

Town of Otsego Planning Board

Minutes, November 1, 2022

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

PUBLIC HEARING

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

Clerk Bill Deane opened the Janowicz public hearing at 7:02 PM and asked if anyone from the public had questions or comments about the project.

- Deane read aloud an October 28 e-mail (filed) from Harry Teich of 233 Raymond Fish Road, expressing strong objection to the project. Teich was present, and added his concern that the applicant would add more tent-sites above the three applied for. Deane said that application for any additional sites would require another site plan review and public hearing.
- Jack Cooper of 256 Thayer Road said that the existing tent-sites are very close to the property lines, and submitted photos as evidence of this. He expressed concerns about potential changes to the neighborhood, including increases in traffic, noise, sewage, trash, trespassing, and fire hazard.
- Carol Cooper of 256 Thayer Road asked what the minimum setback is for tents. Zoning Enforcement Officer Phillips said that there is none for non-permanent structures. Cooper also expressed concern about the role of the “Tentrr” franchise in choosing tent locations and other details.
- Leslie Benzaleski of 283 Thayer Road expressed concerns about the influx of strangers and the Tentrr rules. She claimed that deeds for the subdivision specify that there are to be no businesses.
- Paul Greer of 333 Thayer Road said that the owner of the property should be at the hearing, as well as a Tentrr representative. He noted an error in the application regarding land use district of the property. Greer asked about “911” procedures, and regulations on the disposal of human waste. Representative Steven Janowicz said they use Port-a-Potties and disposable bags provided by Tentrr, but wasn’t sure about the disposal process.
- Mike Burke of 3346 County Highway 16 echoed the waste disposal concerns. He questioned the relationship between the land-owner and Tentrr.
- Carol Teich of 233 Raymond Fish Road asked how the project would be enforced, if approved. Zoning Enforcement Officer Phillips said that he would investigate any complaints about the applicant not following the approved site plan.
- Deane noted that a hearing notice addressed to William Ruth of 344 Thayer Road had been returned to sender due to addressee deceased.

With no further speakers or correspondence, Sharon Kroker moved to close the public hearing. Elizabeth Horvath 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. Acting Chairman May Leinhart called the meeting to order at 7:40 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Sharon Kroker, Leinhart, Elizabeth Horvath, and Steve Talevi. Chairman Tom Huntsman, Chip Jennings, Antoinette Kuzminski, 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, Planning Board Attorney Jill Poulson, and Town Supervisor Ben Bauer were also present.

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

Deane said that, aside from that addressed during the public hearing, there was correspondence received since the last meeting.

Acting Chairman Leinhart asked if anyone had a conflict with any of tonight's applicants. Horvath said she had a conflict with the Marini application.

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

APPLICATIONS

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

Clerk Bill Deane read aloud from the Planning Board minutes of October 4 relevant to the Janowicz application. Representative Steven Janowicz was present. Zoning Enforcement Officer Phillips said the application fees had been paid.

Acting Chairman Leinhart reviewed the site plan requirements in Section 7.03 of the *Land Use Law*. She had Janowicz correct and initial the application to reflect the correct RA2 land use district.

Elizabeth Horvath said the Board could approve the application, approve it with conditions, or deny it. Deane said the Board had 62 days to act on the application, or until January 2, 2023 – one day before the scheduled January meeting. He recommended that they table a decision until December, when hopefully they would have a more full Board, and time to evaluate questions and concerns brought up during the public hearing. Deane also noted that the Board could impose conditions on the special permit, such as minimum setbacks for the tent sites, and/or an expiration date.

Board members asked Janowicz to bring information on the Tentrr agreement and conditions, and on waste disposal, to the next meeting.

Kroker moved to table the application until December 6. Horvath seconded the motion and it was approved, 4-0. Janowicz said he was not sure he or his mother could be present for that meeting. Deane said they could either authorize another representative, or waive the 62-day clock for the Board's decision (either way in writing); otherwise, the Board would have to make a decision on December 6.

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)

Elizabeth Horvath recused herself but remained at the meeting table. Clerk Bill Deane said that the Board no longer had a quorum, so could not take action on the application tonight. Deane said the Marini

application had gone back and forth between the Planning Board and Zoning Board of Appeals since June. He read aloud from the relevant ZBA minutes of August 16 and September 20. During the latter meeting, the ZBA held a public hearing with no comments, and approved a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of Otsego Lake, specific to the project submitted. The application was on the Planning Board's agenda last month, but nobody appeared on behalf of it.

Redpoint Builders representative Tim Horvath said he had nothing new to present. Deane said he would put the application on the December 6 agenda. At that time, the Board theoretically could deem the application complete, perform State Environmental Quality Review (SEQR), waive the public hearing due to the ZBA hearing result, and decide on the application.

6208 Hwy. 28 Food Corp. (Bart Burr) – Site plan review, special permitted use, restaurant in GB2 district – 6208 State Highway 28 (#114.05-1-37.00)

Zoning Enforcement Officer Phillips said that applicant Bart Burr had postponed for tonight, and asked to be put on the December 6 agenda.

OTHER BUSINESS

The Board discussed 2023 personnel. Tom Huntsman's role as chairman is due for reappointment. May Leinhart's term as member ends December 31, and an appointment will be needed to fill the next seven-year term; Leinhart said she was willing to accept reappointment. Chip Jennings is resigning effective December 31, and a replacement will be needed to complete his term through 2023; Ted Feury was mentioned as a possible candidate. The second alternate member position is still vacant. Sharon Kroker moved to recommend that the Town Board reappoint Huntsman as Chairman, and Leinhart as member for 2023-29. Steve Talevi seconded the motion and it was approved, 4-0.

Leinhart left at 8:05, leaving only three members. Talevi asked Attorney Poulson whether the Board could "transact business" without a quorum. Poulson said that, as long as the Board heard reports and discussed matters not requiring a vote, she saw no problem with it.

Zoning Enforcement Officer Phillips gave a brief report on recently-issued land use permits.

Antoinette Kuzminski was scheduled to attend the October 12 Town Board meeting as Planning Board liaison, but advised clerk Bill Deane that she did not make it. Talevi is scheduled as Planning Board liaison for the November 9 Town Board meeting, but said he would not be available on that date. Kroker offered to pinch-hit in November, and Talevi said he should be able to do it for the December 14 Town Board meeting.

The Board discussed setting/enforcing public hearing guidelines, to avoid repeating the chaotic nature of tonight's hearing. Elizabeth Horvath said that the Cooperstown Village Board does not address questions brought up during its hearings. Talevi suggested having the speakers use a podium.

Deane discussed the December 6, 2022 agenda. All three applicants on the November agenda are expected to return in December. Talevi also wants to formally propose an amendment to the Planning Board by-laws, setting the meeting start-time to 7:00 year-round.

With no further business, at 8:21 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk