

# **Town of Otsego Planning Board**

## **Minutes (unapproved), November 13, 2018**

### **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 7:02 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Scottie Baker, Ted Feury, Chip Jennings, Elizabeth Horvath, and Walter Dusenbery. With Darryl Szarpa (vice-chairman) and alternate member Toby Wilcox absent, alternate member Sharon Kroker joined the meeting table. 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 October 2, 2018, e-mailed to the members. Baker moved to approve the minutes as written. Dusenbery seconded the motion and it was approved, 7-0.

The only correspondence was a flier (passed around) from NYMR Online University, offering training opportunities.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Huntsman said he would recuse himself from the Susquehanna Animal Shelter application, as his wife is a paid employee of the SAS.

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**

#### **Susquehanna Animal Shelter (Jon McManus) – Site plan review, relocation of animal shelter & thrift shop to RA2 district – 5082 State Highway 28 (#146-2-5.00 & -6.00)**

Representative Jon McManus said that they were awaiting a survey, and would plan to return for the December meeting.

#### **Addison “Peter” Bissell & Boyd Bissell (Joanne Darcy Crum) – Lot line adjustment – 6505 & 6515 State Highway 80 (#84.12-1-6.00 & -7.00)**

Scottie Baker read aloud from the October 2 minutes relevant to the Bissell application. Applicant Addison “Peter” Bissell and representative Joanne Darcy Crum were present. Crum distributed copies of a deed, and of a survey map dated 11/1/18. It shows the proposed transfer of .29 acres from Peter's 5.67-acre lot to the adjoining .49-acre lot owned by his brother, Boyd. This would put the building known as the “art studio” on Boyd's property with the required setbacks, which she said would allow the Bissells to use it as a rental.

Chairman Huntsman noted that the change would put two buildings on a .78-acre lot, which is not rectangular, and increase the non-conformity. Crum said it would bring the lot closer to conformity. Huntsman asked how the “art studio” could be considered “accessory use” rather than a second principal building. Crum said that there are hundreds of similar examples along Otsego Lake. Attorney Miosek said that, since both buildings would be rentals, it could be considered accessory use.

After discussion, the consensus of the Board was that the lot line adjustment could be doable if it increased the conformity of Boyd's lot; i.e., made it at least one acre with at least 100 feet of road frontage. This would bring both lots into compliance under *Land Use Law* Section 2.11 (lot size averaging). Crum asked why the Board had

not told her that before she prepared the survey. Miosek said that the Board could not evaluate the proposed adjustment without a survey in hand. Crum said she would return in December with a revised survey map.

Two neighbors interjected with claims that the “art studio” is an illegal building. Miosek said that this discussion would be appropriate for a public hearing. Clerk Bill Deane reminded the Board that the lot line adjustment policy says that “No public hearing will be required.” Chairman Huntsman explained to the neighbors that the Board is not considering the use of the building, only the merits of the lot line adjustment. If the Board approves this, it will go back before the courts for further review.

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**Cathedral Farms, Inc. (Jon McManus) – Site plan review, construction within 100 feet of Otsego Lake – 6512 State Highway 80 (#84.12-1-14.00)**

Scottie Baker read aloud from the October 2 minutes relevant to the Cathedral Farms application. Representative Jon McManus distributed copies of a site plan labeled “9/25/18 rev. 1-11/13/18,” showing the fence, and trees measuring at least six inches at breast height. The proposed elevator, which would require a variance from the Zoning Board of Appeals (ZBA), has been removed.

Hyde Clark of Young-Sommer, attorney for neighbor Julia Roy, gave an update on the survey dispute, which has not yet been resolved. Chairman Huntsman said the Board could not go forward until it had a signed survey that everyone agrees on. Attorney Miosek agreed that the Board could not consider anything until the survey disputes are resolved. He said he could file a “contempt” motion, but that that would not be in anyone’s best interests.

McManus again objected, saying that he does not acknowledge the Board’s authority to delay site plan review due to a survey dispute. He said that there is no proposed work in the disputed “gore” area, and that the dispute on the north (Bissell) side involves only a fence which will be removed. McManus asked the Board to deem the application complete, contingent on a signed survey to be submitted by November 20. After discussion, the Board opted not to do this. McManus said he would return in December.

Neighbor Addison “Peter” Bissell submitted a 1999 survey, showing the gore on another property. McManus said that he had a newer survey. Bissell also submitted photos showing flooding on the Cathedral Farms property, while another neighbor submitted photos of the property from Google Maps. All documents were filed.

**Mary Winne – Minor subdivision in RA1 district – 106 Johnston Road (#114.00-1-12.01)**

Applicant Mary Winne submitted a 7/16/18 Mylar showing her proposed split of 4.52 acres from a 42.84-acre lot. The smaller lot would have 496 feet of road frontage. Zoning Enforcement Officer Hobbie said this qualifies as a minor subdivision, not a first lot split, due to a previous split done in 2017. He said Winne had paid the subdivision fee.

Attorney Miosek suggested that Winne do another proposed division (on property straddling Johnston Road) at the same time, rather than have to go through the subdivision process twice. Winne said she preferred to wait on the other transaction.

Chairman Huntsman reviewed the *Land Subdivision Regulations*, Sections 3.2 and 5.2. The consensus of the Board was that the only missing items were a fifth copy of the survey map, and a list of neighbors (with addresses) within 200 feet of the property lines. Winne said she would submit these before the December 4 meeting, so that the Board could deem the application complete and schedule a public hearing for January. The Board said that, as long as she submitted the documents, Winne would not need to be present for the December meeting.

The Board discussed State Environmental Quality Review (SEQR). Scottie Baker moved to declare lead agency status for the Planning Board. Sharon Kroker seconded the motion and it was approved, 7-0. Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(38). Kroker seconded the motion and it was approved, 7-0.

#### **OTHER BUSINESS**

Ed Hobbie distributed copies of his Zoning Enforcement Officer report (filed), and discussed some situations of interest. Hobbie described his frustration with the Town Board in not clarifying problematic sections and definitions in the *Land Use Law*, such as having no definition or rules governing “tiny houses.”

The Board discussed a Planning Board liaison for November 14 Town Board meeting. With no volunteers, Chairman Huntsman said he would try to attend. Chip Jennings discussed putting members in a regular rotation for the role starting in 2019.

Clerk Deane discussed the December 4, 2018 agenda. The deadline is only one week away, and at this point the agenda is the same as December’s, with the SAS, Cathedral Farms, Bissell, and Winne expected to return.

With no further business, at 9:01 PM Baker moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk