

Town of Otsego Planning Board

Minutes

June 4, 2019

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 7:31 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Ted Feury (vice-chairman), Chip Jennings, Walter Dusenbery, Elizabeth Horvath, and Sharon Kroker. With Darryl Szarpa absent, first alternate member Rosemary Brodersen joined the meeting table. Also present were, Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board member Carina Franck. Deane introduced new second alternate member Lynn Krogh, who had not yet been sworn in.

The Board reviewed the minutes of May 7, 2019, e-mailed to the members. Feury said that, in his motion to deem the Cooperstown Country Club application complete, “his” should be “the Board’s.” Feury moved to approve the minutes as amended. Dusenbery seconded the motion and it was approved, 7-0.

Chairman Huntsman read aloud correspondence received since the last meeting: a complaint from Joe Galati to the Town, about trees cut down by a neighbor (S. Hall) and left on his property; and an e-mail from Galati, listing concerns about the Susquehanna SPCA application.

Chairman Huntsman asked if anyone had a conflict with tonight’s applicant. Huntsman said he had a conflict with the Susquehanna SPCA application. Horvath said she had a conflict with the Marini application.

Chairman 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

Steve Talevi – Sketch plan conference, ground-mount solar panels in RA1 district – 2144 County Highway 22 (#39.00-2-2.03)

Zoning Enforcement Officer Hobbie explained that Steve Talevi wants to install ground-mount solar panels near his home, more than 500 feet from Canadarago Lake. Hobbie said that, as far as he knew, Talevi needed only a County electrical permit. Neighbor Dave Quintin was present, and expressed concerns, though he believes they have been resolved.

Chairman Huntsman said that nothing in the *Land Use Law* governs solar panels, thus they could be considered a permissible use, accessory to the residence, and not requiring site plan review. It is an issue that hopefully can be worked out between neighbors. Ted Feury said that concerns about the lack of regulation would have to be addressed to the Town Board.

Otsego Land Trust – Sketch plan conference, trail improvement within 500 feet of Otsego Lake in RA2 district – 6000 State Highway 80 (#99.00-1-32.01)

Otsego Land Trust officers Patricia Szarpa (Executive Director), Joe Homburger (Secretary and Board member), and Dan Sullivan (Chairman of Blue Way) were present. Displaying enhanced aerial photos from Chazen Engineers on an easel, they described their plans to upgrade trails on the Brookwood Point property, more than 100 feet but less than 500 feet from Otsego Lake. This would include replacement of two dilapidated bridges.

Chairman Huntsman said that, based on his reading of Section 4.04 of the *Land Use Law*, this would be considered “alteration and repair,” not requiring site plan review. The other members agreed by consensus.

The officers said they may have further projects on the property in the future, and would return before the Board if so.

James Marini – Site plan review, construction of deck within 500 feet of Otsego Lake – 6616 State Highway 80 (#84.08-1-34.02)

Elizabeth Horvath recused herself and left the meeting table. Jackson Dubois, project manager for Redpoint Design, said he was representing applicant James Marini.

Dubois said that Marini wants to add a front porch and back deck to his house approximately 122 feet from Otsego Lake. He hopes to do that this summer. Dubois submitted a 1990 survey, photos, and drawings. Zoning Enforcement Officer Hobbie said that he had paid the \$50 application fee.

Chairman Huntsman read aloud from the site plan review requirements in Sections 8.04 and 8.05 of the *Land Use Law*. The consensus was that documentation requirements had been met.

The Board discussed State Environmental Quality Review (SEQR). Ted Feury moved to deem this a Type II action per SEQR section 617.5(c)(10). Sharon Kroker seconded the motion and it was approved, 6-0.

Chip Jennings moved to deem the application complete. Rosemary Brodersen seconded the motion and it was approved, 6-0. Walter Dusenbery moved to schedule a public hearing for July 2. Kroker seconded the motion and it was approved, 6-0.

Ted Feury noted that the deck extension is within 20 feet of the property line, and wondered if that would require a Zoning Board of Appeals (ZBA) variance. He was advised that a deck does not constitute an extension of the building footprint

Horvath returned to the meeting table.

Nettie Jean Scarzafava (Elizabeth Davidson) – Site plan review, construction of wine cellar and walkway near existing residence within 100 feet of Otsego Lake – 6762 State Highway 80 (#69.60-1-17.00 & -18.00)

Applicant Nettie Jean Scarzafava, represented by architect Elizabeth Davidson, wants to add a recessed wine cellar and extended walkway on her property within 100 feet of Otsego Lake. The ZBA previously reviewed the application. Clerk Bill Deane read aloud from the ZBA minutes for March 19, April 18, and May 21 (not yet approved), relevant to the application. During those meetings, a public hearing was held, and the Board granted the following variances: 20 feet from the east (Lake) and 27 feet from the west (center of State Highway 80) for the wine cellar; 35 feet from the east and 13 feet from the west for the deck/walkway; and a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of the Lake. This was conditional on engineering plans to be submitted to the Planning Board, and the walkway being no more than 3'6" wide.

Davidson submitted a revised site plan dated 5/21/19. She said Scarzafava hopes to begin construction this fall. She may want to add an elevator to the site at some point. Chairman Huntsman said that would have to go before the ZBA first.

Chairman Huntsman read aloud from the lakeshore protection and site plan review requirements in Sections 4.04 and 8.04 of the *Land Use Law*. The consensus was that the only missing items were a copy of a signed survey; a map drawn to scale; and engineering plans. Huntsman said that the Board may waive the public hearing, based on the result of the ZBA's hearing.

The Board discussed State Environmental Quality Review (SEQR). Chip Jennings moved to deem this a Type II action per SEQR section 617.5(c)(10). Sharon Kroker seconded the motion and it was approved, 7-0.

Davidson said she would return on July 2 with the missing items.

Susquehanna SPCA (Jon McManus) – Sketch plan conference, special permitted use, animal shelter and thrift shop in RA2 district – 5082 & 5088 State Highway 28 (#146-2-5.00 & -6.00)

Chairman Huntsman recused himself and left the meeting table. Vice-Chairman Ted Feury took over as chair. Representative Jon McManus said that the 2018 meeting minutes on this project would be irrelevant, and the applicants wanted to start fresh tonight.

Susquehanna SPCA Executive Director Stacie Haynes and William H. Lane Construction manager Rick Bliss were present. Haynes said that the SPCA's current quarters, including an 8,000-square-foot shelter and 2,100-square-foot thrift shop, are on a flood-prone site in the Town of Hartwick, one mile south of the proposed new site. With the help of a New York State grant, they hope to move to this higher, drier location, building a 10,000-square-foot, one-story facility and 2,500-square-foot thrift shop in 6-8 months. The grant goes to March, 2020, but can be extended. Haynes said that the thrift shop generates revenue of about \$90,000 per year, which goes directly into the SPCA, providing a significant percentage of the non-profit organization's \$650,000 annual budget. McManus believes this makes it accessory to the existing animal shelter.

McManus submitted a survey, topographic contours, and a site plan labeled "5/17/19 REV 0." He said he believe this project would qualify as an Unlisted Action under State Environmental Quality Review (SEQR), and submitted a short Environmental Assessment Form (EAF). McManus said the location is next to an Ag District, so he submitted a list of neighbors within 500 feet of the property, some of whom have been approached; he said he would provide a complete address for the Catholic Church Society. McManus said he would submit information on sound-deadening walls, and that there may be changes to the plans as they go along.

Acting Chairman Feury suggested that Board members read up on "Accessory Use" guidelines, and asked if members had opinions on the issue. Elizabeth Horvath and Chip Jennings said that they believed the thrift shop would be subordinate to the primary use. Walter Dusenbery wondered whether a public service exception might apply. Attorney Miosek recommended that Haynes submit evidence that other nearby animal shelters utilize thrift shops to help support themselves.

McManus said he would return for the July 2 meeting. Huntsman returned to the meeting table.

OTHER BUSINESS

Ed Hobbie distributed copies of his Zoning Enforcement Officer report, and discussed some matters of interest to the Board. He said that Marty Patton's Article 78 had been dismissed. Hobbie discussed Joe Galati's complaints mentioned earlier. Attorney Miosek said that, other than abutting neighbors, complainants should be required to come before the Planning Board or Town Board to present and substantiate their complaints in an open forum. Members agreed.

Chip Jennings said that he had served as Planning Board liaison at the May 8 Town Board meeting. He said the Town Board had approved increases to application fees. Walter Dusenbery said that he would serve as Planning Board liaison for the June 12 Town Board meeting, switching with Elizabeth Horvath, who will do so on July 10.

Clerk Bill Deane discussed the July 2, 2019 agenda. Returning will be Marini (public hearing), Scarzafava, and the SPCA. Hobbie said there were no new applications at this point.

With no further business, at 9:48 PM Horvath moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk