

Town of Otsego Planning Board

Minutes, February 2, 2021

(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 7:07 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Elizabeth Horvath, Darryl Szarpa, Chip Jennings, Walter Dusenbery, and Lynn Krogh. With Sharon Kroker and second alternate member Rosemary Brodersen absent, first alternate member Ben Bauer joined the meeting table. Also present were Town Supervisor Meg Kiernan, Town Board member Tom Hohensee, Zoning Enforcement Officer Jess Lanza, and Planning Board attorney Ryan Miosek. Horvath, Dusenbery, Krogh, Kiernan, and Miosek participated via Zoom.

The Board reviewed the minutes of January 5, 2021, e-mailed to the members. Jennings moved to approve the minutes as written. Bauer seconded the motion and it was approved, 7-0.

Deane distributed copies of the new Planning Board directory. There was no other correspondence received since the last meeting.

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

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)

Clerk Bill Deane read aloud from the January 5 minutes relevant to the Kapsales application. Representative Tim Yerdon submitted the items the Board requested at that meeting. The Board reviewed the documents and asked questions.

Chairman Huntsman noted that the application states that the proposed deck is "about 60 feet from Route 80." If it is less than 60 feet from the center of the road, it would require a variance from the Zoning Board of Appeals (ZBA). Zoning Enforcement Officer Lanza consulted GIS and reported the actual distance at 74.8 feet.

Huntsman noted that "steep slope" was checked on the application, and asked if that was accurate. Yerdon said it was not. Huntsman corrected the application with Yerdon's permission.

Huntsman asked about water runoff mitigation. Yerdon said that there would be quarter-inch spacing between boards on the 210-square-foot deck, and vegetation on the hillside. Huntsman suggested adding crushed stone and matting under the deck. Yerdon agreed.

Chairman Huntsman reviewed the site plan requirements in Section 8.04 of the *Land Use Law*. He noted that there was no stamped, signed survey, but there was a copy of a 1992 survey map.

The Board discussed State Environmental Quality Review (SEQR). Chip Jennings moved to deem this a Type II action per SEQR Section 617.5(c)(12). Darryl Szarpa seconded the motion and it was approved, 7-0.

Szarpa moved to deem the application complete, waiving the stamped, signed survey in lieu of the copy of a 1992 survey. Jennings seconded the motion and it was approved, 7-0.

Jennings moved to schedule a public hearing for March 2. Szarpa seconded the motion and it was approved, 7-0.

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

No one appeared on behalf of this application. Zoning Enforcement Officer Lanza said he would send an e-mail to representative Martin Tillapaugh.

Steve Talevi – Site plan review, stairway within 100 feet of Canadarago Lake in RA2 district – 2144 County Highway 22 (#39.00-2-2.03)

Chairman Huntsman read aloud from the ZBA's minutes relevant to the Talevi application. At their December 15, 2020 meeting, the ZBA had held a public hearing with no comments, and granted variances of 28 feet on the south side, 26 feet on the east (County Highway 22) side, and 21 feet on the west (Lake) side.

Chairman Huntsman went through the lakeshore protection and site plan requirements in Sections 4.04 and 8.04 of the *Land Use Law*. He noted that there are two different drawing in the file, one showing a deck, the later one (dated 10/28/20) without a deck. Applicant Steve Talevi said the latter one was correct, and withdrew the earlier one. Talevi said the staircase would consist of treated wood supported by posts. He said that the Department of Environmental Conservation (DEC) had approved the project. Huntsman said the Board would want documentation of that.

The Board discussed State Environmental Quality Review (SEQR). Chip Jennings moved to deem this a Type II action per SEQR Section 617.5(c)(12). Ben Bauer seconded the motion and it was approved, 7-0.

Jennings moved to deem the application complete, waiving the stamped survey requirement. Walter Dusenbery seconded the motion and it was approved, 7-0. Jennings moved to waive the public hearing due to the ZBA hearing result. Darryl Szarpa seconded the motion and it was approved, 7-0.

Jennings moved to approve the site plan, contingent on the DEC approval documentation to be delivered to Zoning Enforcement Officer Lanza by February 16. Lynn Krogh seconded the motion and it was approved, 7-0. Chairman Huntsman will stamp the site plan "approved" and sign it after receipt of the DEC approval.

Mercedes Murphy & Bailey Heck – Site plan review, construction of home, garage, pool and accessory structures on steep slope in RA1 district – 124 Murdock Road (#83.00-1-12.11)

Applicant Bailey Heck said he was snowed in in New Jersey, and participated via Zoom. He and Mercedes Murphy want to construct a home, garage, pool, and accessory structures on what is defined as a "steep slope" property.

Chairman Huntsman said that *Land Use Law* Section 4.02 governs steep slopes, but the Board had no previous experience with it. He said that Heck would have to provide written documentation from the Otsego County Soil & Water Conservation that it meets their criteria; Zoning Enforcement Officer Lanza said he would give Heck contact information for them. Huntsman said the Board would also need construction plans accounting for soil stability and erosion mitigation. Beyond that, they would need the

normal site plan requirements listed in Section 8.04 of the *Land Use Law*, and Heck was advised to work with Lanza on that.

Heck will plan to return to the March 2 meeting.

Mary Winne – Boundary line adjustment in RA1 district – 106 Johnston Road (#114.00-1-12.01 & 98.00-1-62.01)

Applicant Mary Winne and her adjoining property-owner Barbara Pope were present. Winne owns 42 acres (including six acres bought from Gilchrist in 2017), while Pope owns 114 acres. Winne wants to transfer three acres of the former Gilchrist property to Pope via a boundary line adjustment.

Chairman Huntsman went through the boundary line adjustment policy. Attorney Miosek said that the Tax Map Office would document the new property lines in lieu of a new survey and deed.

Chip Jennings moved to approve the boundary line adjustment per Miosek's advice. Ben Bauer seconded the motion and it was approved, 7-0. Chairman Huntsman stamped and sign the site plan "approved." Clerk Bill Deane advised Winne to file it with the County within 30 days.

Kim & Carrie Stockwell – First lot split in RA2 district – 4631 State Highway 205 (#96.00-1-28.01)

Applicant Kim Stockwell said that he owns a 12.3-acre parcel which he wants to divide in half. He said that the property had not previously been divided, but that there had been a 2014 boundary line adjustment wherein a 15-foot-wide strip was granted to a neighbor as an easement to access State Highway 205.

The consensus of the Board was that the resultant lots would meet acreage and road frontage requirements, and that the boundary line adjustment did not qualify as a previous division of property, thus making this a legal first lot split, not requiring Board intervention. They said that Zoning Enforcement Officer Lanza could sign off on it. Attorney Miosek agreed.

OTHER BUSINESS

Zoning Enforcement Officer Lanza reported that not much was going on.

Clerk Bill Deane discussed the March 2, 2021 agenda. Kapsales (public hearing), Schallert, and Murphy & Heck are expected to return. Also, Inuksuk Farms will be seeking site plan review for a seawall within 100 feet of Otsego Lake, and Longview Allied wants to revisit the Serenity Hill Event Center special permit.

Darryl Szarpa said he attended the January 13 Town Board meeting as Planning Board liaison, and learned that Elizabeth Horvath had declined the Planning Board's appointment as vice-chairman. Chairman Huntsman suggested that members alternate in the role, with whoever is assigned as Planning Board liaison then serving as vice-chairman (if needed) for the next Planning Board meeting. The members agreed with this idea by consensus. Chip Jennings is assigned to serve as liaison for the February 10 Town Board meeting.

The Board discussed the "steep slope" provision of the *Land Use Law*.

With no further business, at 9:13 PM Walter Dusenbery moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk