

Minutes

Town of Otego Planning Board

January 17, 2017

PUBLIC HEARING

FOLLOWED BY

REGULAR PLANNING BOARD MEETING

APPROVED

PUBLIC HEARING: Crossroads Inn LLC, Brad and Noel Feik, 3937 State Highway 7, TM # 308.00-1-33.00- Request for Special Use Permit to Build a Modular Home on a 1.5 Acre Lot in R-1(which normally requires a 2 Acre Lot.)

The Public Hearing opened at 6:35 PM. Codes Officer Dan Wilber stated that he had received and approved an application for a building permit from the Feiks to change the designation of the property as a whole from R1 to R2 for the purposes of NYS Building Code Designation.

Five citizens spoke at the Public Hearing. Local resident Gordon Hitchcock spoke against the granting of the Special Use Permit, stating public safety concerns and the possibility of sex offenders living at the motel. Local resident Barbara Parker spoke against the granting of the Special Use Permit, stating public safety concerns. Local resident Maxine Black, stated that residents of the motel often walk around the Mill Creek Estates Trailer Park and make residents nervous. Residents Sheryl and Tom Bryant also spoke against the granting of a Special Use Permit, stating public safety concerns and concerns about sex offenders. No written comments were received by the Planning Board.

Planning Board Chairwoman Kate Lawrence described the project, which is for the installation of a second residence on a 1.5 acre lot, in the R-1 Zoning District which requires a minimum 2 acre lot size.

MOTION to close the Public Hearing.

Motion by Roberto Romano and seconded by Elizabeth Callahan.

Voice Vote: YES 5 NO 0

All in favor, none opposed, motion carried.

The Public Hearing closed at 6:48 PM.

The Regular Planning Board Meeting opened at 6:50 PM.

ROLL CALL:

Board members present: Chairwoman Kate Lawrence, Roberto Romano, Elizabeth Callahan, Mark Dye; Lois Chernin (Alternate- as a voting member).

Board members Excused: Marla Calabro

In Attendance Tonight: Teresa DeSantis, Planning Board Recording Secretary, Codes Officer Dan Wilber, and Town Attorney Beth Westfall.

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**REVIEW OF THE MEETING MINUTES FOR THE DECEMBER 20th REGULAR MEETING:**

**The unapproved meeting minutes for the December 20, 2016 Planning Board Regular Meeting were reviewed. A Motion was made by Roberto Romano to accept the Minutes as read.**

**MOTION to accept the December 20, 2016 Planning Board Regular Meeting Minutes as read.**

**Motion by Elizabeth Callahan and seconded by Roberto Romano.**

**Voice Vote: YES   5              NO   0**

**All in favor, none opposed, motion carried.**

**NEW BUSINESS:** The Planning Board changed the order of the Agenda to do Old Business first, then New Business.

**OLD BUSINESS:**

**Crossroads Inn LLC, Brad and Noel Feik, 3937 State Highway 7, TM # 308.00-1-33.00- Request for Special Use Permit to Build a Modular Home on a 1.5 Acre Lot in an R-1 District (which normally requires a 2 Acre Lot.)**

**Brad and Noel Feik, representing themselves and the Crossroads Inn, were in attendance at the Planning Board meeting this evening. The application is for a Special Use Permit to build a modular or stick built home on a 1.5 Acre Lot in zone R-1. (Zone R-1 calls for a 2 Acre minimum lot size.) Note that there is already a motel and a pre-existing house on the property. The Feiks explained that they are using the motel and the existing residence on the property to house people in need of shelter. They stated that they currently live in one**

**of the motel units. At the December Planning Board Meeting, upon Planning Board advisement, Brad Feik amended his application to read: "construction of an allowed building type to be owner occupied."**

**Also at the December meeting, Codes Officer Dan Wilber stated that the property use as a whole has changed from NYS Fire Designated Occupancy Code R-1 (Motel-Transient) to R-2 (Motel-Non Transient) status, and required a change from Occupancy Code R-1 to R-2, which must be completed prior to issuance of any Special Use Permit. The Feiks then submitted a Building Permit, dated 1-17-17, for a Change of Occupancy from R-1 to R-2, which was approved by the Codes Officer. Going forward, Dan Wilber has contacted NYSDOS about this issue.**

**Also in the December meeting, Chairwoman Kate Lawrence, in consultation with the Town Attorney Beth Westfall, recommended that the Special Use Permit Application of Mr. Feik contain a condition stating that the new residence to be built be "owner occupied."**

**The Planning Board reviewed the concerns raised by residents in the Public Hearing. The Planning Board members felt that the concerns raised were not applicable to the review of the application because the application for a second dwelling was a permitted use with a special use permit, and that current use of the motel and property for housing individuals was a permitted use under the Towns' zoning ordinance. It was also noted that New York State has control over where sex offenders live, not the Town.**

**The Planning Board then discussed the proposed Special Use Permit. The Planning Board still desires that the new residence to be built be owner occupied, with a condition spelling this out be placed as a condition in the Special Use Permit. Town Attorney Beth Westfall noted that according to the Zoning ordinance Section 603, if there is a lapse in the use specified by a Special Use Permit for 6 months, the approved special use for the property would cease.**

**The Planning Board then went through the State SEQRA Process, reviewing Part 1 of the Short Form EAF filled out by the Feiks. Part 1 of the Form was amended with permission of the applicant on questions 5A- asking if this was a permitted use- to read "Yes", and on question 10- asking if the project connects to a public or private water supply- to read "Yes." Upon review of the project application and the SEQRA EAF by Town Attorney Beth Westfall, also present at the meeting, the Town Attorney recommended that the Planning Board declare the project to be a Type II action for the purposes of SEQRA. Note that Type II actions do not require further SEQRA review by the Planning Board. Town Attorney Beth Westfall referred to the NYS DEC website SEQRA Regulations Type II Action List #9- because the project is for the construction of a residence (single family structure) under 4000 square feet. Declaring the Action a Type II Action under SEQRA concludes the Planning Board SEQRA portion of the review of this project.**

**Kate Lawrence brought the following motion to the floor.**

MOTION to declare this Action a SEQRA Type II Action, Item 9: Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections.

**Motion by Roberto Romano and seconded by Lois Chernin.**

**Voice Vote: YES   5   NO   0**

**All in favor, none opposed, motion carried.**

**Then member Roberto Romano offered the following Motion for adoption,**

MOTION that the Special Use Application of Brad Feik- Crossroads LLC- Special Use Permit be approved with the condition that the new structure will be owner occupied only, since it is deemed to be in compliance with the Town of Otego Land Use Law and Zoning Law.

**Motion by Roberto Romano and seconded by Mark Dye.**

**Voice Vote: YES   5   NO   0**

**All in favor, none opposed, motion carried.**

**Upon a Voice Vote, with all Members voting Yes, the motion was approved.**

**NEW BUSINESS:**

Pre-Application Conference: Thomas Barrett- Lot Split or Subdivision- 292 Co Hwy 48:

**Thomas Barrett appeared before the Planning Board with a sketch map of a proposed lot split or subdivision of his approximately 40 acre property at 292 County Highway 48. Mr. Barrett has met with the Codes Officer onsite to discuss the project. The residence is about mid-center of the property, accessed by a very long and winding private driveway. Mr. Barrett's first sketch map presented tonight proposes splitting off lots along the private driveway, and also splitting off an approximately 5 acre lot with frontage on County Highway 48 containing a farmstand which may serve as a future residence.**

Concerns were raised by the Codes Officer and the Planning Board regarding access to the proposed subdivision lots as the zoning law does not permit lot frontage along a private road. Also mentioned was the existing need for turn-arounds along the private road driveway every 500 feet to accommodate emergency vehicle access. (The driveway is approximately 1600 feet long.)

Mr. Barrett will work on his sketch plan and schedule another meeting with the Codes Officer.

OLD BUSINESS:

Review of Forms for Special Use Permit form and Site Plan Review:

Kate Lawrence stated that review of the above forms would continue at our next meeting in February.

COMMUNICATIONS:

In December it was noted that at the December Town Board Meeting, the Town Supervisor stated that he would like the Planning Board to review the comments from the Public Hearings on the Comprehensive Plan and summarize them in a document back to the Town Board.

PRIVILEGE OF THE FLOOR: NONE

TRAININGS: The Town Attorney Beth Westfall stated that she would be interested in conducting Planning Board trainings on issues such as the zoning law and zoning map. Chairwoman Kate Lawrence will ask the Town Board at their next meeting for permission for the Town Attorney to conduct Planning Board trainings this spring.

TRAINING REPORTS: Kate Lawrence, Elizabeth Callahan, and Teresa DeSantis attended the two hour long training entitled "Planning Board Overview" which was hosted by ZBA member Stuart Anderson at his home. (Many thanks to Stuart for hosting this training!) The training was conducted by the NYS Department Of State- Local Government Office via a Webinar format.

The Meeting was adjourned at 8:28 PM.

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Respectfully Submitted-

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Teresa DeSantis

Town of Otego Planning Board Recording Secretary