

# Town of Otsego Planning Board

Minutes, August 1, 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. Chairman Tom Huntsman called the meeting to order at 7:34 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Ted Feury (Vice-Chairman), and Antoinette Kuzminski. With Sharon Kroker, Elizabeth Horvath, May Leinhart, and Steve Talevi absent, alternate member Ann Cannon joined the meeting table. Deane reminded the Board that four votes (i.e., unanimous) were required to pass any motion. Zoning Enforcement Officer Wylie Phillips was also present; Planning Board Attorney Jill Poulson was absent.

The Board reviewed the minutes of July 11, e-mailed to the members. Kuzminski moved to approve the minutes as written. Cannon seconded the motion and it was approved, 4-0.

There was no correspondence received since the last meeting.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. No one responded. Chairman Huntsman 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**

### **Peter Kapsales (Tim Yerdon) – Site plan review, replacement of shed & deck within 100 feet of Otsego Lake in RA1 district – 6447 State Highway 80 (#84.00-1-17.02)**

No one appeared on behalf of the Kapsales application. Clerk Bill Deane reminded the Board that in June they had deemed the application complete and waived the public hearing, and needed only sign-off from the Department of Environmental Conservation to decide on the application; August 7 marks 62 days since then. Zoning Enforcement Officer Phillips said that representative Tim Yerdon had not yet received anything from the DEC, but had sent an August 1 e-mail (filed), agreeing to “stop the clock” on the 62-day process.

### **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)**

No one appeared on behalf of the Groom application. Clerk Bill Deane reminded the Board that they had deemed the application complete and held a public hearing in July, and needed only sign-off from the Department of Environmental Conservation to decide on the application; September 11 marks 62 days since then. Zoning Enforcement Officer Phillips said that the applicant had not yet received anything from the DEC

**Mica Thorsland – Site plan review, replacement of collapsed deck within 100 feet of Canadarago Lake in RA2 district – 2119 County Highway 22 (#38.20-1-21.00)**

Clerk Bill Deane read aloud from the minutes of July 11 relevant to the Thorsland application.

Applicant

Mica Thorsland submitted a new site plan, showing the new deck to be in the same footprint as the one it is replacing. The new deck would consist of pressure-treated lumber on concrete footers, and be the same height as the previous one from the 1970s. Thorsland said he is awaiting DEC sign-off on the proposed project.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. He said the survey could be waived, in lieu of the site map, and in consideration that the footprint is not changing.

The Board discussed State Environmental Quality Review (SEQR). Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(2). Antoinette Kuzminski seconded the motion and it was approved, 4-0.

Ann Cannon moved to deem the application complete, waiving the survey as discussed. Feury seconded the motion and it was approved, 4-0.

Feury moved to schedule a public hearing for September 5. Kuzminski seconded the motion and it was approved, 4-0.

**Otsego Land Trust (Drew Porter) – Site plan review, replacement of Brookwood Point boat ramp within 100 feet of Otsego Lake in R/E district – 6000 State Highway 80 (#99.00-1-32.01)**

Representative Drew Porter said that the Otsego Sailing Club has a deeded right-of-way on property owned by the Otsego Land Trust. The Club has a launch ramp built c. 1965 which needs repair/replacement. They want to repair and replace it in kind. Porter submitted an engineering map drawn to scale, and an aerial photo of the site. The Sailing Club has a DEC permit, but it expires in September and needs to be renewed.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. He said the survey could be waived, in lieu of the map drawn to scale and aerial photo, and in consideration that the footprint is not changing.

The Board discussed State Environmental Quality Review (SEQR). Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(2). Ann Cannon seconded the motion and it was approved, 4-0.

Cannon moved to deem the application complete, waiving the survey as discussed. Antoinette Kuzminski seconded the motion and it was approved, 4-0.

Kuzminski moved to schedule a public hearing for September 5. Cannon seconded the motion and it was approved, 4-0.

**Cynthia Kukenberger (Bob Birch) – Boundary line adjustment in RA district – County Highway 26 (#114.00-1-75.04 & -76.01)**

Attorney Bob Birch said that applicant Cynthia Kukenberger owns two contiguous vacant lots measuring approximately 11.3 and 7.9 acres (tax map numbers 114.00-1-76.01 and -75.04, respectively).

She wants to move the boundary line southward, changing the respective acreages to 14.2 and 5.0. Birch submitted a 7/21/23 Mylar and proposed deed language for the revised lots. The Board examined the Mylar, noting that the revised lots would meet acreage and frontage regulations.

The Board discussed State Environmental Quality Review (SEQR), wondering if it was even necessary. Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(16). Ann Cannon seconded the motion and it was approved, 4-0.

Antoinette Kuzminski moved to accept the boundary line adjustment as submitted. Ann Cannon seconded the motion and it was approved, 4-0. Chairman Huntsman stamped the Mylar “approved” and signed it. Clerk Bill Deane advised Birch to file it with the County within 30 days.

### **OTHER BUSINESS**

Zoning Enforcement Officer Wylie Phillips said that he had nothing new to report. He mentioned that the Town Board is expected to approve a digital Town map at its August 9 meeting.

Antoinette Kuzminski said she had not attended the July 12 Town Board meeting as Planning Board liaison, and would not be able to attend the August 9 meeting, either. Chairman Huntsman said he would go in her place.

May Leinhart was slated to discuss DEC/lakeshore requirements, but was not present. Clerk Bill Deane said he would keep the item on next month’s agenda.

Ted Feury discussed SEQR Type II determinations. He said the Board had created SEQR Section 617.5(c)(38) for first lot splits in 2017. The State revised SEQR on January 1, 2019, adding nine subsections, so the Board had renumbered #38 to #47 and used it for multiple determinations since then. However, Feury since became aware that new subsection #16 covers such projects. Thus, Type II determinations the Board made since 2019 under SEQR Sections 617.5(c)(38) or 617.5(c)(47) should have been made under SEQR Section 617.5(c)(16).

Deane discussed the September 5 agenda. Expected to return are Kapsales, Groom, Thorsland, and Otsego Land Trust, the latter two with public hearings. There are also two Zoning Board of Appeals Lakeshore applications scheduled for public hearing on August 15; if they are approved, they may be coming to the Planning Board in September.

With no further business, at 8:27 PM Antoinette Kuzminski moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk