

# Town of Otsego Planning Board

Minutes, October 3, 2023

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

## **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. In absence of Chairman Tom Huntsman, alternate member Ann Cannon joined the meeting table, and Vice-Chairman Ted Feury took over as Acting Chairman (Huntsman arrived at 8:58, during the Marini application, but did not participate in any votes). Feury called the meeting to order at 7:33 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Feury, Cannon, Sharon Kroker, Elizabeth Horvath, Antoinette Kuzminski, Steve Talevi, and May Leinhart (who arrived at 7:41, during the Groom application). Planning Board Attorney Jill Poulson and Zoning Enforcement Officer Wylie Phillips were also present.

The Board reviewed the minutes of September 5, e-mailed to the members. Talevi asked that the third paragraph of the Otsego Land Trust public hearing be replaced with the following: "Talevi asked questions about the project which were answered by representative Drew Porter. Specifically, the Sailing Club stated that a chain would be erected across the boat ramp and that only members of the Sailing Club would have the key to a lock on the chain. There are not, however, boat washing facilities for boats even though some of the members keep their boats off the premises of the Sailing Club and can sail their boats on other lakes."

Talevi moved to approve the minutes as amended. Horvath seconded the motion and it was approved, 6-0.

Deane said the only correspondence received since the last meeting was a flier for training certification schools. It was passed around the table.

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

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## **APPLICATIONS**

### **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)**

Clerk Bill Deane read aloud from the minutes of June 6 and July 11 relevant to the Groom application. The Board had deemed the application complete and held a public hearing, and needed only sign-off from the Department of Environmental Conservation to decide on the application; in the meantime, Zoning Enforcement Officer Phillips received a text message from Colleen Groom, agreeing to "stop the clock" on the 62-day process.

Acting Chairman Feury read aloud a September 6 letter (filed) from the DEC, saying they “consider this enforcement case resolved.” Feury reviewed the Board’s criteria and options from Section 8.05 of the *Land Use Law*.

Sharon Kroker moved to approve the site plan as submitted. Elizabeth Horvath seconded the motion and it was approved, 7-0. Feury stamped the site plan “approved” and signed it, with Zoning Enforcement Officer Phillips making a copy for Groom.

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**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 September 5 relevant to the Kovatchitch application. Representative Ed Hobbie submitted a Mylar and copies of a September 28, 2023 survey plat signed by Duane Sprague. Hobbie said a deed restriction specifies that the lots cannot be subdivided further, though he had no written documentation of this. The Board noted that the largest lot from the previous subdivision is not shown on the plat.

Antoinette Kuzminski asked if this was considered the preliminary plat. Hobbie labeled a paper copy accordingly. Kuzminski lamented the loss of open fields, and thought the subdivision might be done in a way that protected those. Hobbie said he thought that was beyond the Planning Board’s purview.

Acting Chairman Feury went through the major subdivision requirements in Sections 3.3 and 5.3 of the *Land Subdivision Regulations*. The consensus of the Board was that they wanted to see documentation of the full original property, contours, road(s), and deed restrictions, on the final plat.

Acting Chairman Feury said that the Board was to schedule a public hearing within 45 days of today. Deane said that the Board had not yet deemed the application complete nor performed State Environmental Quality Review (SEQR); Chairman Huntsman was to research SEQR requirements on this project. Feury said the *Land Subdivision Regulations* say nothing about a complete application or SEQR being necessary before scheduling a hearing. Deane said SEQR is a State requirement.

Kuzminski moved to schedule a public hearing for November 14. Ann Cannon seconded the motion and it was approved, 7-0.

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**Village of Cooperstown (Tom Hohensee) – Site plan review, replacement of Three-Mile Point fishing pier within 100 feet of Otsego Lake in RA1 district – 6266 State Highway 80 (#84.00-1-26.00)**

Tom Hohensee, President of Friends of the Parks, said he was representing the Village of Cooperstown. He said the Rotary installed a fishing pier and walkway at Three-Mile Point in 1992. Hohensee submitted a photo, showing the pier is in disrepair. He said the Village wants to repair/replace the pier and walkway in kind, with the same footprint and height.

Zoning Enforcement Officer Phillips said he believes the part of the project in the water (fishing pier) is under the purview of the Army Corps of Engineers, not the Planning Board.

Acting Chairman Feury went through the site plan requirements in Section 8.04 of the *Land Use Law*. Hohensee said there would be no new lighting or signs, and they hoped to start construction in spring, 2024. He will be contacting the DEC and Army Corps about their requirements. The consensus of the Board was that they had everything needed except a survey, which could be waived.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to declare lead agency status, and 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, waiving the survey requirement. Kroker seconded the motion and it was approved, 7-0.

Horvath moved to schedule a public hearing for November 14. Kuzminski seconded the motion and it was approved, 7-0.

**James & Joan Marini – Site plan review, construction of fence within 500 feet of Otsego Lake in RA1 district – 6616 State Highway 80 (#84.08-1-34.02)**

Clerk Bill Deane noted that, contrary to the agenda, Redpoint Builders are not involved with this Marini application, and it is for a fence within 500 feet of Otsego Lake, not retaining wall and stairs within 100 feet.

Applicant James Marini said he wants to construct a 36-foot-wide, 4½-foot-high fence across the driveway on his property. He said it would be 260 feet from the Lake, 70 feet from State Highway 80, and not visible to neighbors or from the Lake. He submitted a site plan, which the Board examined.

Acting Chairman Feury went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that they had everything they needed.

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

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

Horvath moved to schedule a public hearing for November 14. Kroker seconded the motion and it was approved, 7-0. Marini asked if the public hearing could be waived. Attorney Poulson said the Board could rescind the previous motion, and make a new motion to waive the hearing. Tom Huntsman said there was no precedent for waiving a public hearing on a Lakeshore protection area application.

**Ken Marx (Mary Jo Cronin/Revolution Solar) – Site plan review, installation of roof-mounted solar paneling within 100 feet of Otsego Lake in RA1 district – 6600 State Highway 80 (#84.08-1-32.00)**

Applicant Ken Marx and representative Mary Jo Cronin of Revolution Solar were present. Marx wants to install roof-mounted solar paneling on his residence within 100 feet of Otsego Lake, about six inches above the roof-line. Clerk Bill Deane read aloud from the Zoning Board of Appeals's minutes of July 18, August 15, and September 19 (not yet approved) relevant to the Marx application. During the latter meeting, the ZBA had held a public hearing with no comments, and approved a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake, specific to the project submitted.

Acting Chairman Feury went through the site plan requirements in Sections 8.04 and 8.05 of the *Land Use Law*. The consensus of the Board was that they had everything needed except a survey, which could be waived.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to declare lead agency status, and deem this a Type II action per SEQR Section 617.5(c)(15). Ann Cannon seconded the motion and it was approved, 7-0.

Kroker moved to deem the application complete, waiving the survey requirement as there is no change to the building footprint. Elizabeth Horvath seconded the motion and it was approved, 7-0.

Horvath moved to waive the public hearing due to the ZBA hearing result. Antoinette Kuzminski seconded the motion and it was approved, 7-0.

Horvath moved to approve the site plan as submitted. Cannon seconded the motion and it was approved, 7-0. Feury stamped the site plan “approved” and signed it. Zoning Enforcement Officer Phillips said he would e-mail a copy of the signed site plan to Marx.

**Josh Edmonds – Site plan review/special permitted use, expansion of Simple Integrity headquarters in GB2 district – 6106 State Highway 28 (#114.00-1-7.31)**

Simple Integrity owner Josh Edmonds said they own the former Cooperstown Bat Company property and buildings on State Highway 28. They have used it as SI’s headquarters since 2020, and now want to expand two of the buildings to increase storage space. Zoning Enforcement Officer Phillips said that the building is approved for “light construction” by a Planned Development Unit (PDU) issued prior to the *Land Use Law*’s special permitted use requirement; however, expansion may require a SPU.

The Board noted, per *Land Use Law* Section 2.07, “Buildings cannot exceed 5,000 square feet (building footprint) on a single lot in the GB-2 District.” Tom Huntsman said he thought that this limit refers to the sum of all buildings, not each building. Edmonds said he was not sure of the total existing or proposed square footage, but was sure it would exceed 5,000 square feet. Huntsman said that, in that case, Edmonds would need a variance from the Zoning Board of Appeals. Clerk Bill Deane advised Edmonds to work with Phillips in submitting a ZBA application.

Section 2.07 adds that “For expansion of existing conforming uses, no special permit shall be required. However, a site plan may be required. The Planning Board shall decide on all questions at their discretion.” Huntsman said, in his opinion, this project would not need Planning Board review if approved by the ZBA.

**Kathleen Vanacore (Luke Wykoff) – Site plan review, replacement-in-kind of deck within 100 feet of Otsego Lake in RA1 district – 110 Badger Lane (#69.36-2-25.00)**

Contractor Luke Wykoff represented applicant Kathleen Vanacore. He said that Vanacore has rotten sill-beams below a 7x26’ deck within 100 feet of Otsego Lake. In order to repair them, Wykoff will have to first remove the deck, then replace it afterward. It would be in the same footprint, about four inches closer to the ground.

Acting Chairman Feury went through the site plan requirements in Section 8.04 of the *Land Use Law*. He asked Wykoff to complete and initial a missing item on the application. The consensus of the Board was that they had everything needed except a survey, which could be waived.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to declare lead agency status, and deem this a Type II action per SEQR Section 617.5(c)(12). Ann Cannon seconded the motion and it was approved, 7-0.

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

Kroker moved to schedule a public hearing for November 14. Antoinette Kuzminski seconded the motion and it was approved, 7-0.

Wykoff asked if he could remove the deck and pour concrete before the next meeting. Zoning Enforcement Officer Phillips said he could, and that he would write a letter to that effect.

### **OTHER BUSINESS**

Zoning Enforcement Officer Phillips reported issuing two land-use permits in the past month. He noted that the Peterson project, which the Board had approved in June conditional on Watershed Supervisory Committee approval, was abandoned due to inability to design an acceptable septic system.

Antoinette Kuzminski said she had attended the September 13 Town Board meeting as Planning Board liaison. Among the items discussed or resolved:

- The Town Board appointed a Comprehensive Plan Generation Committee.
- The Otsego-Richfield Springs sewer line project was abandoned due to public disapproval.
- An Otsego Now representative spoke.
- The proposed Town line revision on Linden Avenue is in limbo.
- The Watershed Supervisory Committee reported on its activities.

Kuzminski said she would be attending the October 11 Town Board meeting as Planning Board liaison.

The Board engaged in informal discussion about solar panels, subdivisions, and public hearings.

Clerk Bill Deane discussed the November 14 agenda, noting the date change due to Election Day. Applicants expected to return are Kovatchitch, Village of Cooperstown, Marini, and Vanacore, all with public hearings. There are also two Lakeshore applications (Joseph Stagliano, Bernard Madden) which will come to the Board, if approved by the ZBA on October 17.

With no further business, at 10:08 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk