

Town of Otsego Planning Board

Minutes, September 6, 2022

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

PUBLIC HEARING

Leatherstocking Association Common Area/Vince Pyle (Chad Whitbeck) – Site plan review, construction of stairway & deck within 100 feet of Otsego Lake in RA1 district – 162 Browdy Mountain Road (#84.08-1-29.00)

Chairman Huntsman opened the Leatherstocking Association public hearing at 7:35 PM and asked if anyone from the public had questions or comments about the project. No one responded. Rosemary Brodersen moved to close the public hearing. Elizabeth Horvath seconded the motion and it was approved, 7-0.

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, Steve Talevi, May Leinhart, Chip Jennings, Elizabeth Horvath, and Antoinette Kuzminski. With Sharon Kroker absent, alternate member Rosemary Brodersen joined the meeting table. Town Supervisor Ben Bauer and Zoning Enforcement Officer Wylie Phillips were also present.

The Board reviewed the minutes of August 2, 2022, e-mailed to the members. Kuzminski moved to approve them as written. Horvath seconded the motion and it was approved, 7-0.

Chairman Huntsman reviewed correspondence received since the last meeting: memos (filed) from the County Clerk's office, regarding the filing of the Harter and Johnson subdivisions.

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

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

Clerk Bill Deane read aloud from the minutes of August 2 relevant to the Drenth application. Representative Barb Monroe submitted the Department of Environmental Conservation (DEC) sign-off letter, and a \$75 check (delivered to the Town Clerk) for the site plan application fee. These were the only two items the Board requested in August.

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

Jennings moved to waive the public hearing, in lieu of the July 19 ZBA hearing result. Rosemary Brodersen seconded the motion and it was approved, 7-0.

Jennings moved to approve the site plan as submitted, and Elizabeth Horvath seconded the motion. Considerable discussion followed. Antoinette Kuzminski said she disagrees with the variance the ZBA approved, which sets a bad precedent. Talevi expressed concern about “orderly development” (cited in the Town’s Comprehensive Plan) and about the increase in impervious surface so close to the Lake, asking about the water runoff plans. Monroe said she did not know what the plans were. Deane again read aloud the July 19 ZBA minutes, giving that Board’s rationale for granting the variance. He also reminded the Planning Board that they had deemed the application complete, including the requirement for erosion control plans.

The motion was approved, 4-3, with Kuzminski, Talevi, and May Leinhart opposed. Chairman Huntsman stamped the site plan “approved” and signed it.

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

Clerk Bill Deane read aloud from the minutes of August 2 relevant to the Village of Cooperstown application. He noted that the Board had deemed the Village of Cooperstown application complete, and scheduled a public hearing for tonight, contingent on DEC sign-off (on the project and SEQR) to be submitted to the Zoning Enforcement Officer by August 16. They submitted a letter from DEC, but too late to meet the deadline, so the hearing was not scheduled.

Michael and Dan O’Reilly of Principle Design-Engineering, PLLC, were present. They submitted a detailed site plan, and explained the project.

Elizabeth Horvath moved to schedule a public hearing for October 4. Chip Jennings seconded the motion and it was approved, 7-0.

Charlton Jones – Sketch plan conference, modification of porch within 100 feet of Otsego Lake in RA1 district – 6680 State Highway 80 (#69.76-1-11.00)

Clerk Bill Deane read aloud from the minutes of July 5 relevant to the previously-approved Jones application. Applicant Charlton Jones said he wants to modify the site plan, replacing the porch in the second level with a deck having a smaller footprint.

Deane said that, in the past, the Planning Board would advise applicants to return before the Board if there were any changes in an approved site plan. This was called “site plan modification.” Subsequently, it was noticed that there is nothing addressing that process in the *Land Use Law*.

Chairman Huntsman said he thought this was a continuation of the original project, and that the site plan application fee could be waived. The consensus of the Board was that it was an improvement to the plan they previously approved, and was covered by the 2020 ZBA variances. Antoinette Kuzminski moved to deem that this project was covered under *Land Use Law* Section 4.04. Steve Talevi seconded the motion and it was approved, 7-0.

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

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. Jennings moved to deem the application complete. Rosemary Brodersen seconded the motion and it was approved, 7-0.

Horvath moved to waive the public hearing, in lieu of the previous hearing result. Kuzminski seconded the motion and it was approved, 7-0.

Horvath moved to approve the site plan as a continuation of the previously-approved plan. Brodersen seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the application “approved” and signed it.

Leatherstocking Association Common Area/Vince Pyle (Chad Whitbeck) – Site plan review, construction of stairway & deck within 100 feet of Otsego Lake in RA1 district – 162 Browdy Mountain Road (#84.08-1-29.00)

Clerk Bill Deane read aloud from the minutes of May 3 relevant to the Leatherstocking Association application. The Board had asked for DEC sign-off from the on the project, but it had not been received until August; thus, tonight’s public hearing. Chairman Huntsman read aloud from the July 25 DEC letter, and from the April 19 letter from William Hurst of Young-Somer, attorneys for multiple Association shareholders.

Neighbor Barbara Polgar said she had missed the public hearing held earlier tonight, but had concerns about the project. Huntsman allowed her to speak briefly. She raised the same issues (e.g., failure to comply with proper procedures, lack of authority to represent) which had been brought up in previous public hearings on the application, many of which have since been resolved or mitigated.

Chip Jennings moved to deem the application complete. Rosemary Brodersen seconded the motion and it was approved, 7-0.

Brodersen moved to approve the site plan based on the representation of Vincent Pyle/Danians Corporation. Elizabeth Horvath seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the application and site plan “approved” and signed them.

Schlather Family Trust/Bruno Hofmann Trust (Lauren Glynn) – Boundary line adjustment in RA1 district – 286 Keys Road (#69.00-1-5.02 & -6.22)

Representative Lauren Glynn said that applicants Schlather Family Trust and Bruno Hofmann Trust own contiguous lots of 138.6 and 53.3 acres, respectively, and Elizabeth Sheldon owns the contiguous 173-acre parcel on the west side of Keys Road. The Schlather Trust wants to adjust the boundary line in order to convey 30 acres from the north of the property, which will be sold to either the Hofmann Trust or Sheldon. Glynn submitted a check for \$50 (delivered to the Town Clerk) for the boundary line adjustment fee.

The Board reviewed the site map. Antoinette Kuzminski moved to approve the boundary line adjustment as submitted. Elizabeth Horvath seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the Mylar “approved” and signed it. Clerk Bill Deane advised Glynn to file it with the County within 30 days.

Joe Vezza (Barb Monroe) – Sketch plan conference, expansion of special permitted use (Bocca Osteria) in GB1 district – 5438 State Highway 28 (#131.00-1-1.00)

Barb Monroe submitted a September 6 letter (filed), authorizing her to represent applicant Joe Vezza. She said Vezza owns the Bocca Osteria restaurant, which operates on a special permit granted by the Planning Board many years ago. He wants to modify the site plan.

Monroe submitted plans prepared by engineer James Forbes. They showed three proposed changes: 1) removing a shed on the north side of the property, and replacing it with a 16x30' deck; 2) constructing a 28x30' timber-frame roof on the south side of the property, at the same height as the existing restaurant, replacing the canvas tent currently there; 3) designation of a customer waiting area.

Chairman Huntsman 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." Huntsman also read from Section 7.03. The consensus of the Board was that the proposed project was within the setback requirements, and represented an improvement to the property.

Rosemary Brodersen moved that no site plan review is required for this expansion. Antoinette Kuzminski seconded the motion and it was approved, 7-0. Clerk Bill Deane returned the \$75 site plan application fee check which Monroe had submitted.

OTHER BUSINESS

Zoning Enforcement Officer Wylie Phillips reported issuing two Land Use permits in August, and said that the Schaers had filed an Article 78 on the ZBA's Stolarczyk decision.

Rosemary Brodersen said she had attended the August 10 Town Board meeting as Planning Board liaison. Among the points of discussion were Cooperstown's Village Planning Study, and a potential update of the Town's Comprehensive Plan; the Board is looking for committee members to assist in that task. May Leinhart is scheduled to serve as Planning Board liaison for the September 14 Town Board meeting.

There was considerable discussion about the relationship between the Planning Board and ZBA. Chip Jennings suggested that there be a ZBA liaison at Town Board meetings. Antoinette Kuzminski said she doesn't agree with ZBA decisions which subvert the laws and set precedents. Clerk Bill Deane said he works with both Boards. He agrees that the ZBA tends to be very liberal in granting variances, particularly in the Lakeshore protection areas. However, Deane said that the ZBA members are conscientious about their duties, visiting the sites of all properties with applications, and making well-reasoned resolutions based on *Land Use Law* Section 9.03. They also have expressed concerns about some Planning Board procedures and decisions. Deane invited Planning Board members to attend the September 20 (7:00) ZBA meeting to open a dialog between the two Boards, and said he would put it on their agenda under "other business."

Chairman Huntsman said that he had spoken to Jill Poulson about the Planning Board Attorney position, and she is interested in it. The unanimous consensus of the Board was to formally offer it to her. Huntsman said he would do so.

Deane discussed the October 4, 2022 agenda, reminding members of resumption of the 7:00 start time from October through April. Only the Village of Cooperstown (public hearing) is slated to return. There is also an application (Marini) pending ZBA approval. With no further business, at 9:52 PM May Leinhart moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk