

Town of Otsego Planning Board

Minutes, August 2, 2022

(Will be approved with any necessary amendments at the next meeting)

PUBLIC HEARINGS

Han & Kellogg Trust (Lauren Glynn/Schlather & Birch) – Minor subdivision in RA district – Keys Road (#53.00-1-14.01)

Chairman Huntsman opened the Han & Kellogg public hearing at 7:34 PM and asked if anyone from the public had questions or comments about the project. No one responded. Sharon Kroker moved to close the public hearing. May Leinhart seconded the motion and it was approved, 5-0.

Jason & Jeanine Harter – Minor subdivision in RA1 district – 428 Buck Road (#68.00-1-18.21)

Chairman Huntsman opened the Harter public hearing at 7:35 PM and asked if anyone from the public had questions or comments about the project. No one responded. Sharon Kroker moved to close the public hearing. Steve Talevi seconded the motion and it was approved, 5-0.

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 7:36 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Sharon Kroker, Steve Talevi, May Leinhart, and Chip Jennings. Elizabeth Horvath, Antoinette Kuzminski, and alternate member Rosemary Brodersen were absent. Deane reminded the Board that four votes were required to pass any motion. Zoning Enforcement Officer Wylie Phillips was also present.

The Board reviewed the minutes of July 5, 2022, e-mailed to the members. Kroker moved to approve them as written. Talevi seconded the motion and it was approved, 4-0, with Jennings abstaining because he was not at the July 5 meeting.

Chairman Huntsman read aloud correspondence received since the last meeting: a July 8 memo (filed) from the County Clerk's office, regarding the filing of the Kovatchitch subdivision; and an August 2 e-mail from former Town Board member Carina Franck, regarding the language of *Land Use Law* Section 4.04.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. No one reported any conflict. Huntsman asked if anyone from the public had comments on a non-agenda item. No one responded. The Board moved on to applications.

APPLICATIONS

Han & Kellogg Trust (Lauren Glynn/Schlather & Birch) – Minor subdivision in RA1 district – Keys Road (#53.00-1-14.01)

Clerk Bill Deane read aloud from the July 5 minutes relevant to the Han & Kellogg application. Representative Lauren Glynn of Schlather & Birch was present.

Chairman Huntsman reviewed the Board's options from Section 3.2 of the *Land Subdivision*

Regulations. Steve Talevi moved to approve the minor subdivision as submitted. Sharon Kroker seconded the motion and it was approved, 5-0. Huntsman stamped the plan “approved” and signed it.

Jason & Jeanine Harter – Minor subdivision in RA1 district – 428 Buck Road (#68.00-1-18.21)

Clerk Bill Deane read aloud from the July 5 minutes relevant to the Harter application. Applicant Jason Harter was present.

Chairman Huntsman reviewed the Board’s options from Section 3.2 of the *Land Subdivision Regulations*. Sharon Kroker moved to approve the minor subdivision as submitted. Steve Talevi seconded the motion and it was approved, 5-0. Huntsman stamped the plan “approved” and signed it.

James & Joan Marini (Sophia Gonzales/Redpoint Builders) – Site plan review, construction of retaining wall & stairs within 500 feet of Otsego Lake in RA1 district – 6616 State Highway 80 (#84.08-1-34.02)

Clerk Bill Deane read aloud from the July 5 minutes relevant to the Marini application. Representative Sophia Gonzales of Redpoint Builders was present.

Gonzales submitted a corrected application and a marked-up copy of the 1990 survey, with clarifications written on it. She also submitted a description of proposed landscaping. Gonzales said the stairs would be lit by foot-lighting (though it was not shown on the site plan), and construction would be done this year. She said she had e-mailed the Department of Environmental Conservation (DEC), but had not yet received a response from them.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(12). Chip Jennings seconded the motion and it was approved, 5-0.

Steve Talevi moved to deem the application complete, contingent on DEC sign-off and printed lighting plans to be submitted to the Zoning Enforcement Officer by August 16. Kroker seconded the motion and it was approved, 5-0.

Chip Jennings moved to schedule a public hearing for September 6 with the same contingencies. Talevi seconded the motion and it was approved, 5-0.

Schlather Family Trust/Lucas & Elizabeth Sheldon (Lauren Glynn/Schlather & Birch) – Boundary line adjustment in RA1 district – 275 & 286 Keys Road (#69.00-1-5.01 & -5.02)

Representative Lauren Glynn of Schlather & Birch was present, representing applicants Schlather Family Trust and Lucas & Elizabeth Sheldon. She submitted a \$50 check (delivered to the Town Clerk) for the boundary line adjustment fee.

Glynn submitted a site plan and proposed deed language, which the Board reviewed. She said the Schlather Trust owns approximately 223 acres, straddling Keys Road, and contiguous to an 82-acre lot owned by the Sheldons on the west side of the road. They want to convey the 91 acres on the west side of Keys Road to the Sheldons by a boundary line adjustment. This would leave the Sheldons with a 173-acre lot on the west side of Keys Road, and the Schlather Trust with a 132-acre lot on the east side of the road.

Chip Jennings moved to approve the boundary line adjustment as submitted. Steve Talevi seconded the motion and it was approved, 5-0. Chairman Huntsman stamped the plan “approved” and signed it, with a copy made for the file.

David Drenth (Barb Monroe/Jon McManus) – Site plan review, addition to residence within 100 feet of Canadarago Lake in RA2 district – 173 Marble Road (#52.08-1-27.02)

Barb Monroe represented applicant David Drenth. She said that Drenth wants to build a 16x16' addition to his residence, 51 feet from Canadarago Lake. Clerk Bill Deane read aloud from the Zoning Board of Appeals's minutes of June 21 and July 19 (not yet approved) relevant to the Drenth application. At the latter meeting, the ZBA held a public hearing with no public comment, and approved a variance from *Land Use Law* Section 4.04, which prohibits construction within 100 feet of Canadarago Lake, specific to the project submitted.

Chairman Huntsman went through *Land Use Law* Sections 4.04 and 8.04. Monroe submitted a site plan made from a survey. She said the DEC and Army Corps of Engineers had reviewed the project, but provided no actual sign-off. Drenth removed the proposed sidewalk based on a DEC request. Monroe said there would be no tree removal nor new lighting.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(11). Chip Jennings seconded the motion and it was approved, 5-0.

Kroker moved to deem the application complete, and May Leinhart seconded the motion. After discussion, Kroker withdrew her motion. The Board agreed that they wanted sign-off from the DEC, and they could waive the public hearing due to the ZBA hearing result. Deane said the \$75 site plan application fee is also needed.

Monroe was asked to return to the September 6 meeting with the missing items.

Village of Cooperstown (Cindy Falk) – Site plan review, special permitted use, storage shed in GB1 district – 60 Linden Avenue (#131.00-1-20.00)

This application came in too late to meet the agenda deadline, but Chairman Huntsman agreed to add it on. The Village of Cooperstown wants to erect a salt shed on the Village Highway Garage property on Linden Avenue. Zoning Enforcement Officer Phillips noted that, per *Land Use Law* Section 2.06, "For expansion of existing conforming uses, no special permit shall be required. However, a site plan may be required, at the discretion of the Planning Board." Representative Cindy Falk was present, saying the Village hopes to begin construction in September.

Phillips said there was no evidence of any previous special permits granted for this property; it is apparently a pre-existing, non-conforming use. Chairman Huntsman said that he thought site plan review should be done for this project, and that the special use would be "commercial storage."

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 survey requirement could be waived, but that DEC sign-off would be needed. The Board discussed State Environmental Quality Review (SEQR). The DEC or Village of Cooperstown may want to declare lead agency status.

Chip Jennings moved to deem the application complete, waiving the survey, and contingent on DEC sign-off (on the project and SEQR) to be submitted to the Zoning Enforcement Officer by August 16. Sharon Kroker seconded the motion and it was approved, 5-0.

Kroker moved to schedule a public hearing for September 6 with the same contingency. Jennings seconded the motion and it was approved, 5-0.

OTHER BUSINESS

Zoning Enforcement Officer Wylie Phillips reported seven approved permits in July, and gave an update on the Stolarczyk situation. He said he and Town Supervisor Ben Bauer are working on proposed *Land Use Law* improvements, particularly on lakeshore protection and steep slopes, and asked for Planning Board members' suggestions to be e-mailed to him in the next month. Chairman Huntsman suggested the law specify agencies (e.g., DEC, Army Corps, Watershed Supervisory Committee) which may require permits on lakeshore properties.

Tom Huntsman said he had attended the July 13 Town Board meeting as Planning Board liaison. Among the points of discussion were the Planning Board Attorney situation, and possible *Land Use Law* amendments. Rosemary Brodersen is scheduled to serve as Planning Board liaison for the August 10 Town Board meeting. Clerk Bill Deane said he would remind her.

The Board again discussed the Planning Board Attorney vacancy. Ryan Miosek no longer seems as interested in the position, and his protégé Michael Rowley is moving from the area. Jill Poulson was again mentioned as a possibility.

Deane discussed the September 6, 2022 agenda. He said that Chad Whitbeck had finally submitted a sign-off from the DEC, as the Board requested in May, so Deane will schedule a public hearing for the Leatherstocking Association Common Area. Drenth, Marini, and Village of Cooperstown are slated to return, the latter two with public hearings if they submit the requested documents on time. Phillips said he is still awaiting an application for the Canadarago Lake deck he mentioned at the last two meetings.

With no further business, at 9:26 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk