

Town of Otsego Planning Board
Minutes – December 1, 2015

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 (there was no meeting in November). Chairman Joe Potrikus called the meeting to order at 7:04 and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Members were Potrikus, Tom Huntsman (Vice-Chairman), Rosemary Craig, Steve Purcell, and Ed Hobbie. With Scottie Baker absent and the Board still short by one member, alternate members John Phillips and Darryl Szarpa joined the meeting table. Also present were Planning Board Attorney Jim Ferrari and Town Board members Carina Franck and Tom Hohensee. Zoning Enforcement Officer Tavis Austin was absent.

The Board reviewed the minutes of October 6, 2015, e-mailed to the members. Craig moved to approve them as written. Hobbie seconded the motion and it was approved, 7-0.

Correspondence received since the last meeting consisted of:

- A November 22 e-mail from Wayne Bunn, expressing interest in being reappointed as Planning Board Engineer for 2016, under the same arrangement as in 2015.
- The September/October and November/December 2015 issues of *Talk of the Towns & Topics*, copies of which were distributed.
- Updated pages to the *Land Use Law*, copies of which were distributed.

Chairman Potrikus asked if anyone on the Board had a conflict with tonight's applicants. Craig said she would recuse herself from the Miller application as usual.

Chairman Potrikus asked if anyone from the public had a comment on a non-agenda item. No one responded.

Chairman Potrikus led a moment of silence for Adam Burgess, a Town Highway employee who died on the job last week.

The Board moved on to applications.

APPLICATIONS

LLIB, LLC (Bill Miller/Jon McManus) – Request to extend conditional approval of Upper West Side major subdivision to November 18, 2015 – County Highway 28, Pierstown (#84.00-1-15.62)

Rosemary Craig recused herself and left the meeting table. Chairman Potrikus apologized to applicant Bill Miller for the Board's oversight in canceling the November meeting, forgetting that Miller was due back that month. Clerk Bill Deane had conferred with Attorney Ferrari on November 3, after the oversight was realized. Ferrari saw no need to schedule a special meeting before the expiration date of November 18, 2015, and said the Board could take care of it at the December meeting.

Miller is again requesting a 90-day extension to his conditional approval for the Upper West Side major subdivision approved in 2011. He said there were no changes.

John Phillips moved to extend the approval for another 90 days, to February 16, 2016. Ed Hobbie seconded the motion and it was approved, 6-0. Miller or an authorized representative will return at the February meeting if he wants another extension. Craig returned to the meeting table.

Paul Belmonte (Jon McManus) – Sketch plan conference, multi-family dwellings – 5417 State Highway 28 (#130.00-2-41.00)

Applicant Paul Belmonte and his wife were present, along with engineer/representative Jon McManus and realtor David LaDuke. Belmonte is in the process of buying a house on 5.72 acres in the RA2 district, across the road from the Pepper Mill, with the closing scheduled for next week. He wants to raze the house and replace it with year-round rental units in a condominium-type arrangement. Belmonte noted the need for year-round rentals in the area, particularly for Bassett employees.

McManus distributed packets to the members. He said that most of the property is not buildable due to the slope, and the driveway will be an issue, requiring a one-way alignment and a Department of Transportation permit. There is about 1,000 feet of road frontage. The property has Village of Cooperstown water and sewer. Belmonte hopes to start the project in late 2016.

McManus called attention to pages 5-7 of the *Land Use Law*. He noted that "multiple family dwellings" (plural) are a special permitted use in this district. Such a dwelling is defined on page 48 as "A building containing no more than six (6) dwelling units for other than transient lodgers." On the other

hand, the law also allows for “Motels limited to 8 units.” McManus wondered whether Belmonte would be limited to one building with six units, or if he could have separate buildings connected by “party walls” or other physical connections.

Attorney Ferrari said, in his opinion, such an arrangement would constitute one building. He did not see any significance in the word “dwellings” and feels that Belmonte would be limited to one six-unit building. Ferrari suggested that Belmonte could apply to the Zoning Board of Appeals (ZBA) for a variance to have more than six dwelling units. He was not sure if that would constitute an area variance, use variance, or interpretation. Clerk Bill Deane said that Belmonte would need a denial from the Zoning Enforcement Officer or Planning Board before he could apply to the ZBA.

McManus asked the members to visit the site and think about the questions and issues he raised. He plans to get some sort of denial from Zoning Enforcement Officer Austin so they can proceed to the ZBA. McManus said they would be off the Planning Board agenda until further notice.

Jeffrey Wait – Site plan review, replacement/expansion of existing cottage within 100 feet of Otsego Lake – 6793 State Highway 80 (#69.52-1-11.00)

Bill Miller said he was the authorized representative for this application, and wondered why it was not on the Planning Board agenda, as he had submitted it to Zoning Enforcement Officer Austin in early November. Clerk Bill Deane said that Austin had not told him about the application when they discussed the agenda. Deane examined the application and advised Miller that, because the project is in the lakeshore protection district, he would have to apply to the ZBA and get area variances before he could apply to the Planning Board. Miller said he would submit a ZBA application to Austin.

OTHER BUSINESS

John Phillips asked Town Board members Carina Franck and Tom Hohensee whether any decision had been made to hire a consultant to vet our *Land Use Law*. Franck said it had been discussed and may be done in 2016.

The Board discussed the Planning Board Engineer position. Ed Hobbie moved to reappoint Wayne Bunn to the position under the same arrangement as in previous years. Tom Huntsman seconded the motion and it was approved, 7-0.

The Board discussed the Planning Board Attorney position. Phillips moved to reappoint Jim Ferrari to the position. Steve Purcell seconded the motion and it was approved, 7-0. Ferrari thanked the Board.

The Board discussed the Planning Board Clerk position. Purcell moved to reappoint Bill Deane to the position. Rosemary Craig seconded the motion and it was approved, 7-0. Deane thanked the Board.

The Board discussed the Planning Board Chairman position. Since Potrikus has been elected to the Town Board, and will be leaving the Planning Board as of the end of 2015, a replacement will be needed. Potrikus nominated Craig for the position. Craig declined. No one else present expressed interest in the chairmanship. This will be revisited at the January meeting. In the meantime, the Vice-Chairman will be left in charge.

The Board discussed the Planning Board Vice-Chairman position. Craig moved to reappoint Tom Huntsman to the position. Purcell seconded the motion and it was approved, 6-0, with Huntsman abstaining.

The Board discussed the member vacancies left by the departure of Donna Borgstrom (term goes through 2016) and Potrikus (new term from 2016-22). The consensus was that alternate members John Phillips and Darryl Szarpa should be promoted to full-fledged members, leaving openings for at least two new alternate members. Szarpa said he was not sure he wanted that, and had not applied. Franck said the only applicant so far is Chip Jennings. Potrikus said that Paul Russo was interested, and Paul Lord may be.

Huntsman noted that he was behind on his required education for 2015. Craig said she would e-mail him information on an available webinar.

Potrikus thanked the Board and Clerk for the support he received both as member and Chairman. He said that the Planning Board could consider him their advocate as he moved to the Town Board.

Bill Deane discussed the January 5, 2016 agenda. As of now there are no pending applications. With no further business, at 8:22, Rosemary Craig moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk