

Town of Otsego Planning Board

Minutes, October 4, 2022

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

PUBLIC HEARING

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

Chairman Huntsman opened the Village of Cooperstown public hearing at 7:01 PM and asked if anyone from the public had questions or comments about the project. No one responded. Clerk Bill Deane noted that notices mailed to neighbors Cooperstown Church and Charisma Partners were returned to sender. Sharon Kroker moved to close the public hearing. Antoinette Kuzminski seconded the motion and it was approved, 4-0.

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 7:02 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Sharon Kroker, May Leinhart, and Antoinette Kuzminski (Steve Talevi arrived at 7:19, after the Village of Cooperstown application). Chip Jennings, Elizabeth Horvath, and alternate member Rosemary Brodersen were absent. Deane reminded the Board that four votes were needed to pass any motion. Zoning Enforcement Officer Wylie Phillips and new Planning Board Attorney Jill Poulson were also present.

The Board reviewed the minutes of September 6, 2022, e-mailed to the members. Kuzminski moved to approve them as written. Kroker seconded the motion and it was approved, 4-0.

Chairman Huntsman reviewed correspondence received since the last meeting: e-mails from Zoning Board of Appeals (ZBA) member Mary Ann Whelan (regarding the *Land Use Law*) and Brodersen (regarding the need for an additional Planning Board alternate member).

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

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 August 2 and September 6 minutes relevant to the Village of Cooperstown application. Engineer Dan O'Reilly said he was representing the Village.

Chairman Huntsman reviewed the requirements for a special permitted use, specifically those for the GB1 district in Section 2.06 of the *Land Use Law*. Deane questioned whether this could be considered a commercial enterprise. Antoinette Kuzminski moved that the project qualifies under #5 of

the Section, “Commercial Storage, Enclosed.” May Leinhart seconded the motion and it was approved, 4-0.

Kusminski moved to approve the special permitted use (commercial storage), with no expiration date or special conditions. Sharon Kroker seconded the motion and it was approved, 4-0. Deane prepared a special permit for the chairman’s signature.

Kroker moved to approve the site plan as submitted. Leinhart seconded the motion and it was approved, 4-0. Chairman Huntsman stamped the site plan and special permit “approved” and signed them, with copies given to O’Reilly.

James & Joan Marini (Sophia Gonzales/Redpoint Builders) – Site plan review, construction of retaining wall & stairs within 100 feet of Otsego Lake in RA1 district – 6616 State Highway 80 (#84.08-1-34.02)

No one appeared on behalf of this application. Clerk Bill Deane asked Zoning Enforcement Officer Phillips to check with the representative, who had asked to be put on the agenda for tonight.

Laura Janowicz – Site plan review, special permitted use, campground in RA2 district – 274 Thayer Road (#81.00-2-5.02)

Applicant Laura Janowicz was accompanied by her son, Steven. She said she has two tent-sites on her 33-acre property for “Tenttr” users. She wants to add a third site. Zoning Enforcement Officer Phillips said that a special permitted use is required for more than two tents on a parcel in the RA2 district.

Janowicz said none of the tents would be closer than 45 feet from the property lines. The new tent would be on a 12x16’ platform, and there would be no electric. The *Land Use Law* specifies a 90-day limit for tent guests, and could allow up to 16 campsites on this property (one per two acres of land).

Chairman Huntsman reviewed the special permitted use requirements in Section 7.03 of the *Land Use Law*, and said he think this project meets the criteria. He then went through the site plan requirements in Section 8.04. Huntsman said the survey requirement could be waived. Phillips said he could provide a list of neighbors for public hearing purposes, and would settle up with Janowicz on the fees required.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(21). Antoinette Kuzminski seconded the motion and it was approved, 5-0.

Kroker moved to deem the application complete, waiving the survey requirement. Kuzminski seconded the motion and it was approved, 5-0.

