

Town of Otsego Planning Board
Minutes (unapproved), October 3, 2017

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 7:03 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, Ted Feury, and Elizabeth Horvath. Also present were second alternate member Walter Dusenbery, Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board members Carina Franck and Tom Hohensee. First alternate member Toby Wilcox was absent.

The Board reviewed the minutes of September 5, 2017, e-mailed to the members. Craig moved to approve the minutes as written. Horvath seconded the motion and it was approved, 7-0.

The only correspondence received since the last meeting was a September 7 memo (filed) from Schlather & Birch, regarding the filing of the deeds for the land transactions from Lona Smith to Wayne Armstrong, Jason Harter, and Brook Torruella. Deane passed around a letter (filed) he had received from New York Land & Lakes, regarding the prices of lots in the Apple Blossom subdivision.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Craig said she would be recusing herself from the Miller application as usual.

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

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 was present on behalf of the Thompson application. Clerk Bill Deane reminded the Board that the Board had to make a decision (or risk approval by default) on the application within 62 days of the public hearing (held September 5), and more than that will have elapsed by the November meeting date.

The Board discussed the application, including changes to the one they had deemed complete, and their request that Thompson bring a formal plat with a foundation survey to tonight's meeting. The consensus was that they were not comfortable approving the application under these circumstances. If denied tonight, Thompson could reapply in the future.

Chip Jennings moved to disapprove the site plan application. Rosemary Craig seconded the motion and it was approved, 7-0.

Matthew & Linda Lionetti – Minor subdivision with right-of-way – 768 County Highway 26 (#114.00-1-46.01)

Scottie Baker read aloud from the minutes of September 5 relevant to the Lionetti application. Chairman Huntsman said that he had been discussing the case via e-mail with Zoning Board of Appeals (ZBA) Chairman Greg Crowell, and read aloud from these e-mails. Huntsman's conclusion was that Lionetti should apply to the ZBA for an area variance before returning to the Planning Board.

Applicant Matthew Lionetti became angry, asking why no one had informed him of this discussion before he came tonight. He said Huntsman had told him that there would be no problem getting an approval on his proposed subdivision, and he had paid a considerable amount for a survey based on that.

Chairman Huntsman apologized, saying that he had tried to phone Lionetti. Attorney Miosek said that Lionetti would have needed to get a survey regardless. Clerk Bill Deane said that, if Lionetti completed a ZBA application tonight, Deane could put him on the October 17 ZBA agenda.

Later, Lionetti apologized to the Board and Zoning Enforcement Hobbie, saying that he had misunderstood the process.

Stephanie Stringer (McManus Engineering) – Boundary line adjustment – 156 Huff Road (#84.00-1-32.03 & -32.05)

Representative Jon McManus asked that the Stringer application be removed from the agenda until further notice.

Margaret McGown – Sketch plan conference, 8x14' storage shed within 500 feet of Otsego Lake – 6050 State Highway 80 (#99.00-1-6.01)

Margaret McGown described her plan to erect an 8x14' Amish shed with a gravel pad, for storage of her three kayaks and two paddleboats. She said the shed would be 208 feet from Otsego Lake, and meet all setbacks. McGown said the building would not be fixed to the ground, and there would be no electricity or tree removal. She submitted a map and photos, which the Board examined.

Chairman Huntsman said this would require site plan review, since the shed would be considered a structure and would be within 500 feet of the Lake; he referred her to Section 8.04 of the *Land Use Law*. Other members agreed. McGown said she would complete a site plan application and return in November.

LLIB, LLC (Bill Miller/Jon McManus) – Request to extend conditional approval of Upper West Side major subdivision in RA1 district to February 5, 2018 – County Highway 28, Pierstown (#84.00-1-15.62)

Rosemary Craig recused herself and let the meeting table, while second alternate member Walter Dusenbery joined it. Representative Jon McManus said that applicant Bill Miller is again requesting a 90-day extension to his conditional approval for the Upper West Side major subdivision approved in 2011. The current approval is good through November 7, 2017, and a 90-day extension would take it to February 5, 2018. Clerk Bill Deane read aloud from an October 3 e-mail (filed) from Miller.

Attorney Miosek noted that section 3.4 (f) of the *Land Subdivision Regulations* provide for no more than two 90-day extensions to a conditional approval. Miosek said there was a 2012 New York State law which provides for unlimited extensions; however, unless the Town adopts this law, it is not valid. Zoning Enforcement Officer Hobbie said that Miller had fulfilled the Board's clean-up request.

McManus said that Miller has gone on for years under the assumption that he could get the conditional approval extended simply by coming in to request it every 90 days. Miosek said that it should never have gone on this long. Chairman Huntsman suggested that the Board could grant another extension and petition the Town Board to adopt the State law. Carina Franck said she would bring it up to the Town Board. No one made a motion based on this suggestion. Deane noted that the extensions were done more for the protection of the Board and Town than for Miller, to avoid less-appealing options such as clear-cutting the property.

Chip Jennings moved to deny the extension. Chairman Huntsman said that this motion was unnecessary, as the approval will automatically expire on November 7 unless the Board extends it.

Craig returned to the meeting table and Dusenbery left it.

OTHER BUSINESS

Zoning Enforcement Officer Ed Hobbie reported on three situations of interest:

- Bob Pierro is planning a major renovation on his house on County Route 26, and Hobbie showed drawings. Chairman Huntsman said this would not require site plan review.
- Cheryl Bissell would like to discuss the "art studio" on the Bissell property. Hobbie suggested that members visit the property, and that removing the kitchen would give the building "accessory use" status. He also mentioned neighbors' concerns about parties.
- Debbie Creedon complained that neighbor N. Jean Scarzafava had put up a fence which obstructs her view of Otsego Lake. Attorney Miosek said that this was not a Planning Board matter.

Chairman Huntsman discussed a Planning Board liaison for the October 11 and November 8 Town Board meetings. He said he would serve at the October meeting, and Scottie Baker volunteered for the November meeting.

Chip Jennings said he had attended the last two Town Board meetings, describing the “political grandstanding” by Town Board member Joe Potrikus, who was very critical of the Planning Board. Jennings thinks Potrikus should be invited to a Planning Board meeting to explain his criticism. Chairman Huntsman said that some people are offended that the Planning Board used to follow precedents, but now follows the law. Carina Franck said that Potrikus doesn’t speak for the Town Board, and that she is proud of the Planning Board members.

Chairman Huntsman said he had a copy of the Town’s fee schedule, and said it should be clearly specified for everyone in the law and/or the Town’s website. Tom Hohensee said he would bring that suggestion to the Town Board.

Chairman Huntsman drafted proposed language governing first lot splits, which are not currently addressed in the law. Members gave him input. Huntsman said he would make revisions based on this, and submit it to the Town Board. Huntsman said that there are other parts of the law which require clarification, such as “mother-in-law apartments” and swimming pools. Attorney Miosek said that the “101-” part of *Land Use Law* 4.04 should be stricken.

Chip Jennings said that there have been complaints about the Upstate Bar & Grill renovation, and wondered if the Zoning Enforcement Officer should investigate. Clerk Bill Deane read from the Planning Board’s minutes of March 7, and theorized that the complaints were based on the Planning Board’s not requiring site plan review or modification for the project.

Deane discussed the November 14, 2017 agenda, noting the date change to the second Tuesday due to Election Day. He said McGown was the only applicant expected to return so far.

With no further business, at 9:11 PM Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk