

# Town of Otsego Planning Board

Minutes, September 5, 2023

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

## **PUBLIC HEARINGS**

### **Mica Thorsland – Site plan review, replacement of collapsed deck within 100 feet of Canadarago Lake in RA2 district – 2119 County Highway 22 (#38.20-1-21.00)**

Chairman Huntsman opened the Thorsland public hearing at 7:28 PM and asked if anyone from the public had comments or questions about the proposed project. No one responded.

Clerk Bill Deane noted that a hearing notice addressed to neighbor Steven Davis was returned to sender as “not deliverable as addressed.”

Sharon Kroker moved to close the public hearing. Antoinette Kuzminski seconded the motion and it was approved, 6-0.

### **Otsego Land Trust (Drew Porter, Otsego Sailing Club) – Site plan review, replacement of Brookwood Point boat ramp within 100 feet of Otsego Lake in R/E district – 6000 State Highway 80 (#99.00-1-32.01)**

Chairman Huntsman opened the Otsego Land Trust public hearing at 7:29 PM and asked if anyone from the public had comments or questions about the proposed project. Steve Talevi said he had a conflict with the project, due to it being adjacent to his family property, and left the meeting table.

Justin Williams, Otsego Land Trust manager, said they fully support the Otsego Sailing Club project.

Talevi asked questions about the project, which were answered to his satisfaction by representative Drew Porter.

With no further comments or questions, Sharon Kroker moved to close the public hearing. Antoinette Kuzminski seconded the motion and it was approved, 6-0. Talevi returned to the meeting table.

## **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. All Board members were present: Huntsman, Ted Feury (Vice-Chairman, who arrived after the first public hearing), Sharon Kroker, Elizabeth Horvath, May Leinhart, Antoinette Kuzminski, and Steve Talevi. Alternate member Ann Cannon and Planning Board Attorney Jill Poulson were absent. Zoning Enforcement Officer Wylie Phillips was also present.

The Board reviewed the minutes of August 1, e-mailed to the members. Kuzminski moved to approve the minutes as written. Feury seconded the motion and it was approved, 6-0, with Kroker abstaining because she was not at the meeting.

Chairman Huntsman cited correspondence received since the last meeting: an August 15 notice from the County Planning Department, regarding the filing of the Kukenberger boundary line adjustment; and an education series registration form from the Association of Towns (copies made for members).

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Talevi and Leinhart said they had conflicts with the Otsego Land Trust application.

Chairman Huntsman asked if anyone from the public had comments on a non-agenda item. No one responded. The Board moved on to applications.

## **APPLICATIONS**

### **Peter Kapsales (Tim Yerdon) – Site plan review, replacement of shed & deck within 100 feet of Otsego Lake in RA1 district – 6447 State Highway 80 (#84.00-1-17.02)**

No one appeared on behalf of the Kapsales application. Clerk Bill Deane read aloud from the minutes of June 6 and August 1 relevant to the application. Chairman Huntsman read aloud a September 1 letter from the Department of Environmental Conservation (DEC), saying there was no permit required for the project. This was the only item the Board was waiting for before deciding on the application.

The Board discussed whether they could or should decide on the project without the applicant or representative present. Deane wondered whether it was necessary for the rep to formally "restart the clock" on the 62-day process. The consensus of the Board was that they could decide on the application.

Elizabeth Horvath moved to approve the site plan as submitted. Steve Talevi seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the site plan "approved" and signed it. Zoning Enforcement Officer Phillips said he would contact the representative.

### **Thomas & Colleen Groom – Site plan review, replacement of deck within 100 feet of Canadarago Lake in RA2 district – 141 Marble Road (#52.11-1-10.00)**

No one appeared on behalf of the Groom application. Clerk Bill Deane reminded the Board that they had deemed the application complete and held a public hearing in July, and needed only sign-off from the Department of Environmental Conservation to decide on the application; September 11 marks 62 days since then. Zoning Enforcement Officer Phillips said that he received an August 2 e-mail from the DEC, saying they had everything they needed, but that he had not yet received a decision from them. Phillips said he received a text message from Colleen Groom, agreeing to "stop the clock" on the 62-day process, and that he would print the message out for the file.

### **Mica Thorsland – Site plan review, replacement of collapsed deck within 100 feet of Canadarago Lake in RA2 district – 2119 County Highway 22 (#38.20-1-21.00)**

Clerk Bill Deane read aloud from the minutes of August 1 relevant to the Thorsland application. During that meeting, the Board had deemed the application complete and scheduled a public hearing, which was held tonight with no comments. Applicant Mica Thorsland said he had not yet received sign-off from the DEC. Chairman Huntsman said the Board would not vote on the project until DEC sign-off is received. Deane said the Board had 62 days from tonight to act on the application, or by November 6; effectively, they have to decide by the October meeting, unless the applicant waives the 62-day clock.

Zoning Enforcement Officer Phillips suggested the Board could approve the project contingent on DEC sign-off. The consensus was that this was a good idea. Once DEC sign-off is received, Chairman Huntsman can make arrangements to stamp and sign the site plan; if the DEC sign-off is not received, the Planning Board approval is void.

Steve Talevi moved to approve the site plan as submitted, contingent on DEC sign-off. Sharon Kroker seconded the motion and it was approved, 7-0.

**Otsego Land Trust (Drew Porter, Otsego Sailing Club) – Site plan review, replacement of Brookwood Point boat ramp within 100 feet of Otsego Lake in R/E district – 6000 State Highway 80 (#99.00-1-32.01)**

Steve Talevi and May Leinhart recused themselves and left the meeting table. Clerk Bill Deane reminded the Board that four votes were required to pass any motion. Deane read aloud from the minutes of August 1 relevant to the Otsego Land Trust application. During that meeting, the Board had deemed the application complete and scheduled a public hearing, which was held tonight with no negative comments. Representative Drew Porter said he has a DEC permit which is up for renewal after September 30.

Elizabeth Horvath moved to approve the site plan as submitted. Antoinette Kuzminski seconded the motion and it was approved, 5-0. Chairman Huntsman stamped the site plan “approved” and signed it. Talevi and Leinhart returned to the meeting table.

**Robert Doran – Site plan review, addition of deck within 100 feet of Canadarago Lake in RA2 district – 106 Marble Road Extension (#52.11-1-15.00)**

Applicant Robert Doran said he wants to add a deck to his residence within 100 feet of Canadarago Lake. Clerk Bill Deane read aloud from the Zoning Board of Appeals (ZBA) minutes of July 18 and August 15 (not yet approved) relevant to the application. During the latter meeting, the ZBA had held a public hearing with no comment, and approved the variances sought: a 19-foot variance on the north side, and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Canadarago Lake.

The Board examined the documents submitted. Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. He said the survey could be waived, in lieu of the map drawn to scale. Applicant Robert Doran said he expects construction to start in May, 2024, and that there would be no new lighting. He said he had applied to the DEC (Lucas Cipperly), and was awaiting their written approval.

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). Sharon Kroker seconded the motion and it was approved, 7-0.

Elizabeth Horvath moved to deem the application complete, waiving the survey as discussed. Kroker seconded the motion and it was approved, 7-0.

Horvath moved to waive the public hearing, due to the ZBA hearing result. Kroker seconded the motion and it was approved, 6-0.

The Board discussed approving the project contingent on DEC sign-off. The consensus was that this was a good idea. Once DEC sign-off is received, Chairman Huntsman can make arrangements to stamp and sign the site plan; if the DEC sign-off is not received, the Planning Board approval is void.

Horvath moved to approve the site plan as submitted, contingent on DEC sign-off. Kroker seconded the motion and it was approved, 7-0.

**Bernard Madden (Barb Monroe/Erik Wilson) – Site plan review, addition of porch and replacement of foundation within 100 feet of Otsego Lake in RA1 district – 6698 State Highway 80 (#69.76-1-3.00)**

Zoning Enforcement Officer Phillips said that applicant Bernard Madden wants to replace a deteriorating foundation and add a cantilevered, screened-in porch to his residence within 100 feet of Otsego Lake. On August 15, the ZBA had held a public hearing with no comment, and approved the variances sought: a 26-foot variance on the west or State Highway 80 side; and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake. However, Madden has changed the plan, so will have to go back to the ZBA before coming to the Planning Board.

Deane mentioned two e-mails received (from William McDonough on August 28 and James McDonough on August 31) in support of the Madden project, which had been forwarded to the members and printed for the file.

**Steve & Laurie Kovatchitch (Ed Hobbie) – Major subdivision in RA1 district – 745 County Highway 28 (#69.00-1-18.01 & -18.02)**

Clerk Bill Deane read aloud from the minutes of June 7 and July 5, 2022 relevant to the previous Kovatchitch application. During that meeting, the Board had approved a major subdivision, making four lots out of a 158-acre parcel (following one previous split of the original parcel). Representative Ed Hobbie said that Kovatchitch now wants to carve another ten-acre lot out of the largest (126 acres) remaining parcel, making this another major subdivision. Hobbie submitted a May 3, 2022 survey plat with the proposed new lot line penciled in; he said he expects a new survey plat next week. Hobbie said there would be no new deed restrictions, and asked that a public hearing be waived.

Chairman Huntsman went through the major subdivision requirements in Section 5.3 of the *Land Subdivision Regulations*. He noted that the proposed new lot meets acreage and frontage requirements. Zoning Enforcement Officer Phillips said that the \$175 fee had been paid. The Board will need an updated, signed survey.

The Board discussed State Environmental Quality Review (SEQR). Deane said this was not done with the 2022 application. Chairman Huntsman said he would need time to research SEQR requirements on this project. He asked Hobbie to return to the October 3 meeting.

**Frank Vazquez – Site plan review, expansion of deck within 500 feet of Canadarago Lake in RA2 district – 2130 County Highway 22 (#39.00-2-2.22)**

Applicant Frank Vazquez wants to add a 6x37' walkway below his previously-approved deck within 500 feet of Canadarago Lake. Clerk Bill Deane read aloud from the minutes of November 9, 2021, January 4, 2022, and February 1, 2022 relevant to the previous Vazquez application. At the latter meeting a public hearing was held with no one from the public attending, and the new home and deck were approved. Construction is still in progress.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. Zoning Enforcement Officer Phillips said that the application fee had been paid. The consensus was that the Board had everything it needed.

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). Antoinette Kuzminski seconded the motion and it was approved, 7-0.

Elizabeth Horvath moved to deem the application complete. Steve Talevi seconded the motion and it was approved, 7-0.

Kusminski moved to waive the public hearing, in lieu of the previous hearing result and minor change to the project. Talevi seconded the motion and it was approved, 7-0.

Kroker moved to approve the site plan as submitted. Talevi seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the site plan “approved” and signed it.

### **OTHER BUSINESS**

Zoning Enforcement Officer Phillips reported little activity besides pending applications on the Planning Board and ZBA agendas. He has a new application from James Marini for a fence in the lakeshore protection area.

Tom Huntsman said he had attended the August 9 Town Board meeting as Planning Board liaison, and suggested that the application be changed to alert applicants of other approvals (e.g., DEC) needed. Antoinette Kuzminski said she would be attending the September 13 Town Board meeting as liaison.

May Leinhart discussed DEC/lakeshore issues, requirements, and procedures. Antoinette Kuzminski discussed an upcoming program on rural transportation.

Clerk Bill Deane discussed the October 3 agenda. Applicants expected to return are Groom and Kovatchitch. Besides the Marini application mentioned by Phillips, Deane also expects an application from the Village of Cooperstown for replacement of the Three-Mile Point fishing pier, and one from Ken Marx, to install roof-mounted solar paneling on his residence within 100 feet of Otsego Lake; that one is up for ZBA approval on September 19.

With no further business, at 9:27 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk