

Town of Otsego Planning Board

Minutes

September 3, 2019

PUBLIC HEARING

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)

Acting Chairman Ted Feury opened the Galati public hearing at 7:32, and asked if anyone from the public had questions or comments about the application. No one responded. Clerk Bill Deane noted that a hearing notice addressed to Matthew Shea had been returned to sender due to “no mail receptacle.” Chip Jennings 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 7:34 PM and led the Pledge of Allegiance. Chairman Tom Huntsman arrived at this point.

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

The Board reviewed the minutes of August 6, 2019, e-mailed to the members. Szarpa moved to approve the minutes as written. Horvath seconded the motion and it was approved, 7-0.

The only correspondence received was an August 20 notice (filed) from the Otsego County Planning Department, determining “no significant impacts” by the Susquehanna SPCA application, and returning it to the Town Planning Board for local action.

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

Jonathan Svahn (Michelle Barry) – Site plan review, addition of border fence within 100 feet of Otsego Lake in RA1 district – 6765 State Highway 80 (#69.60-1-14.00)

Michelle Barry submitted an application, a copy of a survey map, and a letter authorizing her to represent applicant Jonathan Svahn. Svahn wants to erect a privacy border fence around his property within 100 feet of Otsego Lake.

Chairman Huntsman read aloud from the minutes (not yet approved) of the Town Zoning Board of Appeals meeting of August 20. During that meeting, the ZBA said that a border fence is excluded from the *Land Use Law* definition of “structure,” thus would not require a variance from Section 4.04. However, they felt that it probably would require site plan review for construction within 100 feet of the Lake, and voted to refer the application to the Planning Board. Chairman Huntsman read aloud from the *Land Use Law*’s definition of “structure” and its Section 4.04 on Lakeshore protection. The Board agreed that the fence would need site plan review.

Chairman Huntsman read aloud from the site plan requirements in Section 8.04 of the *Land Use Law*. Missing items were a list of neighbors within 100 feet of the property lines; photo(s) of the property; a signed survey; a detailed site map; building plans; water runoff plans; and construction sequence. Barry was asked to bring these items to the October 1 meeting. Barry said she didn't think she would be available on that date, but would let Zoning Enforcement Officer Hobbie know when she was ready to return.

Huntsman suggested that Barry or Svahn talk to the neighbors about the project.

Joe Galati & Scott Barton (Jon McManus) – Site plan review, addition of three sheds at “Hickory Grove Point” within 100 feet of Otsego Lake in RA1 district – 101 Badger Lane (#69.44-1-24.00)

Representative Jon McManus said that applicants Joe Galati and Scott Barton want to remove a pump-house, erect three sheds on skids, and re-deck an existing dock at “Hickory Grove Point,” across the road from Blackbird Hollow. This is within 100 feet from Otsego Lake. A letter from neighbor Gary Kuch, supporting the project, is on file.

Neighbors Bob and Judy LaDue were present, and were allowed to speak. They expressed concerns about a primitive, private electric line which is in the water pump, very near their property line. McManus said that any electric work would have to meet New York State code. Attorney Miosek suggested that the LaDues check for any NYSEG easement in their deed or abstract of title.

Clerk Bill Deane asked if there were any reason this project would not need a ZBA variance (for construction within 100 feet of Otsego Lake) before site plan review. The consensus of the Planning Board was that the sheds meet the definition of “structure,” thus would need a ZBA variance. The dock upgrade would be done in the existing footprint, thus not require site plan review.

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)

Walter Dusenbery read aloud from the Planning Board's minutes of August 6 relevant to the Galati application. Jon McManus submitted a check for the \$50 application fee, given to Zoning Enforcement Officer Hobbie.

Chairman Huntsman reviewed what the Board had completed, and what its options were regarding the application. Elizabeth Horvath moved to approve the site plan as submitted. Lynn Krogh seconded the motion and it was approved, 7-0. Huntsman stamped and signed the application, by which time McManus had left.

OTHER BUSINESS

Elizabeth Horvath said she had attended the August 14 Town Board meeting as Planning Board liaison, and had briefed the Town Board on Planning Board activities. Ted Feury is assigned to serve as liaison at the September 11 Town Board meeting.

Chairman Huntsman opened discussion on proposed *Land Use Law* definitions, suggesting the Board do three tonight and resume the discussion at the October meeting.

- Huntsman shared his proposed definition of “building envelope,” with language borrowed from New York State regulations. There were no suggested corrections. Huntsman passed the definition on to Carina Franck for submission to the Town Board.
- Walter Dusenbery shared his proposed definition of “landscaping,” from his personal experience in sculpture. Attorney Miosek suggested removing the language involving the “goal” of

landscaping. There were no other suggested corrections. Huntsman passed the corrected definition on to Franck.

- Ted Feury shared his proposed definition of “fence,” with language based on various sources. The Board offered various suggestions, and Chairman Huntsman suggested that Feury work on it some more.

Zoning Enforcement Officer Hobbie distributed copies of his report, saying there was nothing of particular interest to the Board.

Deane discussed the October 1, 2019 agenda, reminding the Board of the resumption of the 7:00 start time. The only potential returning applicant is Svahn. Hobbie said there were no new applications at this point.

With no further business, at 8:52 PM Dusenbery moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk