

Town of Otsego Planning Board

Minutes, January 5, 2021

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

PUBLIC HEARING

Melissa Worthington/Kukenberger Sand & Gravel (Mike Stocking) – Site plan review, special permitted use, mineral extraction (gravel mine) in RA2 district – 595 County Highway 26 (#114.00-1-77.01 & -78.00)

Chairman Tom Huntsman opened the Kukenberger Sand & Gravel public hearing at 7:01 PM. Clerk Bill Deane read aloud from the December 1, 2020 minutes relevant to the application. Huntsman asked if anyone from the public had comments or questions.

- John Tedesco of 616 County Highway 26 asked to see the site map. He expressed concerns about dust from the roadway, and how close the excavation would be to his property line. Representative Mike Stocking said excavation would be no closer than 40 feet from the property boundaries, and that he planned to use oil to minimize road dust. Tedesco expressed satisfaction with the answers.

- David Hribar of 580 County Highway 26 expressed concern about the effect to the water table. Chairman Huntsman said that the Department of Environmental Conservation (DEC) would review issues like that.

- Jerry Selan of Fork Shop Road expressed concerns about increased dust and noise. Chairman Huntsman noted that there would be no increase in the mining activities, just a shifting of location.

- Deane noted that a neighbor letter addressed to Dale Clinton had been returned to sender due to “insufficient address.”

Huntsman said that he had contacted the County Planning Agency, and Deane had forwarded application documents to them on December 8. They did not respond.

With no further comments or questions, Darryl Szarpa moved to close the public hearing. Walter Dusenbery seconded the motion and it was approved, 6-0.

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 7:16 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Darryl Szarpa, Sharon Kroker, Chip Jennings, Walter Dusenbery, and Lynn Krogh (appointed by the Town Board for 2021-27, replacing Ted Feury’s position). Also present were new first alternate member Ben Bauer (not yet sworn in), Town Board members Carina Franck and Tom Hohensee, Zoning Enforcement Officer Jess Lanza, and

Planning Board attorney Ryan Miosek (who participated electronically; Zoom was not working). Elizabeth Horvath and second alternate member Rosemary Brodersen were absent.

The Board reviewed the minutes of December 1, 2020, e-mailed to the members. Kroker moved to approve the minutes as written. Krogh seconded the motion and it was approved, 6-0.

The only correspondence received since the last meeting was a December 22 letter from Laberge Group, offering their engineering services.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. No one reported any conflicts.

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

APPLICATIONS

Melissa Worthington/Kukenberger Sand & Gravel (Mike Stocking) – Site plan review, special permitted use, mineral extraction (gravel mine) in RA2 district – 595 County Highway 26 (#114.00-1-77.01 & -78.00)

Chairman Huntsman briefly reviewed the Board's previous activities, and current options.

Chip Jennings moved to approve the special permit for mineral extraction (gravel mine) with no modifications. Lynn Krogh seconded the motion and it was approved, 6-0. Jennings moved to approve the site plan as submitted. Krogh seconded the motion and it was approved, 6-0.

Clerk Bill Deane prepared a special permit, which Chairman Huntsman signed, with a copy given to representative Mike Stocking. Huntsman also stamped the site plan "approved," with a copy for Stocking.

Longview Allied, LLC (Amanda Sittler) – Special permitted use renewal, "Serenity Hill Event Center" in RA2 district – 281 Christian Hill Road (#133.00-1-66.09)

Chairman Huntsman read aloud from the Planning Board's minutes of August 7, 2018 relevant to Longview Allied, LLC. On that date, the Board approved a site plan and special permitted use (recreational facility) for them, with the condition that any music and other entertainment be complete by 11 PM, and the permit due for review in two years (permit expired August 7, 2020). The only complaint since then was by Bruce Bennett, during the December 3, 2019 Planning Board meeting. Representative Amanda Sittler said Longview wanted to renew the special permit.

The Board discussed setting a new expiration date. Sittler expressed concern about investing money in improvements, if the permit could be revoked after a short period.

Walter Dusenbery moved to extend the special permitted use to August 7, 2023. Lynn Krogh seconded the motion and it was approved, 6-0. Clerk Bill Deane asked Sittler whether the recording of this in the minutes would be sufficient, rather than preparing a new permit. Sittler said that was fine.

Adlor Fly Creek, Inc. – Sketch plan conference, modification to restaurant/apartment building in Hamlet Business district – State Highway 28, Fly Creek (#114.05-1-37.00)

On September 6, 2005, the Planning Board approved a site plan and special permitted use for what then was known as Harmony House Café, owned by Richard Votycka. Zoning Enforcement Officer Lanza

explained that the current owner, Adlor Fly Creek, Inc., plans to enclose the existing staircase going down to the basement, for safety reasons. Lanza was not sure if this would require any Board intervention.

Attorney Miosek said that the special permit runs with the property, not the owner. After discussion, Chip Jennings moved that this proposed project requires no site plan review. Sharon Kroker seconded the motion and it was approved, 6-0.

Peter & Judith Kapsales (Tim Yerdon) – Expansion of deck within 500 feet of Otsego Lake in RA1 district – 6447 State Highway 80 (#84.00-1-17.02)

Contractor Tim Yerdon said he was representing applicant Peter Kapsales, but had no letter of representation. He submitted a hand-drawn site plan, showing a proposed new deck within 500 feet of Otsego Lake. Yerdon said it would be a “composite” deck, held up by 4x4” posts set in concrete, with ¼” spaces between boards. He said there would be no tree removal, nor new lighting, roads, or signs. Construction would start when weather permits.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that Yerdon should submit the following documents:

- A letter signed by Kapsales, authorizing Yerdon to represent him.
- A survey of the property, or at least a tax map showing the parcel and setbacks.
- A map drawn to scale.
- Preliminary building plans.
- Erosion control plans.
- Photos of the property.
- A list of neighbors (with mailing addresses) within 200 feet of the property lines.

Yerdon said he would work with Zoning Enforcement Officer Lanza, and return to the February 2 meeting with those items.

Cooperstown Veterinary Association (Michael Powers) – Site plan review, special permitted use, addition to existing animal hospital in RA2 district (County stop-work order) – 6542 State Highway 28 (#97.00-2-16.05)

Applicant Mike Powers asked that Sharon Kroker recuse herself, due to her animosity toward Cooperstown Veterinary Association. Attorney Miosek said Kroker has no fiduciary interest in the business, thus is not obliged to recuse herself. Kroker said she had no problem with the application and preferred to stay.

Powers said that Cooperstown Veterinary Association was granted approval for a special permitted use by the Planning Board in 2002. Due to COVID-19, they have had to have staff meet pet-owners in the parking lot, take the pets indoors, and then return them afterwards. To facilitate communication with customers, they have had to leave their window open all day, causing health and comfort concerns. To

improve the situation, they started building a 12x14' addition on the back of the building for animal exchange. Tony Gentile of County Codes issued a "stop-work" order, saying they needed a land use permit and possible site plan review before they could complete the project.

After discussion, with input from others, Walter Dusenbery moved that this project does not require site plan review, due to it being an unusual situation and an insignificant alteration designed for safety. Lynn Krogh seconded the motion and it was approved, 6-0. Zoning Enforcement Lanza will issue the land use permit.

Estate of Peter Martin – First lot split in RA1 district – Goose Street & Bailey Road (#98.00-1-54.00)

Real estate representatives Cassandra Mullinex and Meagen O'Brien submitted a letter from Judy Brown, administrator of the Peter Martin Estate, authorizing them to represent her. Brown wants to split off 50 acres from the 121.5-acre Martin parcel. Mullinex and O'Brien submitted an 11/3/20 survey showing the proposed split.

Chairman Huntsman said there had been no splits on the property since 1987. He said that the resultant lots would meet acreage, road frontage, and setback requirements, and be relatively rectangular.

Lynn Krogh moved to approve the first lot split as submitted. Sharon Kroker seconded the motion and it was approved, 6-0. Huntsman stamped the survey "approved" and signed it.

Estate of John Schallert, Sr. (Martin Tillapaugh) – First lot split in RA2 district – Bissell Road (#113.00-1-45.00, 114.00-1-63.02, and 114.00-1-64.00)

Attorney Martin Tillapaugh said he was representing the Estate of John Schallert, Sr. Tillapaugh submitted a December 22, 2020 letter and maps, showing that the estate owns three contiguous lots on or near Bissell Road, two of which are land-locked and the third divided by a road:

- Lot #1 (tax map #113.00-1-45.00) on the southwest side is land-locked, and composed of 45.96 acres.
- Lot #2 (tax map #114.00-1-64.00) straddles Bissell Road, and is composed of 43.25 acres.
- Lot # 3 (tax map #114.00-1-63.02) on the northeast side is land-locked, and composed of 5.78 acres.

Tillapaugh said the Estate wants to split lot #2 at Bissell Road and combine the southwest portion (29.75 acres) with lot #1, making a 75.71-acre parcel to be sold to Jim & Deb Dalton. The Estate then wants to sell the remaining 13.25 acres of lot #2, and lot #3, to Joseph and Marjorie Tedesco. The transactions would result in the same number of lots, but eliminate one land-locked parcel and also the Bissell Road division, both favorable to the Town. Tillapaugh said there had been no other divisions of the property since 1987.

Chairman Huntsman said that the split of lot #2 could be considered a boundary line adjustment for lot #1 rather than a first lot split and combination of two lots. He went through the items which would be required to complete the application, including a survey, and a letter signed by a representative of the Estate, authorizing Tillapaugh to represent them. Huntsman said the survey could possibly be waived. Attorney Miosek said that, if the Board were to waive the survey, they should at least require a Real Property Services-approved deed description.

Tillapaugh said he would return to the February 2 meeting.

OTHER BUSINESS

Keith Parr said he had recently bought property on Jones Road, and had questions about what was or was not allowed. Chairman Huntsman advised him to consult the *Land Use Law* and work with Zoning Enforcement Officer Lanza.

Jess Lanza gave a verbal Zoning Enforcement Officer report. He said the February 2 agenda would include a steep slope construction project (Murphy & Heck), and a boundary line adjustment (Winne).

Ted Feury attended the December 9 Town Board meeting as Planning Board liaison, and e-mailed his entertaining report. He wrote that he had passed on the Planning Board's personnel decisions and recommendations, and that the Town Board reappointed Huntsman as Planning Board chairman. At the meeting, Highway Supervisor Bill Hribar expressed hope that the Planning Board would approve the Kukenberger application. Darryl Szarpa is assigned to serve as liaison for the January 13 Town Board meeting.

The Board discussed the vice-chairman position, previously held by Feury. Chairman Huntsman asked if there were any volunteers. Szarpa, Chip Jennings, and Sharon Kroker all said they were not interested in the role. Kroker moved to appoint Elizabeth Horvath as 2021 vice-chairman. Lynn Krogh seconded the motion and it was approved, 6-0.

Clerk Bill Deane reported that his recording device had malfunctioned, thus there is no audio recording of tonight's meeting.

Chairman Huntsman noted that "accessory use" is not defined in the *Land Use Law*, and wondered if the term should be eliminated. Carina Franck said that the Town Board would discuss that and other topics.

Huntsman again commended the Board members for their working together.

New first alternate member Ben Bauer introduced himself.

Deane discussed the February 2, 2021 agenda. Besides the two new applications mentioned by Lanza, Kapsales and Schallert are expected to return. Also, Steve Talevi, given Zoning Board of Appeals variances in December for a staircase within 100 feet of Canadarago Lake, will come before to the Planning Board for site plan review.

With no further business, at 8:57 PM Walter Dusenbery moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk