

Town of Otsego Planning Board

Minutes, February 7, 2023

(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 (there was no meeting in January due to no pending applications). 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, Elizabeth Horvath, May Leinhart, Sharon Kroker, and Antoinette Kuzminski. Steve Talevi, alternate member Rosemary Brodersen, and Planning Board Attorney Jill Poulson were absent, and there are two openings on the Board which have not yet been filled. Deane reminded the members that four votes were required to pass any motion. Town Supervisor Ben Bauer and Zoning Enforcement Officer Wylie Phillips were also present.

The Board reviewed the minutes of December 6, 2022, e-mailed to the members. Kroker moved to approve them as written. Horvath seconded the motion and it was approved, 5-0.

The only correspondence received since the last meeting was a December 6, 2022 letter from the LaBerge Group, offering its engineering services. Huntsman said he had also received an e-mail from Talevi regarding the proposed *Land Use Law* amendments.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Horvath said she had a conflict with the Pyle application.

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

-

APPLICATIONS

Beatrice Georgalidis – Sketch plan conference, home occupation (yoga studio) in HR district – 276 Goose Street (#98.00-1-29.00)

Applicant Beatrice Georgalidis said she had bought the former Christmas Barn property, and wants to open a yoga studio in it. She is a certified yoga teacher and has begun renovating the building. Georgalidis plans to hold sessions with one to five students at a time. She submitted an aerial photo of the property, and answered questions about parking.

Clerk Bill Deane said that this was similar to the Chloe Ford matter brought before the Board in December. "Yoga studio" is not listed as a home occupation in Section 6.03 of the *Land Use Law*, but "Any use not listed here shall submit (sic) information for a determination as to the applicability of home occupation status to the Planning Board. No public hearing or site plan is required; a simple description of the business to the Board is sufficient."

After discussion, Antoinette Kuzminski moved to find that the proposed project as described is consistent with the Town's definition of "home occupation," requiring no further Board review. May Leinhart seconded the motion and it was approved, 5-0.

CAND Corp. (Bart Burr) – Site plan review, special permitted use, restaurant in GB2 district – 6208 State Highway 28 (#114.05-1-37.00)

Applicant Bart Burr said that he plans to reopen the former Harmony House restaurant with Constantine Gavalas, owner of the building. Burr handed out fliers describing the new South American/Mediterranean restaurant and wine bar, "The Buzz @ Fly Creek."

Clerk Bill Deane said that the property had been granted a special permit for “eating & drinking establishment” on January 3, 2006, and several other owners had followed the original one, but that the restaurant had not been open in the past several years. Per *Land Use Law* Section 7.03 (5), “A special permit... shall expire if the special use shall cease for more than two years for any reason.”

Burr said the only change to the building would be raising and repair of the handicap-access deck in front, and adding one in the back. They have no landscaping plans, and have already secured a liquor license. They hope to open in May. They may develop the upstairs and/or an outdoor patio area in the future, but these are not in the current plans.

Chairman Huntsman went through the special permitted uses in Section 2.07 of the *Land Use Law*. The consensus of the Board was that the proposed project is a conforming use. Huntsman then went through the special permit and site plan requirements in Sections 7.03 and 8.04. He said the Board could waive numbers 1, 2, and 7 in the latter Section.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(2). Antoinette Kuzminski seconded the motion and it was approved, 5-0.

Huntsman noted that the Department of Environmental Conservation (DEC) and Army Corps of Engineers had issued reports on the septic system back in 2005, but that the Board would want to see updated sign-offs from those agencies. Burr also needs to pay the site plan and/or special permit application fees and provide a list of neighbors. Huntsman asked Burr to return to the March 7 meeting with those items. At that time, the Board could deem the application complete and schedule a public hearing for April 4.

Deane suggested that Burr hand out fliers to neighbors, hopefully making the public hearing go smoother.

Brian Pyle (Barb Monroe) – Site plan review, replacement of home within 100 feet of Otsego Lake in RA1 district – 6830 State Highway 80 (#69.44-1-36.00)

Elizabeth Horvath recused herself and left the meeting table. Barb Monroe represented applicant Brian Pyle (rep form on file). Pyle wants to demolish an existing camp within 100 feet of Otsego Lake, and replace it with a slightly larger year-round residence.

Clerk Bill Deane read aloud from the August 16, September 20, and October 18, 2022, and January 3 and 17, 2023 minutes of the Zoning Board of Appeals (ZBA), relevant to the Pyle application. At the latter meeting, the ZBA had held a public hearing without negative comment, and approved the variances sought: a 13-foot variance on the south side, a 20’10” variance on the east or Lake side, and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake.

Board members examined the site plan and a November 16, 2022 survey. Chairman Huntsman noted that the survey was not stamped. The consensus of the Board was that they were comfortable with it as it was. Monroe answered questions about the building height, and said there would be no change to the driveway or septic system.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(2). Antoinette Kuzminski seconded the motion and it was approved, 4-0.

Kroker moved to deem the application complete. Kuzminski seconded the motion and it was approved, 4-0. Kuzminski moved to waive the public hearing due to the ZBA hearing result. Kroker seconded the motion and it was approved, 4-0.

Chairman Huntsman said the project was consistent with the Town’s Comprehensive Plan. May Leinhart agreed, calling it “adaptive reuse.” Kuzminski moved to approve the site plan as submitted. Kroker seconded the motion and it was approved, 4-0. Chairman Huntsman stamped the appropriate plan “approved” and signed it. Horvath returned to the meeting table.

Phillip & Annbritt Hodgins – Boundary line adjustment in RA2 district – 6424 State Highway 28 (#97.00-1-38.00 & -51.02)

Applicant Annbritt Hodgins submitted a November 3, 2022 survey showing two contiguous lots she owns: Parcel #1 (74.73 acres) and Parcel #2 (2.79 acres). It showed a proposed boundary line adjustment which would transfer 0.82 acres from #1 to #2, making their acreages 73.91 and 3.61, respectively.

After review, Sharon Kroker moved to accept the boundary line adjustment as submitted. Elizabeth Horvath seconded the motion and it was approved, 5-0. Chairman Huntsman stamped the boundary line adjustment form and survey “approved” and signed them.

OTHER BUSINESS

Zoning Enforcement Officer Wylie Phillips reported on various items:

- He issued two land use permits in January.
- The ZBA’s decision on the Stolarczyk application was upheld in the Article 78 lawsuit filed by the Schaers.
- His proposed amendments to the *Land Use Law* were going to public hearing at the Town Board meeting the next night.
- The garbage situation on Cemetery Road has been taken care of.
- He finally received the Department of Transportation right-of-way survey on the Bocca Osteria property. The consensus of the Board was that Phillips could give the OK to them.

Town Supervisor Ben Bauer said that May Leinhart had been appointed to complete Chip Jennings’s term through 2023. The Board still has vacancies for a 2023-29 member, and for a second alternate member. Ann Cannon has expressed interest in a position, and Chairman Huntsman said he had communicated with Ted Feury and Isaac Huntsman about it.

The Board discussed appointment of a Vice-Chairman for 2023. Clerk Bill Deane said that the system of revolving Vice-Chairmen had not worked out well. With no volunteers, Chairman Huntsman asked to table the discussion until February, when hopefully a more-complete Board would be present.

Huntsman said he had attended the December 14 Town Board meeting as Planning Board liaison, but didn’t remember what was discussed. Antoinette Kuzminski said she had attended the January 11 Town Board in the same role. Among the items discussed were the Village of Cooperstown’s proposed takeover of Linden Avenue; the Comprehensive Plan Update Committee; and the proposed *Land Use Law* revisions. Elizabeth Horvath is scheduled to serve as Planning Board liaison for the February 8 Town Board meeting.

Kuzminski suggested that Lakefront project applicants submit data on the cubic footage of the proposed buildings. She thinks the *Land Use Law* should address volume in addition to height and footprint. A change to the slope of a roof can add considerable volume to a building without any change to the height or footprint.

Clerk Bill Deane discussed the March 7, 2023 agenda. Deane reminded the Board that applicant Laura Janowicz had asked to table her application until that date, and agreed in writing (e-mail filed) to “stop the clock” on the Board’s 62-day deadline to make a decision following November’s public hearing. CAND Corp. is also scheduled to return.

With no further business, at 9:33 PM Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk