

Town of Otsego Planning Board

Minutes, June 2, 2020

(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 7:29 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. All regular Board members were present: Huntsman, Ted Feury (vice-chairman), Elizabeth Horvath, Darryl Szarpa, Chip Jennings, Walter Dusenbery, and Sharon Kroker. Also present were first alternate member Rosemary Brodersen, Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, Town Supervisor Meg Kiernan, and Town Board member Carina Franck. Horvath, Jennings, Kroker, Brodersen, Miosek, and Franck participated via Zoom, Brodersen and Miosek arriving late. Second alternate member Lynn Krogh was absent.

The Board reviewed the minutes of May 5, 2020, e-mailed to the members. Dusenbery moved to approve the minutes as written. Szarpa seconded the motion and it was approved, 7-0.

There was no correspondence received since the last meeting.

Chairman Huntsman asked if anyone had a conflict with tonight's applicant. No one responded. Huntsman asked if anyone from the public had a comment on a non-agenda item. Again, no one responded. The Board moved on to applications.

APPLICATIONS

Charlton Jones (Tim Horvath) – Site plan review, replacement of residence within 100 feet of Otsego Lake in RA-1 district – 6680 State Highway 80 (#69.76-1-11.00)

Chairman Huntsman said this application was off the agenda until July.

Peter Kapsales – Resolution of potential *Land Use Law* 4.04 violation (excessive tree removal on property within 100 feet of Otsego Lake) – 6447 State Highway 80 (#48.00-1-17.02)

Zoning Enforcement Officer Hobbie explained that he had received a verbal complaint from a Town Board member in December, 2019, stating that owner Peter Kapsales was clear-cutting his property within 100 feet of Otsego Lake. Hobbie investigated, and asked Kapsales to come before the Planning Board to explain what he did and have the Board decide what it wants him to do to remedy the situation. Michael O'Leary of KLB Land Services and Dan Heinrich of Green Builders were present to represent Kapsales.

O'Leary said that he removed and chipped trees at the owner's direction. O'Leary said one of the trees was a beautiful oak; the rest (mostly basswood and ash) were either dead, damaged, rotted, falling, or less than six inches in diameter. They left stumps and roots intact to maintain erosion control, and Kapsales plans to plant vegetation for further control, as it is in his interests. Kapsales had first checked with the New York State Department of Transportation, but they said they had no concerns about his plans. Hobbie said that he had not looked at the property before the cutting was done, but that he believed O'Leary's description was accurate.

Chairman Huntsman read aloud from Section 4.04 of the *Land Use Law*: "No more than thirty percent of the trees six inches or more in diameter at breast height within five hundred feet of the shoreline may be cut over any ten year period... These standards do not prevent removal of dead, dying, diseased or rotten trees or vegetation... presenting safety or health hazards." Huntsman said the Board first should determine whether a violation had occurred.

Elizabeth Horvath moved that, based on the information presented, there had been no violation of Section 4.04 of the *Land Use Law*. Walter Dusenbery seconded the motion and, after considerable discussion, it was approved,

4-3. Ted Feury, Chip Jennings, and Sharon Kroker were opposed, saying they did not have sufficient evidence to make an informed judgment.

Chairman Huntsman said that he believed Kapsales was making a good-faith effort to improve his property, and that he appreciated O'Leary and Heinrich coming before the Board to explain the situation.

OTHER BUSINESS

Zoning Enforcement Officer Hobbie noted that Jon McManus was no longer involved with the SPCA building project, and that they had hired a new engineer, who prepared a new blueprint. Hobbie said the only notable difference between the old and new prints was the addition of a 10'6"x11'4" dumpster pad behind the building. Hobbie asked the Board to stamp the new plan "approved." Chairman Huntsman recused himself from the proceedings and left the table, with Ted Feury replacing him as acting Chairman and alternate member Rosemary Brodersen as voting member. Clerk Bill Deane read aloud from the Board's minutes of July 2 and August 6, 2019 relevant to the application. Attorney Miosek said he was comfortable with the Board's approving the new print. Walter Dusenbery moved to approve the new plan as presented. Sharon Kroker seconded the motion and it was approved, 7-0. Feury stamped the print "approved" and signed it. Huntsman returned to the meeting table.

Huntsman said he forgot to attend and serve as liaison at the May 13 Town Board meeting. He said he would do so at the June 10 meeting, relieving Elizabeth Horvath of that duty.

Huntsman thanked the Board for productive discussion and conscientious voting during the Kapsales matter. Dusenbery complimented Huntsman and Feury for smooth running of meetings.

Deane brought up various lakeshore projects that Zoning Enforcement Officer Hobbie had earmarked for the Zoning Board of Appeals (ZBA). Deane had questioned some of these and forwarded the documents to the Planning Board members, asking their review. The consensus was as follows:

- Stephen & Tammy Stalloch, retaining wall near Canadarago Lake – can go straight to Planning Board at next meeting. ZBA Chairman Greg Crowell had opined that no variance would be needed.
- Brian Peters, replacement of porch near Canadarago Lake – needs ZBA variance before site plan review, due to not being in same footprint, contrary to applicant's statement; will be put on June 16 ZBA agenda.
- Cathedral Farms, installation of privacy fence near Otsego Lake – needs ZBA variance before site plan review; will be put on June 16 ZBA agenda.
- Dave & Heather Drenth, replacement of sewage system near Canadarago Lake – does not need either ZBA or Planning Board review; Hobbie has already approved.

Carina Franck e-mailed members a draft of a proposed new land use application. Among other things, it would eliminate the need for a separate site plan application. Franck asked members to review it and give her suggestions before the June 10 Town Board meeting.

Deane discussed the July 7, 2020 agenda. Besides Stalloch mentioned above, Charlton Jones is scheduled to return.

With no further business, at 8:40 PM Dusenbery moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk