

EDMESTON PLANNING BOARD
EDMESTON, NY 13335
REGULAR MEETING
APRIL 21, 2004

Members Present:

Planning Board Chairman: Jack Emmett
Planning Board Member: Jon LeChevet
Planning Board Member: John Parker
Planning Board Member: Paul Pritchard
Planning Board Member: William Rogers

Others Present:

Erik Miller, Otsego County Planning Department

Chairman Emmett called the meeting to order at 19:20 with the pledge of allegiance.

There being no regularly scheduled meeting on the 17th of March due to a lack of a quorum, the minutes of the meeting of 18 February 2004 were read and approved without change.

Chairman Emmet introduced the Board members to Erik Miller and said that Erik was here to give a presentation that would explain the subdivision regulation process. Mr. Miller presented a very comprehensive and informative explanation of the process over the next two hours. The presentation was well received and generated numerous questions that were fielded with expertise and experience by Mr. Miller. At the conclusion of the presentation, the Board thanked Mr. Miller and he left the meeting.

Mr. Rogers next presented a question to the Board concerning a land use variance request that had come before the Zoning Board of Appeals (ZBA). Mr. Rogers had been appointed to the ZBA by the Town Board to fill an unexpired term and wished for a consensus of the Planning Board concerning the request. The request concerned a variance to allow a mobile home in the Hamlet of Edmeston. While the Board acknowledged that the granting of a variance would likely result in an immediate improvement to the lot and higher tax revenue, the Board was split over whether the granting of a variance would benefit the town in an overall sense. Negative factors mentioned included a loss of eventual tax revenue if a variance was granted, erosion of the credibility of the planning process, and a permanent detrimental effect on the neighborhood. No consensus was reached and Mr. Rogers was asked to have the ZBA carefully look at the four criteria that must be met before a use variance could be legally granted by the ZBA. Mr. Rogers said he would convey the Board's comments to the ZBA and review with the ZBA the legal criteria that must be met before a use variance can be granted by the ZBA.

The next order of business was to answer the questions that Supervisor Deutcher had put to the Planning board during the 18 February meeting. After a discussion of the question and a review of the Zoning Ordinance, the following answers were unanimously agreed upon:

- No modification of the Zoning Ordinance is required to permit the storage of travel trailers and similar vehicles in the Hamlets. The Zoning Ordinance does not address the storage of trailers and thus implicitly permits their storage. The Zoning Ordinance does address the use of such trailers and does not permit their use as a permanent dwelling unit in the Hamlets.
- No modification of the Zoning Ordinance is required to address substandard lots that were “grandfathered” under the 1974 Zoning Ordinance. While the current Zoning Ordinance does not permit grandfathering of substandard lots and lots that were grandfathered under the 1974 Ordinance no longer enjoy that blanket protection, the Planning Board noted that the Zoning Board of Appeals has the power to grant use variances under certain defined conditions. The Board thought that any situation that denied the use of a substandard lot for a dwelling under the current Zoning Ordinance would probably meet the criteria for a use variance. The Board also noted that a period of 21 years has passed during which “grandfathered” substandard lots could have been developed.

Motion: [John Parker, second by Paul Pritchard]

“The Planning Board should forward by letter the above conclusions to Supervisor Deutcher.”

Motion carried by a unanimous vote of the Board.

Chairman Emmet noted that this would be Mr. Rogers last meeting and he thanked him for his service and wished him the best in his new position.

Chairman Emmet said that the next priority of the Planning Board would be to draft a set a bylaws for adoption by the Town Board. There was a discussion concerning officers and duties and conduct of meetings. The Secretary was tasked with generating a set of draft bylaws for discussion at the next meeting.

The next meeting was set for the 19th of May 2004 at 19:00 at the Municipal Building. There being no further business to discuss and all board members being heard, the meeting was adjourned at 22:10.