

Town of Otsego Planning Board

Minutes, October 5, 2021

(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. Chairman Tom Huntsman called the meeting to order at 7:01 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Elizabeth Horvath, Ben Bauer, Chip Jennings, Walter Dusenbery, and Sharon Kroker. With Lynn Krogh Casale and alternate member Rosemary Brodersen absent, alternate member Antoinette Kuzminski joined the meeting table. Also present were Town Supervisor Meg Kiernan, Town Board member Carina Franck, and Planning Board attorney Ryan Miosek.

The Board reviewed the minutes of September 7, 2021, e-mailed to the members. Kuzminski moved to approve the minutes as written. Dusenbery seconded the motion and it was approved, 7-0.

The only correspondence received since the last meeting pertained to the Stagliano application. Chairman Huntsman said he would address it during review of that application.

Chairman Huntsman asked if anyone had a conflict with tonight's applicant. No one reported a conflict.

Huntsman asked if anyone from the public had a comment on a non-agenda item. Debra Creedon, participating via Zoom, asked for the Board's interpretation of the difference between disconnecting and removal of a violation. Huntsman and Attorney Miosek said they had no answer at this time, and would discuss it later.

The Board moved on to applications.

APPLICATIONS

Inuksuk Farms (N. Jean Scarazafava/Daniel Heinrich) – Site plan modification, holding tank within 100 feet of Otsego Lake in RA1 district – 6761 State Highway 80 (#69.60-1-17.00)

No one was present on behalf of this application. Later during the meeting, project engineer James Forbes connected via Zoom. Forbes said the septic holding tank, a replacement-in-kind of the previous septic system, was already installed. The rest of the site plan was approved by the Planning Board in May.

Chairman Huntsman briefly reviewed the site plan requirements in Section 8.04 of the *Land Use Law*. He said the only missing requirements were a survey and public hearing, which could be waived. Huntsman said the project, as a replacement-in-kind, qualifies as a Type II action under State Environmental Quality Review (SEQR).

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

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

Joseph Stagliano (Barb Monroe) – Sketch plan conference, exterior lighting for structure within 100 feet of Otsego Lake – 6723 State Highway 80 (#69.68-1-10.00)

As detailed in a Word document clerk Bill Deane had e-mailed the members in August, the Board had approved a site plan for Joseph Stagliano in 2018, but he had subsequently added features (including bathroom and kitchen facilities) which were not on the approved site plan. Zoning Enforcement Officer Jess Lanza issued a violation notice on July 1, 2021, and Stagliano applied to the Zoning Board of Appeals for an interpretation. The ZBA upheld the violation notice in August, and Stagliano is attempting to remedy the situation with a new site plan application. The Planning Board had said no new application could be entertained until the violations were removed; Lanza had reported that they were. Representative Barb Monroe said that Stagliano is now seeking approval for only exterior lighting over the doors. Chairman Huntsman said the Board would treat this as a sketch plan conference.

Chairman Huntsman acknowledged approximately eight pieces of unsolicited correspondence from neighbors regarding the Stagliano property. It was passed around and filed.

Chairman Huntsman questioned whether the violations had been adequately addressed. He read aloud from a September 30 e-mail from ZBA Chairman Greg Crowell. Crowell opined that the violations should be physically removed, not just disconnected. Huntsman said there are still sewage and water lines crossing the road, and a patio which was not on the approved site plan. He thought the application should be returned to the ZBA to determine whether the violations were corrected. Attorney Miosek said the Planning Board should decide on that.

After discussion and an aborted motion, Chip Jennings moved to reject the application due to the violations not being adequately addressed. Walter Dusenbery seconded the motion and it was approved, 7-0.

Attorney Miosek said the Board should give Monroe specific guidance as to what further actions are required to constitute removal of the violations. Jennings said all plumbing, electrical, and sewage facilities should be not only disconnected, but physically removed. Huntsman said the building should be restored to the storage shed which the Board approved in 2018, removing anything (patio, kitchen, shower/bathroom, bedrooms, water line, septic system, etc.) which was not in the approved site plan.

Monroe said she would discuss with Stagliano, and decide whether to again appeal to the ZBA, or return to the Planning Board with an amended site plan.

Frank & Carolyn Vazquez – Site plan review, new home & garage within 500 feet of Canadarago Lake in RA2 district – 2130 County Highway 22 (#39.00-2-2.22)

No one was present on behalf of this application. Attorney Miosek said he would be recusing himself if or when the applicants come before the Board.

Beth-El the House of Yah, Inc. – Sketch plan conference, special permitted use, church and campground in RA2 district – 201 Roses Hill Road (#52.00-2-3.01)

Jonathan Mitkens identified himself as pastor of the Beth-El the House of Yah. He said they had acquired the Fieldstone Farms property, and wanted to convert a storage building into a church, as

well as adding hook-ups for recreational vehicles. Mitkens said he was instructed to come to the Planning Board for a Certificate of Occupancy. Chairman Huntsman said the Board doesn't issue COs, only special use permits, per *Land Use Law* Section 7.03. These require site plan review, per Section 8.04.

Mitkens said there would be installation of a road and signs, but no new tree removal or lighting. He expressed unfamiliarity with the site plan requirements, and was given a copy of Section 8.04 of the *Land Use Law*. He was advised to work with Zoning Enforcement Officer Lanza in meeting those, and return to the November 9 meeting.

OTHER BUSINESS

Zoning Enforcement Officer Jess Lanza was absent, but e-mailed a written report. It said September had yielded 11 zoning applications, three enforcement letters, and one property inspection (Stagliano).

Antoinette Kuzminski said she had attended the September 8 Town Board meeting as Planning Board liaison. She said the only topic of interest to the Planning Board was further discussion about discrepancies in the Town's zoning map: the one on the Town's web-site differs from the ones posted in the Town building. Elizabeth Horvath is scheduled to serve as Planning Board liaison for the October 13 Town Board meeting.

Clerk Bill Deane discussed the November 9 agenda, noting the date change due to Election Day on the 2nd. Beth-El is expected to return, and possibly Stagliano and Vazquez.

With no further business, at 8:13 PM Walter Dusenbery moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk