

Town of Otsego Planning Board

Minutes, April 5, 2022

(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 7:02 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Chip Jennings, Sharon Kroker, Antoinette Kuzminski, May Leinhart, and Steve Talevi. With Elizabeth Horvath absent, alternate member Rosemary Brodersen joined the meeting table. Planning Board Attorney Ryan Miosek and Zoning Enforcement Officer Wylie Phillips were also present.

The Board reviewed the minutes of March 1, 2022, e-mailed to the members. Talevi said that three members of the Board had expressed interest in serving on the Historic Preservation Advisory Commission, and he wanted that added to the minutes. Kroker moved to approve the minutes as amended. Kuzminski seconded the motion and it was approved, 7-0.

Chairman Huntsman said the only correspondence consisted of two e-mails he had received, and which would be discussed later in the meeting. He also noted that tonight's agenda was mistakenly dated 2021.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Miosek said he would be recusing himself from the Bertram and Otsego Apple Growers applications.

Huntsman asked if anyone from the public had a comment on a non-agenda item. Deane noted that the Fly Creek Area Historical Society had published a book, *Fly Creek Area History*, and he had copies available for purchase.

The Board moved on to applications.

APPLICATIONS

Peter & Cynthia Mateunas (Bob Birch) – First lot split in RA2 district – 102 Nersesian Road (#128.00-1-17.01)

Attorney Bob Birch represented applicants Peter & Cynthia Mateunas. They want to split a 55.62-acre parcel into two lots of 40.42 and 15.20 acres, respectively. Birch submitted a survey map showing the proposed split. He said the only previous split of the property was on June 13, 1986. Chip Jennings noted that the *Land Subdivision Regulations* were enacted on August 13, 1986.

Chairman Huntsman said that, since there have been no divisions of the property since then, that makes this a first lot split. He noted that the resultant lots meet acreage and frontage regulations.

The Board discussed State Environmental Quality Review (SEQR). Jennings moved to deem this a Type II action per SEQR Section 617.5(c)(47). Sharon Kroker seconded the motion and it was approved, 7-0.

Kroker moved to waive a public hearing, which are historically not done for first lot splits. May Leinhart seconded the motion and it was approved, 7-0.

Jennings moved to approve this as a first lot split. Antoinette Kuzminski seconded the motion and it was approved, 7-0. Chairman Huntsman stamped and signed a paper copy "approved." Birch said

he did not have the Mylar with him. Huntsman advised Birch to call him when he had the Mylar ready for his signature. Clerk Bill Deane reminded Birch that the signed Mylar had to be filed with the County within 30 days.

David & Bridget Bertram (Bob Birch) – Boundary line adjustment in RA1 district – 249 County Highway 28 (#99.00-1-1.22 & -2.01)

Attorney Bob Birch represented applicants David & Bridget Bertram. They own two contiguous lots measuring 33.67 and 50.50 acres, respectively. Both are pre-existing, non-conforming lots. The smaller lot (tax map #99.00-1-1.22) is a flag-shaped parcel with minimal road frontage. The larger one (#99.00-1-2.01) is land-locked; i.e., no road frontage. They want to change the boundary line between the two, removing 11 acres (including house and road frontage) from the smaller lot, and combining the remaining acreage to the larger one, making it a 73.17-acre landlocked, vacant lot. Birch said an easement covers road access to the larger lot. He submitted a map showing the proposed adjustment, and proposed deed language in lieu of a survey.

Steve Talevi wondered if the Board should make any approval contingent on the completion of the planned transaction. Attorney Miosek said the 11-acre lot was scheduled to be sold on April 11. He said that, if the Bertrams wanted to build a house on the 73.17-acre lot, they would probably need a variance from the Zoning Board of Appeals due to no road frontage.

Chairman Huntsman reviewed the Board's options and procedures. Chip Jennings moved to approve the boundary line adjustment as submitted. Rosemary Brodersen seconded the motion and it was approved, 7-0. Huntsman stamped and signed an approval form Birch had prepared, with a copy made for the file.

Louis Hager, Jr. (Jill Poulson) – Boundary line adjustment in RA1 district – 6229 State Highway 80 (#99.00-1-22.00 & -23.00)

Attorney Jill Poulson represented applicant Louis Hager, Jr. She said Hager owns two contiguous lots measuring 31.48 and 13.69 acres, respectively. He wants to move the boundary line, effectively moving 16.60 acres from the larger lot (tax map #99.00-1-22.00) to the smaller one (#99.00-1-23.00). Poulson submitted a 2/23/22 color-coded survey map and proposed deed descriptions.

Antoinette Kuzminski moved to approve the boundary line adjustment as submitted. Sharon Kroker seconded the motion and it was approved, 7-0. Chairman Huntsman stamped and signed the Mylar and an approval form Poulson had prepared, with a copy made for the file.

N. Jean Scarzafava (Elizabeth Davidson) – Site plan review, replacement of cottage within 500 feet of Otsego Lake in RA1 district – 6771 State Highway 80 (#69.60-1-11.00)

Architect Elizabeth Davidson represented applicant N. Jean Scarzafava. Clerk Bill Deane read aloud from the ZBA's not-yet-approved minutes of March 15 relevant to the Scarzafava application. Scarzafava wants to replace a cottage which is 120 feet from Otsego Lake. ZBA Chairman Crowell had said that if the new cottage will be in the same footprint (including overhangs and projections) as the old, no variances would be needed. Scarzafava said the new building would be taller, the maximum 40 feet from the Lake level, but would not interfere with anyone's view of the Lake.

Chairman Huntsman read aloud from a 4/4 e-mail from David Creedon, urging the Board "to insure that this 'new cottage' site be inspected throughout construction, to be assured that the new construction remains on the same footprint as the old camp." Steve Talevi asked what the Board could do

to ensure this. Attorney Miosek said it is under the Zoning Enforcement Officer's purview. Zoning Enforcement Officer Phillips said he would check on it, and added that the building being razed does not have historic value.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. Davidson submitted a 9/29/20 survey map prepared by Jennie Rasmussen. Huntsman said the Board would need a stamped copy. He also advised Davidson to check with the Department of Environmental Conservation and the Watershed Supervisory Committee, to see if any permits were required by them. Attorney Miosek advised Davidson that no trees should be cut, due to the "30% rule" in Section 4.04 of the *Land Use Law*.

The Board discussed State Environmental Quality Review (SEQR). Antoinette Kuzminski moved to deem this a Type II action per SEQR Section 617.5(c)(2). Sharon Kroker seconded the motion and it was approved, 7-0.

Kuzminski moved to deem the application complete, contingent on a stamped survey map to be submitted to the ZEO by April 19. Rosemary Brodersen seconded the motion and it was approved, 7-0.

Chip Jennings moved to schedule a public hearing for May 3, with the same contingency. Kroker seconded the motion and it was approved, 7-0.

Otsego Apple Growers, LLC (Kevin Green) – Major subdivision in hamlet business/RA1 district – 288 Goose Street (#98.00-1-24.21)

Kevin Green represented Otsego Apple Growers. He said OEG owns approximately 34 acres between Green's property on State Highway 28, and OEG's Fly Creek Cider Mill on Goose Street. OEG wants to split off two lots on Goose Street, measuring 1.65 and 2.18 acres, respectively. The property within 250 feet of Goose Street is zoned hamlet residential, which requires one-acre minimum lot size. There is confusion as to what land use district the rest of the lot is in.

Clerk Bill Deane said that the zoning map hanging in the Town Building was approved by the Town Board in 1995, and signed off by its members and Clerk with a gold seal. There are two sections which appear to be colored light blue or green, but there is nothing in the key which identifies this color. Town Clerk Pam Deane is the only one remaining from the group which signed the map, and she does not recall any special decisions regarding these areas, nor is there anything in the *Land Use Law* about them. She believes those areas should be treated as part of the surrounding RA1 district, requiring three acres per lot. Bill Deane said that the issue can be resolved by applying *Land Use Law* Section 2.11, lot size averaging. Because the three resultant lots would each be at least one acre and would average well above three acres per lot, they would meet acreage requirements regardless of land use district.

Zoning Enforcement Officer Phillips said there had been two previous splits of the property since 1986, and showed the Board documentation of that. Chairman Huntsman said that made this a major subdivision.

Green submitted a 3/21/22 survey map. He said there were no covenants or easements on the property. Chairman Huntsman said the Board would need four more copies of the survey.

Chairman Huntsman went through the *Land Subdivision Regulations*, Articles 3.4 and 5. Attorney Miosek directed him to the potential waivers in Articles 6.1 and 6.2.

Sharon Kroker moved that, considering the intent of the application, though it meets the criteria for a major subdivision, it should be treated as a minor subdivision, per *Land Subdivision Regulations*, Articles 6.1 and 6.2. Antoinette Kuzminski seconded the motion and it was approved, 7-0.

The Board discussed State Environmental Quality Review (SEQR). Kuzminski moved to deem this a Type II action per SEQR Section 617.5(c)(47). Kroker seconded the motion and it was approved, 7-0.

May Leinhart moved to deem the application complete, contingent on the applicant submitting a list of neighbors and four more copies of the survey to the ZEO by April 19. Chip Jennings seconded the motion and it was approved, 7-0.

Jennings moved to schedule a public hearing for May 3 with the same contingencies. Kroker seconded the motion and it was approved, 7-0. Deane advised Green that he would have to pay a \$350 subdivision fee for the creation of two new lots.

OTHER BUSINESS

Zoning Enforcement Officer Phillips reported that he had issued two land use permits, two demolition permits, and a violation notice in March. Chairman Huntsman cited an e-mail he had received from Phillips, concerning Beth-El the House of Yah. Their representative had come before the Planning Board in October, 2021, saying they had acquired the Fieldstone Farms property, and wanted to convert a storage building into a church, as well as adding hook-ups for recreational vehicles. The Board advised him that the church would require site plan review for a special permitted use. Beth-El has not completed an application nor returned before the Board since. Phillips said they have opened part of the resort as a place of worship. He thinks that, if the church is only for resort guests, it should not require Planning Board intervention. Chairman Huntsman agreed.

Rosemary Brodersen said she had attended the February 9 Town Board meeting as Planning Board liaison, and Sharon Kroker said she had done the same for the March 9 Town Board meeting. Neither reported anything of concern to the Planning Board. Antoinette Kuzminski is assigned as Planning Board liaison for April 13 Town Board meeting.

The Board again briefly discussed the Planning Board Attorney position. Ryan Miosek said this was the last meeting he was acting in that role. Phillips said the Town Board is talking to Will Green about taking over as the Town Attorney, but not necessarily also as Planning Board Attorney. Chairman Huntsman asked people to think about potential candidates.

Bill Deane discussed the May 3, 2022 agenda, reminding members of resumption of the 7:30 start time. Scarzafava and Otsego Apple Growers are expected to return with public hearings. Zoning Enforcement Officer Phillips he had received two new applications, and that there are also three potential Lakefront applications pending ZBA approval on April 19.

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

Respectfully submitted
Bill Deane, Planning Board Clerk