

Town of Otsego Planning Board

Minutes, April 6, 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. Acting Chairman Walter Dusenbery called the meeting to order at 7:03 PM and led the Pledge of Allegiance. Chairman Tom Huntsman arrived moments later.

Clerk Bill Deane took roll call. Board members present were Huntsman, Darryl Szarpa, Chip Jennings, Dusenbery, Sharon Kroker, and Lynn Krogh. With Elizabeth Horvath absent, first alternate member Ben Bauer joined the meeting table. Also present were second alternate member Rosemary Brodersen, Town Supervisor Meg Kiernan, Town Board member Carina Franck, Zoning Enforcement Officer Jess Lanza (who arrived at 7:33), and Planning Board attorney Ryan Miosek.

The Board reviewed the minutes of March 2, 2021, e-mailed to the members. Dusenbery moved to approve the minutes as written. Kroker seconded the motion and it was approved, 7-0.

The only correspondence received since the last meeting were copies of the latest *Planning News*, and a letter from the Otsego County Planning Department, regarding applications which should be referred to the County. Chairman Huntsman said he would review this during “other business.”

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

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)

Clerk Bill Deane read aloud from the Planning Board’s minutes of January 5 relevant to the Schallert application. Attorney Miosek said he had reviewed the deed descriptions submitted since then, and found them satisfactory.

Representative Martin Tillapaugh distributed colorized maps showing the new plans, changed because the Tedescos no longer want to merge the two lots they are acquiring, and the Daltons are combining their acquired lots with the one they already own. Tillapaugh also submitted a check for \$50 (delivered to the Town Clerk).

Chairman Huntsman reviewed the Board’s options. Walter Dusenbery moved to accept the boundary line adjustment as shown in the “after” map. Darryl Szarpa seconded the motion and it was approved, 7-0. Huntsman said there was no other Planning Board intervention required for this project. Tillapaugh provided the Board with a boundary line acceptance document. Huntsman stamped it “approved” and signed it, with a copy made for the file and the original going to Tillapaugh. Deane advised Tillapaugh to file it with the County within 30 days. Tillapaugh said he expected the closing to happen this week, and that he would submit final documents to the Board.

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

Applicant Bailey Heck participated via Zoom. Clerk Bill Deane read aloud from the Planning Board's minutes of January 5 relevant to the Murphy/Heck application. Since then, the Board received a report from Karl Giroux, technician for the Otsego County Soil & Water Conservation Department; it listed no concerns with the proposed project.

Heck said the only structure on the current site plan is a single-family dwelling, which is on a 10-12% slope. Chairman Huntsman said that site plan review is required only for construction on slopes greater than 15%, per that *Land Use Law* Section 4.02. Heck said most of the rest of the property is on a steep slope, he hoped to do further construction at a later date (to be reviewed by the Zoning Enforcement Officer), and he would rather err on the side of caution.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. He said that the only missing item was documentation of topographic contours, which could be waived in lieu of the Soil & Water report.

The Board discussed State Environmental Quality Review (SEQR). Darryl Szarpa moved to deem this a Type II action per SEQR Section 617.5(c)(11). Sharon Kroker seconded the motion and it was approved, 7-0.

Chip Jennings moved to deem the application complete. Walter Dusenbery seconded the motion and it was approved, 7-0.

Lynn Krogh moved to schedule a public hearing for May 4. Dusenbery seconded the motion and it was approved, 7-0.

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)

Representative Daniel Heinrich was present. He said applicant N. Jean Scarazafava has a 3'10" concrete seawall along Otsego Lake which is in disrepair. They planned to reinforce it by adding a four-foot-high wall, composed of steel and untreated wood, between the existing one and the Lake. The Army Corps of Engineers, concerned about shrinkage of the Lake, wanted them to instead take down the existing concrete wall and replace it with the steel/wood one, in the same footprint. Clerk Bill Deane read aloud from the Zoning Board of Appeals's minutes of January 19 relevant to the application. During that meeting, the ZBA determined the revised, proposed project would be a replacement-in-kind, not requiring a ZBA variance; it could go straight to the Planning Board for site plan review. After discussion, Heinrich agreed to withdraw his ZBA application. He since submitted a new plan dated 1/21/21, and got approvals (filed) from both the Army Corps and the Department of Environmental Conservation (DEC). (The day after the meeting, Zoning Enforcement Officer Lanza communicated with Tony Gentile, who said no County permit would be required.)

Chairman Huntsman went through the various plans in the file and marked them appropriately. He said site plan review was required by *Land Use Law* Section 4.04, and went through the site plan

requirements in Section 8.04. The consensus of the Board was that all items were either in the file or not applicable.

The Board discussed SEQR. Walter Dusenbery moved to deem this a Type II action per SEQR Section 617.5(c)(2). Lynn Krogh seconded the motion and it was approved, 7-0.

Sharon Kroker moved to deem the application complete. Darryl Szarpa seconded the motion and it was approved, 7-0.

Kroker moved to schedule a public hearing for May 4. Krogh seconded the motion and it was approved, 7-0. Heinrich questioned the need for a public hearing, and Chairman Huntsman advised him it was standard practice.

Mark Strollo (Redpoint Builders/Jackson Dubois) – Site plan review, expansion/remodeling of deck within 500 feet of Otsego Lake in RA1 district – 6016 State Highway 80 (#99.00-1-31.03)

Jackson Dubois of Redpoint Builders represented applicant Mark Strollo. Dubois said that Strollo has an existing 12x15' deck, which is in disrepair, about 300 feet from Otsego Lake. He wants to repair the deck and add another 12x15' deck and a staircase connecting the two.

Chairman Huntsman said site plan review was required by *Land Use Law* Section 4.04, and went through the site plan requirements in Section 8.04. The consensus of the Board was that the only missing item was a survey of the property, which could be waived in lieu of the map showing setbacks.

The Board discussed SEQR. Lynn Krogh moved to deem this a Type II action per SEQR Section 617.5(c)(2). Ben Bauer seconded the motion and it was approved, 7-0.

Sharon Kroker moved to deem the application complete, waiving the survey in lieu of the map showing setbacks. Chip Jennings seconded the motion and it was approved, 7-0.

Kroker moved to schedule a public hearing for May 4. Krogh seconded the motion and it was approved, 7-0.

Tommy Ibrahim (Redpoint Builders/Jackson Dubois) – Site plan review, removal of tree within 100 feet of Otsego Lake in RA1 district – 112 Lakeshore Drive (#69.44-1-26.00)

Jackson Dubois of Redpoint Builders represented applicant Tommy Ibrahim. Dubois said that Ibrahim had discussed adding or modifying a fence about 300 feet from Otsego Lake, but was not seeking approval for that at this time. The only thing he wants approval for now is removal of a large diseased tree within 100 feet of the Lake.

Chairman Huntsman said that *Land Use Law* Section 4.04 specifically excludes removal of diseased trees from site plan review requirements, so Ibrahim could go ahead with that.

Steve Talevi – Site plan review, special permitted use, bed & breakfast in RA2 district – 2144 County Highway 22 (#39.00-2-2.03)

Upon receipt of Steve Talevi's renewed DEC approval, Chairman Huntsman signed Talevi's previous site plan, as promised during the February meeting.

Talevi now wants to establish a bed & breakfast on this same property. He said it would be in two bedrooms of his home, involving no change to the building, and no new signs.

Chairman Huntsman went through the special permit and site plan requirements in Sections 7.03 and 8.04 of the *Land Use Law*. The consensus of the Board was that none of the Section 8.04 requirements were applicable, and that SEQR could be waived based on the previous SEQR determination on this property.

Walter Dusenbery moved to deem the application complete, waiving the Section 8.04 requirements as not applicable. Lynn Krogh seconded the motion and it was approved, 7-0.

Darryl Szarpa moved to schedule a public hearing for May 4. Krogh seconded the motion and it was approved, 7-0. Talevi said he would be out of town on May 4.

OTHER BUSINESS

The Board thanked Zoning Enforcement Officer Lanza for e-mailing them applications and organizing the files. Lanza said he had received nine applications in March. Chairman Huntsman mentioned 3x8' signs the SPCA has proposed, which were not part of the approved site plan, and are larger than the 16 square feet allowed by the *Land Use Law*. They would need a ZBA variance for these. A discussion about signs ensued.

Walter Dusenbery said he had attended the March 10 Town Board meeting as Planning Board liaison. He gave them a synopsis of the Planning Board's March 2 meeting activities, and the Town Board seemed concerned about the several applicants who no-showed. Tom Huntsman is assigned to serve as Planning Board liaison for the April 14 Town Board meeting.

Carina Franck said the Town Board is currently working on legislation for solar panels, using the Town of Sharon's law as a model. She also said she thought the Planning Board should hold a new public hearing before removing an expiration date from a special permit. Discussion about the Longview Allied application ensued.

Bill Deane discussed the May 4, 2021 Planning Board agenda, reminding the Board of the 7:30 start time from May through September. Murphy/Heck, Inuksuk Farms, Mark Strollo, and Steve Talevi will all be returning, all with public hearings. There are also several applications pending with the ZBA which will eventually come before the Planning Board.

Chairman Huntsman read aloud a letter of resignation from Darryl Szarpa, who will be moving from the area. The Board thanked and applauded him for his years of service.

With no further business, at 9:34 PM Walter Dusenbery moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk