

**Minutes**  
**Town of Otego Planning Board**  
**March 19, 2019**  
**PLANNING BOARD**  
**REGULAR MEETING**

**APPROVED**

The Regular Planning Board Meeting officially opened at 7:00 PM.

**ROLL CALL:**

**Board Members Present: Chairwoman Kate Lawrence, Vice Chairman Roberto Romano, Elizabeth Callahan, Mark Dye, Lois Chernin, and Katie Higgins- alternate**

**Board Members Excused: None**

**In Attendance Tonight:**

**Codes Officer Dan Wilber, Planning Board Recording Secretary Teresa DeSantis**

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**REVIEW OF THE MEETING MINUTES FOR THE FEBRUARY 19 TH REGULAR MEETING-**

**The unapproved meeting minutes for the February 19, 2019 Planning Board Regular Meeting were reviewed. A Motion was made by Elizabeth Callahan to accept the Minutes as corrected.**

**MOTION to accept the February 19, 2019 Planning Board Regular Meeting Minutes as corrected.**

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

**Voice Vote: YES   5              NO   0**

**Five in favor, none opposed. Motion carried.**

NEW BUSINESS: None

OLD BUSINESS:

**John Escobar- Town Board Request to the Planning Board to Review a Request for a Change in Zoning- 116 Secor Road- # 317.00-1-67.01:**

Otsego County Director of Planning Karen Sullivan was present at the meeting tonight. We thank her for coming here tonight to speak with us about this topic.

The Town Board has asked that the Planning Board review the request of Mr. Escobar (dated 1-23-19) for a change in zoning from R-3 to R-1 for the parcel at 116 Secor Road- # 317.00-1-67.01. The parcel is currently in use by Mr. Escobar as a commercial storage facility through a use variance issued by the ZBA. He would like to expand commercial use at the site, and is looking for a zoning change for this parcel. The Escobar parcel on Secor Road is surrounded by residential parcels. The Planning Board stated that it would like to review the ZBA's decision on this parcel.

Karen Sullivan of Otsego County Planning worked with the Planning Board using a question and answer, workshop-style session for over an hour. She asked that the Planning Board consider that the Town's Comprehensive Plan comes first and foremost, and is the "roadmap" and a guiding document for the implementation of the vision of the Town. She stated that the Comprehensive Plan is a "living document", and should be reviewed at least every five years and kept current. Ms. Sullivan stated that it is the accepted practice that the Zoning Ordinance is based on the Comprehensive Plan.

As an aid to the Planning Board in thinking about these issues, Karen Sullivan recommended a zoning guide for municipalities- from the James Coon Series of New York State governmental publications. In the guide are some examples of case law that she felt would be helpful to the Planning Board. She said that in reviewing requests for a change in zoning for parcels, they should not be considered on an individual parcel basis ("spot zoning"), but as part of a well-conceived plan regulating the Town's development.

A discussion followed about the depth the R-1 district on State Highway 7. There is nothing in the written Zoning Ordinance which designates the depth of the R-1 district. The depth of the R-1 district varies on the Zoning Map. It was noted that parcels on State Highway 7 are split between R-1 in the front and R-3 in the rear.

**Karen Sullivan strongly suggested the Planning Board take its time in reviewing this request in order to be sure the response from the Town is well-considered and robust enough to hold up to County review and legal challenges. She suggested we do some research looking back through the Town Board minutes and documents at the time when the Zoning Ordinance and Comprehensive Plan were adopted. The goal is to look for guidance as to the intention of the Town for the Zoning Ordinance and Comprehensive Plan, and its application in instances such as the request of Mr. Escobar. In regards to the Escobar Parcel, she advised the Planning Board to look for reasons why the Escobar Parcel was zoned the way it was at the time of the creation of the Zoning Ordinance and Comprehensive Plan. She asked us to consider if a zoning change would benefit one person and one parcel, or benefit the community as a whole. She said that we should make our recommendations about the Escobar Parcel based on the Comprehensive Plan.**

**A discussion followed. It was noted that the Zoning Ordinance in the Town pre-dates the Comprehensive Plan. The original Zoning Ordinance was adopted in 2002 and the final Comprehensive Plan was adopted in 2016. It was also noted that no further changes to the Zoning Ordinance were done after the final adoption of the Comprehensive Plan. She suggested a possible 12 month moratorium on zoning change requests, and that the Town re-visit and review the Comprehensive Plan and start work on updating the Zoning Ordinance.**

**Karen Sullivan said she would look for a copy of the Town's signed, dated, and adopted zoning map at the County. She also asked that the Town Attorney be involved and consulted about the configuration of the zoning map.**

Thomas Barrett- Lot Split- Parent Parcel #325.00-1-5.03- split off 15.07 acres from a 39.47 acre parcel:

**Mr Barrett was present at the meeting tonight. He wishes to split his parcel into two lots. Recording Secretary Teresa DeSantis noted that the parcel had been previously subdivided, and offered to call the County RPTS office to find out the date of the original subdivision, as parcels subdivided prior to the adoption of the Zoning Ordinance in 2002 can be completed as lot splits, not as minor subdivisions when a request for a parcel division is received.**

**A discussion followed. The Planning Board decided it could not proceed further until information was obtained from the County about the date of the original subdivision. Roberto Romano recommended a conditional acceptance of the application as complete, pending checking with the County.**

**MOTION to accept the application for a lot split of Thomas Barrett, Tax Map # 325.00-1-5.03 as complete, contingent to the determination that the lot has not been split since the**

**adoption of the Zoning Ordinance.**

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

**Voice Vote: YES   5                      NO   0**

**Five in favor, none opposed. Motion carried.**

**Further discussion continued after the vote was taken. It was noted that the parent parcel only has about 450 feet of road frontage. It was noted that the parent parcel was a pre-existing, non-conforming parcel which did not meet the area requirements for a 1:4 maximum parcel size ratio in the zoning ordinance. It was also noted that any parcels proposed to be created from this pre-existing, non-conforming lot would also be non-conforming. Vice Chairman Roberto Romano stated that he remembered an instance in the past where it was proposed to create a private road within a parent parcel, and then have the road frontage for the two new parcels be placed on this private road in order to meet the zoning ordinance requirements. Chairwoman Kate Lawrence stated that she did not believe that the application that Roberto Romano was remembering was ever completed by the Planning Board.**

**Codes Officer Dan Wilber indicated the option of the Planning Board to deny the application and send it to the Zoning Board of Appeals for their review. Roberto Romano noted that the ZBA has the ability to ask the Planning Board for its recommendation. The Board reached consensus to consult with Beth Westfall. Mr. Barrett was given Beth Westfall's information so his attorney could also consult with her prior to any Planning Board decision next meeting.**

**Cella Business Associates- Minor Subdivision- County Highway 48- # 318.00-1-62.01**

**No one was present to discuss the Minor Subdivision Application of Jeffrey and Stacey Jordan and Cella Business Associates. Chairwoman Kate Lawrence stated that she had been in contact with the secretary at the office of Schlather and Birch, who stated that the survey of the property would be completed by late April/early May and Mr. Birch confirmed that his presence was not required at future meetings.**

**COMMUNICATIONS AND PRIVILEGE OF THE FLOOR:**

**Codes Officer Dan Wilber met with Lynn Gillingham tonight about his application for a lot split/minor subdivision request in order to give land to each of his daughters. His application was not yet complete. Mr. Gillingham's land is on State Highway 7 and includes the Town's only cell tower.**

**Planning Board Recording Secretary- Request for an Alternate/Trainee for the Position- Update:**

Lois Chernin stated that she had spoken to Town Attorney Beth Westfall about the Recording Secretary's request for an alternate or trainee. She said that Attorney Westfall stated that it is not possible for an appointed member of the Planning Board to be the Recording secretary on a permanent basis, due to a possible conflict of interest. Recording Secretary Teresa DeSantis stated that she has not had a vacation in several years, and was looking forward to vacation time this summer. Teresa has been using two digital voice recorders, which are on loan from the other Towns she works with. A discussion followed. It was suggested that replacement voice recorders be obtained which can be placed in the Planning Board room to use for its future needs.

Elizabeth Callahan noted that she will not be here for the April meeting.

Vice Chairman Roberto Romano asked that we invite Beth Westfall to come for a workshop meeting. Roberto Romano asked that the Town Board make a written request to the Planning Board for zoning change reviews in the future. Katie Higgins asked that we inform the Town Board of the recommendations received in tonight's meeting from Karen Sullivan to research the history of the adoption of the Zoning Ordinance and the Comprehensive Plan.

**TRAINING REPORTS:** One hour of training is requested from the Town Board for the workshop-style training tonight with Otsego County Planning Director Karen Sullivan.

**MOTION to adjourn.**

Motion by Roberto Romano and Seconded by Elizabeth Callahan.

Voice Vote: YES   5                        NO   0  

Five in favor, none opposed. Motion carried.

Meeting was adjourned at 9:35 PM.

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Respectfully Submitted- Teresa DeSantis- Town of Otego PB Recording Secretary