

**PUBLIC HEARING**

**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)**

Acting Chairman Ted Feury opened the Susquehanna SPCA public hearing at 7:31 PM, and cited the Town's guidelines for hearings. Clerk Bill Deane explained that this was the public's opportunity to make comments or ask questions about the application, and passed around a sign-up sheet for those wishing to speak.

- Lang Keith of Cooperstown offered his support for the proposed project. Regarding one citizen's claim that owners of all the neighboring cemetery plots should be contacted about the hearing, Lang said he had checked New York State law, and determined that only the cemetery owner has property rights.
- Nicole Dillingham of Springfield Center offered her support. She said that the shelter provides an important service, that the current shelter is unsafe, and that an animal shelter is allowable under the *Land Use Law*.
- Phoebe Needle of Springfield Center, age nine, said that we should help and welcome animals.
- Dale Brinnier of Goose Street, Fly Creek, offered her support. She said that it would improve the environment for the animals, but expressed concern about traffic flow.
- Shannon Stockdale of 315 Axtell Road, Maryland, said she is an SPCA board member, and that the project would produce a positive effect on the community.
- Lorraine Zimmewicz of 5 Irving Place, Oneonta, said she is also an SPCA board member, and that the SPCA is "your community partner." She noted that the thrift shop provides tremendous financial support to the shelter.
- Stacey Haynes of Worcester, director of the SPCA, said that the new facility would enable them to care for the maximum number of animals, improving the health and safety of both animals and people.
- Betty Steele was accompanied by her rescue dog, Ollie. Steele described the poor conditions of the current shelter, which accommodates animals from hoarding cases, including pigs and a turkey. She said they need better facilities, and desperately need the income from the thrift store. Ollie had nothing to add.
- Sarah Haddad of Bainbridge said the new facility would be less stressful for the animals, and that the thrift store goes hand-in-hand with the shelter.
- Arlen Nygren of Maryland said that a new shelter is needed.
- Randy Velez of Cooperstown said that the animals need proper care, and that the community and County depend on the Susquehanna SPCA.
- Gaylord Dillingham, president of the SPCA board, said this is an opportunity to provide a facility which will be a pride of the community, beneficial to animals and people alike.

Representative Jon McManus read aloud two letters from neighbors of the property:

- An August 6 letter from Mary Ann Calkins of 5092 State Highway 28, supporting the project.
- A July 26 letter from Royal Automotive, supporting the project.

With no further comments or questions, Sharon Kroker moved to close the public hearing. Walter Dusenbery seconded the motion and it was approved, 6-0.

### **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. Acting Chairman Ted Feury called the meeting to order at 7:55 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Feury (vice-chairman), Walter Dusenbery, Sharon Kroker, Darryl Szarpa, and Elizabeth Horvath. With Tom Huntsman (chairman), Chip Jennings, and alternate member Lynn Krogh absent, alternate member Rosemary Brodersen joined the meeting table. Also present were Zoning Enforcement Officer Ed Hobbie and Planning Board attorney Ryan Miosek.

The Board reviewed the minutes of July 2, 2019, e-mailed to the members. Dusenbery moved to approve the minutes as written. Kroker seconded the motion and it was approved, 6-0.

The only correspondence received were fliers on various New York planning and zoning schools available in September. Acting Chairman Feury invited members to look over the fliers after the meeting. Szarpa noted that members are required to have at least four hours of training annually.

Acting Chairman Feury asked if anyone had a conflict with tonight's applicant. No one responded. Feury 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**

#### **Michelle Barry – Sketch plan conference, addition of garage within 100 feet of Otsego Lake – 6812 State Highway 80 (#69.52-1-8.00)**

Michelle Barry said that she had bought Otsego Lakefront property last week, and wants to remove trees and add a garage. She submitted photos of the property and letters of support from neighbors.

Acting Chairman Feury referred Barry to Sections 8.04 and 4.04 of the *Land Use Law*, and asked Zoning Enforcement Officer Hobbie to provide photocopies for her.

Clerk Bill Deane noted that Barry will need a variance from the Zoning Board of Appeals (ZBA) before the Planning Board can proceed with site plan review. Barry is on the ZBA's August 20 agenda.

#### **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)**

Walter Dusenbery read aloud from the minutes of July 2 relevant to the SPCA application. Acting Chairman Feury reviewed what the Board had done and what it still had to do.

Representative Jon McManus responded to the public hearing concern about traffic flow, saying that they were planning a wide single entrance, and were working to meet New York State Department of Transportation requirements. McManus said they were also working with the New York State Department of Environmental Conservation, and submitted a preliminary grading plan.

The Board discussed State Environmental Quality Review (SEQR), completing the short environmental assessment form (EAF). Elizabeth Horvath moved to declare this an unlisted action per SEQR, with no significant adverse impacts, based on the short EAF and storm-water mitigation plans. Walter Dusenbery seconded the motion and it was approved, 6-0.

After discussion, Dusenbery moved to approve the site plan as presented. Sharon Kroker seconded the motion and it was approved, 6-0.

Acting Chairman Feury reviewed *Land Use Law* section 7.03, governing special permitted uses. Dusenbery moved to approve the special permitted use for a kennel as presented, with no time limit. Kroker seconded the motion and it was approved, 6-0. Clerk Bill Deane prepared a special permit, which Feury signed. The original was given to the applicant, with copies made for the file.

The Board discussed the thrift shop. Feury said he didn't think it was the Board's role to determine whether the shop constitutes accessory use. Attorney Miosek and Deane said that they thought the Board's approval of the site plan, which includes the thrift shop, implies their acceptance of the shop as accessory use. The consensus of the Board was that the shop does constitute accessory use, incidental and subordinate to the principal use of the kennel. Miosek noted the applicant's submission of budget data and documentation of other animal shelters which rely on thrift shop income; this was instrumental to the Board's consensus.

Acting Chairman Feury stamped the site plan "approved" and signed it. Audience members applauded the Board's decision.

**Joe Galati (Jon McManus) – Site plan review, expansion of existing residence within 100 feet of Otsego Lake in RA1 district – 6718 State Highway 80 (#69.68-1-14.00)**

Applicant Joe Galati wants to enlarge an existing residence within 100 feet of Otsego Lake, turning the deck into living space, and adding a six-foot-wide enclosed porch. Representative Jon McManus submitted copies of the ZBA's minutes of November 19, 2013. During that meeting, a public hearing was held with no comments, and the ZBA granted the following: a 15-foot variance on the south side, an 18-foot variance on the north side, and a 29-foot variance on the east side, plus a variance from *Land Use Law* #4.04 (lakeshore protection). Clerk Bill Deane noted that variances do not have time limits.

The Board examined the documents submitted. McManus said there were no changes to the 2013 site plan, other than a 10x10' portable shed to be placed under the deck. Acting Chairman Feury went through site plan requirements listed in Section 8.04 of the *Land Use Law*.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to declare this a Type II action per SEQR Section 617.5(c)(9). Darryl Szarpa seconded the motion and it was approved, 6-0.

Elizabeth Horvath moved to deem the application complete. Kroker seconded the motion and it was approved, 6-0.

McManus asked that the public hearing be waived due to the ZBA's previous hearing. The consensus was that too much time had passed since then. Walter Dusenbery moved to schedule a public hearing for September 3. Szarpa seconded the motion and it was approved, 6-0.

### **OTHER BUSINESS**

Ed Hobbie distributed copies of his report, and discussed some matters of interest to the Board.

Tom Huntsman was absent, so there was no report on the July 10 Town Board meeting for which he served as liaison. The Board discussed liaison assignments for the remaining 2019 Town Board meetings, and agreed on the following: Elizabeth Horvath (August), Ted Feury (September), Lynn Krogh (October), Rosemary Brodersen (November), and Sharon Kroker (December).

Acting Chairman Feury suggested the Board table proposed *Land Use Law* definitions until September.

The Board discussed its decision to restrict the Board's e-mail distribution list to current members and employees. Clerk Bill Deane noted that the decision was made after the July meeting was adjourned, and while he was out of the room; based on e-mail response, it obviously upset a lot of people. Feury said that the Board wanted to avoid "reply all" conversations about minutes which hadn't even been approved; he suggested that non-Board members could be e-mailed separately a couple of days after the members.

Darryl Szarpa brought in data which showed that Cooperstown has been well above average in precipitation in seven of the past nine years, and just below average in the other two. This conflicts with a recent applicant's claim about drought conditions. The Board agreed that applicants' statements like that should not necessarily be accepted at face value.

Attorney Miosek urged the Board to have only one conversation going at a time during meetings. Deane agreed.

Deane discussed the September 3, 2019 agenda. The only returning applicant will be Galati, with a public hearing. Hobbie said there were no new applications at this point.

With no further business, at 9:29 PM Dusenbery moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk