

Town of Otsego Planning Board

Minutes, March 2, 2021

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

PUBLIC HEARING

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

Acting Chairman Chip Jennings opened the Kapsales public hearing at 7:01 PM, and asked if anyone from the public had comments or questions about the application. No one responded. Sharon Kroker moved to close the public hearing. Ben Bauer seconded the motion and it was approved, 7-0.

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. Acting Chairman Chip Jennings called the meeting to order at 7:02 PM and led the Pledge of Allegiance.

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

The Board reviewed the minutes of February 2, 2021, e-mailed to the members. Szarpa moved to approve the minutes as written. Horvath seconded the motion and it was approved, 6-0, with Kroker abstaining because she was not at that meeting.

There was no correspondence received since the last meeting.

Jennings asked if anyone had a conflict with any of tonight's applicants. He said he would be recusing himself from the Parr application. No other conflicts were reported.

Jennings asked if anyone from the public had a comment on a non-agenda item. No one responded.

Steve Talevi was present, hoping to get his site plan signed off. At the February meeting, Chairman Huntsman said he would stamp the site plan "approved" and sign it after receipt of Kapsales's Department of Environmental Conservation (DEC) approval. Kapsales did submit a DEC permit; however, Zoning Enforcement Officer Lanza noted that it expired December 31, 2020, and the renewed permit is still pending. Therefore, the Board can not yet sign off on the site plan. Deane reminded Talevi that he did not have to come in person for this transaction.

The Board moved on to applications.

APPLICATIONS

Peter & Judith Kapsales (Tim Yerdon) – Site plan review, 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 February 2 minutes relevant to the Kapsales application. Acting Chairman Jennings made some corrections to the application, which representative Tim Yerdon initialed.

Deane noted that the application had been deemed complete and the public hearing had been held. At this point, the Board could approve, approve with modifications, or disapprove the site plan.

Walter Dusenbery moved to approve the site plan as submitted. Sharon Kroker seconded the motion and it was approved, 7-0. Jennings stamped the site plan “approved” and signed it, with a copy made for the file and the original going to Yerdon.

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)

Representative Martin Tillapaugh had sent an e-mail earlier today, asking to table the Schallert application until April. He is waiting for approval of the new deed descriptions from one of the buyers’ attorneys and the title carrier.

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)

No one appeared on behalf of this application. Zoning Enforcement Officer Lanza said that applicant Bailey Heck had submitted some new documents, but he was expecting more to follow. Lanza also expected Heck to attend the meeting.

Inuksuk Farms (N. Jean Scarazafava/Daniel Heinrich) – Site plan review, replacement of seawall within 100 feet of Otsego Lake in RA1 district – 6762 State Highway 80 (#69.60-1-10.00)

No one appeared on behalf of this application.

Longview Allied, LLC (Amanda Sittler) – Sketch plan conference, “Serenity Hill Event Center” in RA2 district – 281 Christian Hill Road (#133.00-1-66.09)

Longview Allied representatives Joe Potrikus and Amanda Sittler were present, along with attorney Will Green. The Board had originally approved a special permit for Serenity Hill Event Center on August 7, 2018, giving it an expiration date of August 7, 2020. At the January 5, 2021 meeting, Sittler had asked for the permit to be renewed. The Board voted to extend the special permitted use to August 7, 2023. Clerk Bill Deane read aloud from the relevant minutes.

Potrikus and Sittler returned seeking removal of the expiration date. Attorney Green noted that there have been no violations of the permit, which allowed the applicants to preserve a historic barn and bring commerce to the Town. He said the Town has a Zoning Enforcement Officer to deal with any

violations, so an expiration date should not be necessary. Sittler and Potrikus said that they hope to upgrade the operation, including a new septic system, plumbing, driveway, and fencing; however, they are not able to establish long-range plans or get financing, with uncertainty as to whether the permit would be renewed again in 2023. Green noted that the composition of the Planning Board can change. Potrikus said that the only complaint received was not on a special event, but a private, surprise baby shower for Sittler.

Attorney Miosek agreed that the Zoning Enforcement Officer can enforce the terms of the special permit, and that the applicant's request was reasonable. Deane said that, in his 17 years of preparing special permits for the Planning Board, he recalled only a handful which were given expiration dates to begin with, and no others besides this one which had been given a new expiration date upon renewal. He didn't deny the Board's right to do so, but said it differed from their history.

Chip Jennings, Walter Dusenbery, and Darryl Szarpa noted concerns which had been expressed by neighbors during the 2018 public hearing. Mostly because of COVID-19, there have been only two events held at the center, not giving enough of a track record for the Board to assess whether the concerns are founded.

Elizabeth Horvath moved to remove the expiration date from the existing special permit. Lynn Krogh seconded the motion but it was defeated, 4-3, with Jennings, Dusenbery, Sharon Kroker, and Szarpa opposed.

Green reiterated his previous points, adding that there was no reason to expect that the applicants would cause problems or violate their terms of approval. Potrikus said, "You're shutting our business down." Members discussed possible ways to compromise. Miosek repeated his earlier advice, and encouraged the Board to remove the expiration date, saying that the Board could reconsider the previous motion.

Kroker moved to reconsider the previous motion, to remove the expiration date from the existing special permit. Ben Bauer seconded the motion and it was approved, 6-1, with Szarpa opposed.

Deane said that the decision would be recorded in the minutes, and no new permit would be issued.

Keith Parr – Sketch plan conference, special permitted use, two apartment buildings on 3.81-acre parcel in RA2 district – 153 Jones Road (#97.00-2-17.05)

Chip Jennings recused himself from this application, and left the meeting table. Darryl Szarpa took over as acting chair and alternate member Rosemary Brodersen joined the table.

Applicant Keith Parr said that he had recently bought a 3.81-acre parcel of land on Jones Road. He proposes to remove the existing mobile home, and erect two 800-square-foot, year-round apartment buildings, each containing two units.

Clerk Bill Deane said that Parr could not have two principal buildings on a lot smaller than six acres, per *Land Use Law* Sections 2.03 and 3.04. Possibly one building with four apartments would be an

alternative. Permitted uses in the RA2 district include two-family dwellings, and special permitted uses include multiple-family dwellings and motels limited to eight units.

The Board again advised Barr to consult the Land Use Laws and definitions and work with Zoning Enforcement Officer Lanza to come up with an allowable plan. He should then consult Section 8.04 for site plan requirements, and give Lanza two weeks' notice when he is ready to return before the Board.

OTHER BUSINESS

Zoning Enforcement Officer Lanza said he had received four applications in February.

Chip Jennings said he had attended the February 10 Town Board meeting as Planning Board liaison. He gave them a synopsis of the Planning Board's February 2 meeting activities, and the highway superintendent expressed appreciation for the approval of the gravel mine expansion. Walter Dusenbery is assigned to serve as Planning Board liaison for the March 10 Town Board meeting.

Bill Deane discussed the April 6, 2021 Planning Board agenda. Presumably, Schallert, Murphy/Heck, and Inuksuk Farms will remain on it. Mark Stollo (Redpoint Builders) will also be on, looking to expand a deck within 500 feet of Otsego Lake. Elizabeth Horvath said she would not be at the April 6 meeting.

With no further business, at 8:33 PM Walter Dusenbery moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk