed the requirements listed in Section 5.2 of the *Land Subdivision Regulations*. The consensus of the Board was that the only remaining item needed was a survey (five copies). Rasmussen said she would return to the October 6 meeting with that.

**Susquehanna SPCA – Site plan review, special permitted use, thrift shop in RA2 district – 5082 & 5088 State Highway 28 (#146-2-5.00 & -6.00)**

Susquehanna SPCA Executive Director Stacie Haynes, William H. Lane Construction manager Rick Bliss, consulting engineer Matt Napierala, attorney Nicole Dellingham, and Director Gaylord Dellingham were present. Clerk Bill Deane read aloud from the Planning Board’s minutes of August 4 relevant to the SPCA application.

Napierala submitted a new site plan, highlighting the changes to the plan the Board had previously approved. He explained the change to the proposed thrift store.

Acting Chairman Feury went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that all had been met. Zoning Enforcement Officer Hobbie said that the fee had been paid.

Chip Jennings moved to deem the application complete. Walter Dusenbery seconded the motion and it was approved, 7-0.

Elizabeth Horvath moved to waive the public hearing requirement due to the hearing held in 2019. Sharon Kroker seconded the motion and it was approved, 7-0.

Dusenbery moved to approve the modified site plan as submitted. Horvath seconded the motion and it was approved, 7-0. Feury stamped the application and site plan “approved” and signed them.

Dusenbery moved to waive the public hearing for the special permitted use. Lynn Krogh seconded the motion and it was approved, 7-0.

Dusenbery moved to approve the special permitted use (thrift store accessory to the SPCA). Kroker seconded the motion and it was approved, 7-0. Deane prepared a special permit which Feury signed, with the original going to the applicant and copies made for the file.

**Steve Talevi – Site plan review, staircase within 100 feet of Canadarago Lake in RA2 district – County Highway 22 (#39.00-2-2.03)**

Applicant Steve Talevi described his plan to put in a staircase from County Highway 22, approximately 39 feet down to Canadarago Lake, across the road from the house he lives

in. He submitted a site plan dated 8/26/20. The staircase would be constructed of pressure-treated wood, no more than 42 inches wide, and have three to five landings and a 7'x12' deck at the top.

Clerk Bill Deane said that he believed the deck would require a Zoning Board of Appeals (ZBA) variance for construction within 100 feet of the Lake, before the Planning Board could do site plan review. Attorney Miosek agreed. Deane said he could put Talevi on the ZBA's September 15 agenda, if he completed a ZBA application. Deane explained the timeline involved, which would get him back before the Planning Board no sooner than November.

After considering this, Talevi said he would remove the deck from the plan. Acting Chairman Feury and Attorney Miosek said, in that case, the project would require neither ZBA nor Planning Board approval, per Section 4.04 of the *Land Use Law*.

**Tashi Rabten – Combining three lots into one in RA-2 district – 533 Cook Road**  
**(#112.00-1-20.01, -20.04, -20.05 & -20.06)**

Applicant Tashi Rabten and representative Bruce Phillips were present. Attorney Miosek left the table and recused himself, saying he represented the applicant on another matter.

Phillips explained that Rabten owns four contiguous lots, and wants to combine them all into one lot. He would be dissolving the lot lines to reduce his tax assessment.

After discussion, the consensus of the Board was that this was a real property services issue, not requiring Planning Board approval. Upon Phillips's request, Zoning Enforcement Officer Hobbie returned Rabten's \$150 application fee check.

**OTHER BUSINESS**

Ed Hobbie had no formal Zoning Enforcement Officer report, but discussed various cases he had worked on. He discussed the need for performance bonds, and suggested that the Town Board give the new ZEO a cell phone and pay his gas mileage. Jess Lanza introduced himself to the members. Clerk Bill Deane thanked Hobbie for his many years of service as ZEO, and ZBA and Planning Board member before that. The members applauded in agreement.

Rosemary Brodersen was not present to give a liaison report on the August 12 Town Board meeting. Carina Franck said there had been a public hearing for the proposed *Land Use Law* changes to Section 4.04 and definitions. Sharon Kroker is scheduled to serve as Planning Board liaison at the September 9 Town Board meeting.

During the Inuksuk Farms application, there was discussion about the Board's responsibility regarding subdivisions. Deane said that the Board should ensure that all lots created meet acreage, road frontage, and setback requirements. Attorney Miosek said that, while he agrees in principle, there is nothing in the *Land Subdivision Regulations* which mentions that. Deane said that the *Land Subdivision Regulations* are supplemental to the *Land Use Law*, which covers this in Section 2.01. Miosek advised Franck that the Town Board should revise the *Land Subdivision Regulations* to address this and other omissions.

Acting Chairman Feury said he had done further research, and confirmed that – with a seven-member Board – at least four “aye” votes are required to pass any motion, regardless of the number of members present or voting.

Deane discussed the October 6, 2020 agenda, reminding the Board of resumption of the 7:00 start time. Only Inuksuk Farms is scheduled to return.

With no further business, at 9:26 PM Walter Dusenbery moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk