

Town of Otsego Planning Board

Minutes, July 7, 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 7:33 PM and led the Pledge of Allegiance.

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

The Board reviewed the minutes of June 2, 2020, e-mailed to the members. Szarpa moved to approve the minutes as written. Jennings seconded the motion and it was approved, 7-0.

Chairman Huntsman reviewed correspondence received since the last meeting: a July 2 notice from the New York State Department of Transportation (DOT), with a procedural update (given to Hobbie); and a July 7 e-mail from Debra Creedon, about the Cathedral Farms application. He said he would read the latter during that application.

Chairman Huntsman asked if anyone had a conflict with tonight's applicant. Elizabeth Horvath again will be recusing herself from the Jones application.

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

Charlton Jones (Jackson DuBois) – 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)

Elizabeth Horvath recused herself from the Jones application, and did not participate in voting. Clerk Bill Deane read aloud from the Planning Board's minutes of May 5 relevant to the application. Chairman Huntsman read aloud a March 25 e-mail from Zoning Board of Appeals (ZBA) Chairman Greg Crowell, in which Crowell opined that no variance should be required if the applicant were changing only the location of the entrance.

Representative Jackson DuBois said that the DOT had advised them that the project is not in their jurisdiction (not in the State Highway right-of-way). Zoning Enforcement Officer Hobbie said that wetlands concerns were “taken care of.”

Chairman Huntsman noted that there were multiple, undated site plans in the file, but the current one was missing. The application was tabled while DuBois retrieved and submitted the up-to-date plan. It included the items requested at the May meeting, but showed that the new residence would be 22x26’, different from the 24x24’ one being replaced. Deane said that, if it were not in the footprint of the current residence, it would need a ZBA variance before site plan review. Hobbie said that would be true even if they were making the building smaller. DuBois said, in view of that, they would restore the original dimensions and return with a revised site plan.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that the only missing item was the revised, dated site plan, showing the proposed residence in the same footprint as the current building.

The Board discussed State Environmental Quality Review (SEQR). Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(2). Chip Jennings seconded the motion and it was approved, 6-0.

Feury moved to deem the application complete, contingent on the revised plan being submitted by July 21. Jennings seconded the motion and it was approved, 6-0. Jennings moved to schedule a public hearing for August 4 with the same contingency. Darryl Szarpa seconded the motion and it was approved, 6-0.

Cathedral Farms, Inc. (Jon McManus) – Site plan review, installation of privacy fence within 100 feet of Otsego Lake in RA1 district – 6512 State Highway 80 (#84.12-1-14.00)

Clerk Bill Deane read aloud from the ZBA’s minutes (not yet approved) of June 16 relevant to the Cathedral Farms application. The applicant wants to construct a 12-foot-high boundary fence around his property within 100 feet of Otsego Lake. Representative Jon McManus said it would be a continuation of the existing fence along State Highway 80, similar in construction. During that meeting, the ZBA ruled that this project does not require a variance based on the *Land Use Law* definition of “structure” (specifically excluding boundary fences), but does require site plan review by the Planning Board.

Chairman Huntsman read aloud the aforementioned e-mail from Debra Creedon. Creedon wrote, “I am unaware of any other fence on Rte. 80 that is 12 feet high. Perhaps, this would be a good time for board members to discuss and then be able to implement height restrictions on privacy fencing.” Creedon participated in the meeting via Zoom, as did McManus. McManus allowed Creedon to ask questions. An audience member,

Genevieve Bernier, also asked to speak about the application, but was advised that she would have that opportunity during a public hearing.

Chairman Huntsman said he didn't think the project requires site plan review. Attorney Miosek disagreed. Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. McManus said that the fence would be more than 33 feet from the center of State Highway 80, thus require no DOT involvement to his knowledge. He said there would be no new lighting or signs.

The Board discussed State Environmental Quality Review (SEQR). Darryl Szarpa moved to deem this a Type II action per SEQR Section 617.5(c)(12). Ted Feury seconded the motion and it was approved, 7-0.

Feury moved to deem the application complete. Szarpa seconded the motion and it was approved, 7-0. Feury moved to schedule a public hearing for August 4. Chip Jennings seconded the motion and it was approved, 7-0.

Matt Paoni – Site plan review, construction of garage within 500 feet of Canadarago Lake in RA2 district – 2121 County Highway 22 (#38.20-1-20.00)

Clerk Bill Deane read aloud from the ZBA's minutes (not yet approved) of June 16 relevant to the Paoni application. Applicant Matt Paoni wants to erect a 20x24' free-standing, single-story garage near his existing house, more than 100 feet but less than 500 feet from Canadarago Lake. During that meeting, a public hearing was held with no negative comment, and the ZBA approved variances of 40 feet on the east side (center of County Highway 22), 14 feet on the north side, and 16 feet on the south side.

Paoni submitted a site drawing, signed by Zoning Enforcement Officer Hobbie. Hobbie said the fee had been paid. Paoni said the building would be a pole barn on the existing driveway, 14 feet in height, with no exterior lighting. Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that all requirements were either met or not applicable.

The Board discussed State Environmental Quality Review (SEQR). Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(12). Chip Jennings seconded the motion and it was approved, 7-0.

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

Feury moved to waive the public hearing, due to the ZBA hearing result. Jennings seconded the motion and it was approved, 7-0.

Jennings moved to approve the site plan as submitted. Lynn Krogh seconded the motion and it was approved, 7-0. Chairman Huntsman stamped and signed the site plan, giving a copy to the applicant.

Brian Peters (Hans DeWaal) – Site plan review, replacement of porch within 100 feet of Canadarago Lake in RA2 district – 147 Marble Road (#52.11-1-6.00)

Clerk Bill Deane read aloud from the ZBA's minutes (not yet approved) of June 16 relevant to the Peters application. Applicant Brian Peters wants to replace his existing porch within 100 feet of Canadarago Lake. During that meeting, it was noted that there would be a slight change to the footprint due to "squaring off" of the porch, adding six or eight inches; thus, it would need a variance from Section 4.04 of the *Land Use Law*, which prohibits new construction within 100 feet of the Lake. After the meeting, the applicant agreed to remain in the same footprint as the original porch, and withdrew his ZBA application.

Representative Hans DeWaal submitted a new site plan, which the Board examined. Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus was that the only missing item was a survey of the property, which was waivable.

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

Jennings moved to deem the application complete, waiving the survey requirement. Ted Feury seconded the motion and it was approved, 7-0.

DeWaal asked that the public hearing be waived. The consensus of the Board was that a hearing was necessary. Szarpa moved to schedule a public hearing for August 4. Lynn Krogh seconded the motion and it was approved, 7-0.

Inuksuk Farms LLC (N. Jean Scarzafava/Jeneé Rasmussen) – Boundary line adjustment and minor subdivision in RA1 district – Hooligan Hill Road (#69.00-1-9.01 & -9.04)

Representative Jeneé Rasmussen submitted a sketch plan, showing Jean Scarzafava's proposed project. Scarzafava owns two contiguous lots, measuring about 34.7 and 3.0 acres, respectively, and including three houses. She wants to do a boundary line adjustment, increasing the smaller lot to 8.0 acres, and then a subdivision of the remaining acreage into lots of 9.7, 8.0, and 12.0 acres, respectively. Chairman Huntsman said that this would constitute a minor subdivision.

The property includes a private, paved road which would provide access to and frontage for some of the lots. Clerk Bill Deane wondered whether the Board should require the

road to be upgraded to “Donovan Specs.” Zoning Enforcement Officer Hobbie said that applies only to major subdivisions, where the Town takes over the road.

Chairman Huntsman advised Rasmussen to consult the *Land Subdivision Regulations* about what documentation she would need to provide, including a representative form, and a list of neighbors (with addresses) within 200 feet of the property lines. Rasmussen said she would plan to return to the September 1 meeting with these items. She asked whether she could expect the project to be approved, before investing the money required to go forward. Huntsman said he foresaw no issues with it, but couldn’t guarantee an approval.

OTHER BUSINESS

Huntsman said he served as liaison at the June 10 Town Board meeting, but that nothing of interest to the Planning Board had come up. Lynn Krogh is scheduled to serve as liaison at the July 8 Town Board meeting

Carina Franck discussed potential changes to the *Land Use Law*, and incorporation of some *American Planners’ Dictionary* definitions. She will discuss these further at the August 4 meeting.

Ed Hobbie distributed copies of his Zoning Enforcement Officer report. He shared concerns about his job duties.

Deane discussed the August 4, 2020 agenda. Charlton Jones, Cathedral Farms, and Brian Peters are scheduled to return, all with public hearings.

With no further business, at 9:57 PM Darryl Szarpa moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk