

Town of Otsego Planning Board

Minutes, January 2, 2024

(Will be approved with any necessary amendments at the next meeting)

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 7:30 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Ted Feury (Vice-Chairman), Antoinette Kuzminski, and Sharon Kroker. With Elizabeth Horvath, Steve Talevi, and May Leinhart absent, alternate member Ann Cannon joined the meeting table. Planning Board Attorney Jill Poulson and Zoning Enforcement Officer Wylie Phillips were also present. Deane reminded the Board that four votes were required to pass any motion.

The Board reviewed the minutes of December 5, 2023, e-mailed to the members. Kuzminski moved to approve the minutes as written. Feury seconded the motion and it was approved, 4-0, with Kroker abstaining because she was not at the meeting.

Chairman Huntsman reviewed correspondence received since the last meeting: a November 29, 2023 letter from the Department of Transportation, regarding the recent emergency repair of State Highway 80; and a December 1 letter from LaBerge Group, offering their engineering services.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Cannon said she had a conflict with the Fenimore Art Museum application.

Chairman Huntsman asked if anyone from the public had comments on a non-agenda item. No one responded. The Board moved on to applications.

APPLICATIONS

Heather & David Drenth (Tim Yerdon) – Site plan review, addition of porch to residence within 500 feet of Canadarago Lake in RA2 district – 173 Marble Road (#52.08-1-27.02)

Contractor Tim Yerdon represented applicants Heather & David Drenth. Clerk Bill Deane read aloud from the minutes of December 5, 2023 relevant to the application. The Board had deemed the application complete (noting the need for Department of Environmental Conservation sign-off) and waived the public hearing, then tabled it to tonight. Yerdon said there were no changes to the application.

Chairman Huntsman noted receipt of a December 8, 2023 DEC permit, signing off on the previously-approved project, and good until May 8, 2024. The consensus of the Board was that, since the current project (porch) was further from the Lake, they would not need to see further review from the DEC.

Ted Feury moved to approve the site plan as submitted. Sharon Kroker seconded the motion and it was approved, 5-0. Chairman Huntsman stamped the site plan "approved" and signed it, with Zoning Enforcement Officer Phillips making a copy for Yerdon.

Roger Smith (Ariel Smith, J&S Construction) – Minor subdivision in RA2 district – County Highway 26 (#130.00-2-28.01)

Roger Smith was represented by his son, Steven, and grand-daughter, Ariel. They submitted an 8/7/23 survey. Steven said Roger owns a 50-acre parcel of land, and he wants to buy 5.2 vacant acres of it. There was a previous division of the property in 1989, making this a minor subdivision.

Chairman Huntsman reviewed Sections 5.1 and 3.2 of the Land Subdivision Regulations. He noted that the new lot would meet acreage and road frontage requirements. Zoning Enforcement Officer Phillips

said that the Smiths had paid the \$175 application fee, and that he had printed out a neighbor list for public hearing purposes.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(47). Antoinette Kuzminski seconded the motion and it was approved, 5-0.

Kroker moved to deem the application complete. Ann Cannon seconded the motion and it was approved, 5-0. Kroker moved to schedule a public hearing for February 6. Ted Feury seconded the motion and it was approved, 5-0.

6 Old Maiden Lane, LLC (Schlather & Birch) – Boundary line adjustment in GB2 district – 6168, 6170 & 6174 State Highway 28 (#114.05-1-40.00 & -41.00)

Applicant Rob Bohm was accompanied by attorney Bob Birch. Birch distributed maps made from an 11/15/23 survey Mylar, showing the existing lot line between two contiguous parcels owned by Bohm (formerly Staffin), and the proposed new line, which would give road frontage to a lot which is currently land-locked. He also submitted proposed deed language.

Birch mentioned that the house on one of the lots was being rented out. Ted Feury pointed out that this requires a special permit in the GB2 district. The consensus was to deal with the boundary line adjustment first, then entertain a separate application for a special permitted use.

Antoinette Kuzminski moved to accept the boundary line adjustment as submitted. Ann Cannon seconded the motion and it was approved, 5-0. Chairman Huntsman stamped the Mylar and copy “approved” and signed them. Clerk Bill Deane advised Birch to file it with the County within 30 days.

The matter was tabled to give time for Bohm and Birch to complete a site plan/special permitted use application for the one-family dwelling. It was resumed later in the meeting.

Chairman Huntsman went through the special permit requirements in Section 7.03 of the *Land Use Law*. The consensus was that the only missing item was a list of neighbors within 200 feet of the property lines.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(47). Antoinette Kuzminski seconded the motion and it was approved, 5-0.

Kroker moved to deem the application complete, contingent on the neighbor list. Kuzminski seconded the motion and it was approved, 5-0. Kroker moved to schedule a public hearing for February 6. Kuzminski seconded the motion and it was approved, 5-0.

Linda Flynn – Boundary line adjustment in RA1 district – 6735 State Highway 80 (#69.68-1-7.00)

Jeff Flynn represented his mother, Linda. He said that she owns two contiguous lots near Otsego Lake, straddling State Highway 80, and wants to adjust the boundary line between the two. At 0.55 and 0.04 acres, respectively, the lots are “pre-existing, non-conforming,” in that neither lot meets the acreage requirement. She wants to move the boundary line by ten feet. Flynn submitted an 8/3/23 Mylar showing the lots, and proposed deed language for the revised lots.

Chairman Huntsman said that, per *Land Use Law* Section 1.05, these could be considered one lot, thus creating no increase of non-conformity in making one of the lots smaller. Attorney Poulson agreed. Poulson said the Board should get a copy of the existing deed. The application was tabled, giving Flynn a chance to have his mother e-mail it to Poulson; she said she would forward it to Zoning Enforcement Officer Phillips so it could be printed for the file. Poulson will review the deed before the next meeting.

Sharon Kroker moved to approve the boundary line adjustment, contingent on final deed review. Ann Cannon seconded the motion and it was approved, 5-0. Chairman Huntsman said he would arrange to

stamp the Mylar “approved” and sign it upon review of the final deed. Clerk Bill Deane advised Flynn to file it with the County within 30 days after that.

Andrew Tillapaugh (Teresa Drerup) – Site plan review, addition to existing camp within 100’ of Otsego Lake in RA1 district – 6688 State Highway 80 (#69.76-1-9.00)

Architect Teresa Drerup represented applicant Andrew Tillapaugh. Clerk Bill Deane explained that this property had gotten ZBA variances and site plan approval back in 2010, when Joe Galati owned the property, but he had never completed the project. New owner Tillapaugh now wants to follow through with it, staying within the previously-approved footprint and 40-foot height limit, but adding stairs and another floor. Deane read aloud from the April 16, 2010 Planning Board minutes relevant to the previous approval.

Zoning Enforcement Officer Phillips said he did not think this project required another variance, as variances stay with the property and do not expire. Attorney Poulson agreed. Antoinette Kuzminski noted that the *Land Use Law* had changed since 2010, and now addresses changes in “dimensions” (volume as well as footprint) in the lakeshore protection area.

After discussion, Kuzminski moved to send this application to the ZBA for review. Sharon Kroker seconded the motion and it was approved, 5-0.

Fenimore Art Museum (Joe Siracusa/Dan O’Neill) – Site plan review, tent pad and lawn pedestals within 500’ of Otsego Lake in RA1 district – 5798 State Highway 80 (#115.00-1-4.00)

Ann Cannon recused herself and left the meeting table.

Fenimore Art Museum Vice-President Joe Siracusa was accompanied by Dan O’Neill of Delta Engineers. Siracusa said that the Fenimore Art Museum wants to relocate a tent pad and install 16 lawn pedestals on the rear lawn of its property, 352 feet from of Otsego Lake. The pedestals would essentially be 8x12-foot, two-sided photos on helical piers located where the current tent pad is, and be up temporarily, from Memorial Day through Labor Day. He submitted a site plan and a January 2 letter from the DEC, saying they require no permit for this project.

Chairman Huntsman said this would constitute an accessory to a permitted use. He went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus was the only missing item was a survey, which could be waived.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(21). Antoinette Kuzminski seconded the motion and it was approved, 4-0.

Kroker moved to deem the application complete, waiving the survey requirement. Kuzminski seconded the motion and it was approved, 4-0. Kroker moved to schedule a public hearing for February 6. Kuzminski seconded the motion and it was approved, 4-0.

Cannon returned to the meeting table.

OTHER BUSINESS

Zoning Enforcement Officer Phillips reported “nothing new” for the Board.

The Board discussed 2024 personnel. Clerk Bill Deane reported that the Town Board met today, reappointing Tom Huntsman as Chairman and May Leinhart as 2024-30 member. Antoinette Kuzminski said she was resigning from the Planning Board to join the ZBA; Ann Cannon was appointed to complete Kuzminski’s term through 2027, contingent on that resignation. That leaves no alternate members on the Planning Board; the Town Board is considering some potential candidates. The position of Planning Board Vice Chairman (currently Ted Feury) is up for appointment or reappointment. Sharon Kroker moved to

reappoint Feury as Vice-Chairman. Chairman Huntsman seconded the motion and it was approved, 4-0, with Feury abstaining.

Antoinette Kuzminski said she had attended the December 13, 2023 Town Board meeting as Planning Board liaison. She said there had been no decision on the proposed solar legislation.

Deane said that, with Kuzminski leaving the Board, they should resume assignments for liaison at future Town Board meetings. After discussion, the following assignments were made:

January 10: Ann Cannon

February 14: Tom Huntsman

March 13: Ted Feury

April 10: Elizabeth Horvath

May 8: Sharon Kroker

June 12: May Leinhart

July 10: Steve Talevi

Deane discussed the February 6 agenda. Smith, 6 Old Maiden Lane, and Fenimore Art Museum are expected to return, all with public hearings. Also, Joseph Stagliano's lakeshore application was conditionally-approved by the ZBA on December 21; it will require site plan review when they are ready to proceed with that. Tillapaugh's application may also be returned to the Planning Board.

With no further business, at 9:32 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Clerk