Kroker moved to schedule a public hearing for November 1. Kuzminski seconded the motion and it was approved, 5-0.

Jerry Miller – Minor subdivision in GB2 district – 6651 State Highway 28 (#97.00-2-6.22)

Applicant Jerry Miller owns land in the GB2 district. He wants to build a residence there, but that is not permitted in the general business districts. Miller planned to apply to the ZBA for a use

variance but, warned of the unlikelihood of success, did not follow through. He now plans to divide his property and then figure out the next step.

Miller submitted a 10/22/20 survey from Rasmussen, showing his 13.73-acre parcel, which surrounds the Jerry's Place restaurant property. It showed the proposed division of the property into two lots of 7.98 and 5.75 acres, respectively. The smaller lot would include the existing 12-unit Creekside Cottages, and Miller would want to build the residence on the larger lot. Zoning Enforcement Officer Phillips said there had been a previous division of the property, making this a minor subdivision.

After discussion, Chairman Huntsman noted that the subdivision would not change the fact that a residence is not permitted in the general business districts. He suggested Miller instead either follow through with his ZBA application, or petition the Town Board to amend the *Land Use Law*, adding "residence" as a special permitted use for the GB2 district.

Miller said he would weigh his options, but not pursue the subdivision at this point.

OTHER BUSINESS

Zoning Enforcement Officer Phillips gave a brief report on recent cases, and asked for the Board's input on three situations:

- Joe Vezza/Bocca Osteria had presented their proposed site plan changes at the last meeting. They now want to make what Phillips called an insubstantial change, which will result in the timber-frame roof being five or six feet closer to State Highway 28. The consensus of the Board was that this would not require site plan review.
- The Cooperstown Food Bank wants to build a warehouse on County Highway 26 in the RA2 district. Chairman Huntsman said he did not see how that would be allowable.
- Dave Neal has a vehicle for his catering business, and wants to use it as a food truck for two days a week, parked in the Purple Star lot. Attorney Ryan Miosek had advised him that the Town can't govern the use of a vehicle, likening it to an ice cream truck. Chairman Huntsman said he did not think it was a Planning Board issue. Attorney Poulson said she would look into the question.

May Leinhart said she had attended the September 14 Town Board meeting as Planning Board liaison. Among the topics discussed were the Community Foundation, the Linden Avenue situation, and highway issues.

Sharon Kroker is scheduled as Planning Board liaison for the October 12 Town Board meeting, but said she would not be able to attend. Antoinette Kuzminski volunteered to pinch-hit, and Kroker will do it in December.

Kuzminski said she and Chip Jennings had attended the September 20 ZBA meeting at Bill Deane's invitation, to open communication between the two Boards. Deane said that, as Clerk for both Boards since 2004, he has often observed misunderstanding and criticism about each Board's role and procedures, and envisioned this as an opportunity to open a respectful dialog between them. Approximately 45 minutes of wide-ranging conversation followed, including discussion about the Marini, Scarzafava, Stagliano, and Drenth cases. ZBA members said that they visit the sites of applications, and

doing so would help Planning Board members understand the situations better. Kuzminski asked how the Planning Board can justify denying an application which the ZBA has approved; Chairman Crowell cited *Land Use Law* Section 8.05. Deane will add Planning Board members to the ZBA e-mailing list, so they can get a preview of cases which will be coming to them, and the ZBA's discussion and decisions. Deane also e-mailed the Planning Board directory to the ZBA members and vice versa. Kuzminski said she still is unclear how the Planning Board can deny an application after the ZBA approves it. Chairman Huntsman again explained that the ZBA's granting of variances only gives an applicant permission to go before the Planning Board; it does not guarantee their approval. Zoning Enforcement Officer Phillips suggested the Planning Board appoint an architectural expert.

Deane discussed the November 1, 2022 agenda. Janowicz will be returning with a public hearing, and Marini still needs Planning Board review following ZBA approval.

With no further business, at 9:16 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk