

Town of Otsego Planning Board

Minutes, November 9, 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 6:59 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Elizabeth Horvath, Ben Bauer, Chip Jennings, and Sharon Kroker. With Walter Dusenbery and Lynn Krogh Casale absent, alternate members Antoinette Kuzminski and Rosemary Brodersen joined the meeting table. Also present was Planning Board attorney Ryan Miosek (who arrived during the Vazquez application, and remained in the public seating).

The Board reviewed the minutes of October 5, 2021, e-mailed to the members. Horvath said that the Beth-El representative's name should be Mickens, not Mitkens. Kroker moved to approve the minutes as amended. Bauer seconded the motion and it was approved, 7-0.

There was no correspondence received since the last meeting.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Deane noted that attorney Miosek said he would be recusing himself from the Vazquez application. Horvath said she wanted to address why she did not recuse herself from the Stagliano application in October. She said that Stagliano is not a current client of Redpoint Builders, and they were not involved in his violations. Horvath said she had checked with Miosek, who agreed there was no conflict.

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

APPLICATIONS

Frank & Carolyn Vazquez (Nancy Angerer, Donna Skinner) – Sketch plan conference, new home & garage within 500 feet of Canadarago Lake in RA2 district – 2130 County Highway 22 (#39.00-2-2.22)

The Board had received a memo from representative Nancy Angerer, saying that Donna Skinner would be representing applicant Frank Vazquez, and asking that a public hearing be waived. Skinner was present, but said she was not very familiar with the project.

Skinner said that Vazquez owns a vacant lot near Canadarago Lake, and wants to build a new home and garage there. Because he doesn't want to cut it into the woods, the structures would be within 500 feet of (but well over 100 feet from) the Lake, thus requiring site plan review.

Chairman Huntsman reviewed the site plan requirements in Section 8.04 of the *Land Use Law*. He said that missing items include a survey, excavation plans, lighting plans, and Department of Environmental Conservation approval of the septic system. Huntsman asked that Skinner return to the December 7 meeting with those items. Clerk Bill Deane gave her a written list, and advised her that a public hearing would be scheduled after the Board deemed the application complete.

Beth-El the House of Yah, Inc. (Jonathan Mickens) – Site plan review, special permitted use, place of worship & campground in RA2 district – 201 Roses Hill Road (#52.00-2-3.01)

No one appeared on behalf of this application.

Jonathan & Lynn Bass – Minor subdivision in RA1 district – 182 Buck Road (#83.00-1-28.08)

Applicant Jonathan Bass submitted a site map showing his proposed division of property. He said there was a previous subdivision of the property (creating three lots, A, B, and C) in 2001, and a subsequent addition of Lot D), making this a minor subdivision. Bass said he now wants to divide the 11.5-acre Lot C into two parcels of 8.3 and 3.2 acres, respectively.

Chairman Huntsman reviewed Sections 3.1, 3.2, and 5.1 of the *Land Subdivision Regulations*. The Board noted that the resulting lots would meet acreage and road frontage requirements. Deed restrictions were submitted. Bass had paid \$150, but the fee for creating one new lot is actually \$175. Bass wrote a check for \$25 (delivered to the Town Clerk) to pay for the balance.

The Board discussed State Environmental Quality Review (SEQR). Ben Bauer moved to deem this a Type II action per SEQR Section 617.5(c)(38). Elizabeth Horvath seconded the motion and it was approved, 7-0.

Chip Jennings moved to deem the application complete. Antoinette Kuzminski seconded the motion and it was approved, 7-0.

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

Mathew & Kathryn Barry (Brett Johnson) – Site plan review, deck off existing structure within 100 feet of Canadarago Lake in RA2 district – 177 Marble Road (#52.08-1-27.01)

Clerk Bill Deane read aloud from the Zoning Board of Appeals's minutes of September 21 and October 19 (not yet approved) relevant to the Barry application. Applicants Mathew & Kathryn Barry want to replace a deck which was removed sometime in the past, and representative Brett Johnson will be the carpenter. Johnson had submitted a site plan showing the proposed deck to be 110 feet from Marble Road, 15 feet from Canadarago Lake, 15 feet from the northern property boundary, and 35 feet from the nearest camp. The ZBA held a public hearing with no negative comment, and approved the requested variances: a 15-foot variance on the north side; a 20-foot variance on the west (Lake, or rear) side; and a variance from *Land Use Law* Section 4.04, which prohibits new construction in the Lakeshore protection area. These were to allow construction of a simple deck which is not to be roofed or enclosed without a new application.

Johnson was present, and said the proposed new deck would be smaller than the previous one. The Board reviewed the site plan.

Chairman Huntsman reviewed the site plan requirements in Section 8.04 of the *Land Use Law*. He said the only missing item was a survey, which could be waived. Barry had paid a \$150 application fee. There was uncertainty as to whether another \$150 was due for the site plan application. Johnson paid \$150 cash to Deane, who delivered it to the Town Clerk, with instructions to reimburse the applicant if necessary.

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

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

Chip Jennings moved to waive the public hearing, in view of the ZBA hearing result. Antoinette Kuzminski seconded the motion and it was approved, 7-0.

Jennings moved to approve the site plan as submitted. Kroker seconded the motion and it was approved, 7-0. Chairman Huntsman stamped and signed the application, with a copy given to Johnson.

Rodney Campbell (Duane Sprague) – Minor subdivision in RA2 district – 134 Lakeside Estates (#52.00-2-14.02 & -14.07)

Attorney Duane Sprague represented applicant Rodney Campbell. Sprague said that Campbell wants to split a 10.72-acre lot into two lots of 7.04 and 3.68 acres. There had been a previous division of this property in 1995, making this a minor subdivision.

The Board examined the submitted site map, and noted that the resultant lots meet acreage requirements. Chairman Huntsman noted that the larger one would be a “flag lot,” which the Town discourages, and would not have the required 100 feet of road frontage. Sprague said that Campbell proposes to put in a private roadway (not shown on the map), which would enable the lot to meet the frontage requirement. Attorney Miosek said that it does not matter whether the frontage requirement is met by a public or private road. Miosek said that Sprague should prepare a “quit-claim” deed, giving a 50-foot easement to the larger lot.

Sprague was instructed to return to the December 7 meeting with a revised site map.

OTHER BUSINESS

Zoning Enforcement Officer Jess Lanza was absent (he has resigned his position effective December 31), but e-mailed a written report. It said October had yielded five applications. There also was an inquiry about the Bailey Heck project, which the Board approved in May. Heck has added a garage, which was not in the approved site plan for a house only. Clerk Bill Deane read aloud from the Planning Board minutes of April 6 and May 4 relevant to the Heck application. Any further construction was to be reviewed by the Zoning Enforcement Officer, and require site plan review only if it was on a steep slope.

Elizabeth Horvath said she had attended the October 13 Town Board meeting as Planning Board liaison. She said the only topic of interest to the Planning Board was discussion about solar legislation. Chip Jennings is scheduled to serve as Planning Board liaison for the November 10 Town Board meeting.

Clerk Bill Deane discussed the December 7 agenda. Vazquez, Bass (public hearing), Campbell, and possibly Beth-El are expected to return.

With no further business, at 8:33 PM Antoinette Kuzminski moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk