

Town of Otsego Planning Board

Minutes, November 10, 2020

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

PUBLIC HEARING

Inuksuk Farms LLC (N. Jean Scarzafava/Jeneé Rasmussen) – Minor subdivision/lot line adjustment in RA1 district – Hooligan Hill Road (#69.00-1-9.01 & -9.04)

Chairman Tom Huntsman opened the Inuksuk Farms public hearing at 7:01 PM, and asked if anyone had comments or questions about the application. No one responded (neighbor Jonathan Svahn participated via Zoom, but did not speak). Sharon Kroker moved to close the public hearing. Darryl Szarpa seconded the motion and it was approved, 7-0.

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, Ted Feury (vice-chairman), Elizabeth Horvath, Darryl Szarpa, and Sharon Kroker. With Chip Jennings and Walter Dusenbery absent, alternate members Rosemary Brodersen and Lynn Krogh (who participated via Zoom) joined the meeting table. Also present were Town Supervisor Meg Kiernan, Zoning Enforcement Officer Jess Lanza, and Planning Board attorney Ryan Miosek.

The Board reviewed the minutes of October 6, 2020, e-mailed to the members. Feury moved to approve the minutes as written. Horvath seconded the motion and it was approved, 7-0.

Chairman Huntsman reviewed and distributed correspondence received since the last meeting: the Fall 2020 issue of *Planning News*, and updated pages to the *Land Use Law*. Huntsman said another update to Section 4.04 was in the works.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Horvath said she would be recusing herself from the Ibrahim application.

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

Inuksuk Farms LLC (N. Jean Scarzafava/Jeneé Rasmussen) – Minor subdivision/lot line adjustment in RA1 district – Hooligan Hill Road (#69.00-1-9.01 & -9.04)

Ted Feury read aloud from the minutes of October 6 relevant to the Inuksuk Farms project. The Board briefly reviewed the application documents, with Chairman Huntsman complimenting representative Jeneé Rasmussen on her work.

Chairman Huntsman reviewed the Board's options. Elizabeth Horvath moved to approve the site plan as submitted. Darryl Szarpa seconded the motion and it was approved, 7-0. Huntsman stamped the applicant's Mylar and the Town's copy "approved" and signed them.

Irene Szatko – Site plan review, replacement of garage within 500 feet of Canadarago Lake in RA2 district – 184 Bibik Road (#52.11-1-23.00)

Applicant Irene Szatko was present. Clerk Bill Deane read aloud from the minutes of October 6 relevant to her project. Zoning Enforcement Officer Lanza said that the Szatko file had since been located.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. In answer to questions, Szatko said she planned to have new cement pad and a motion light for the garage, and that she had paid the application fees. The consensus of the Board was that the only missing item was a survey, which could be waived.

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). Rosemary Brodersen seconded the motion and it was approved, 7-0.

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

Horvath moved to waive the public hearing due to the result of the September 15 Zoning Board of Appeals (ZBA) hearing. Kroker seconded the motion and it was approved, 7-0.

Feury moved to approve the site plan as submitted. Horvath seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the site plan “approved” and signed it, giving a copy to the applicant.

Steven Werner – Sketch plan conference, replacement of barn with garage “in kind” within 500 feet of Otsego Lake in RA1 district – 6787 State Highway 80 (#69.60-1-2.00)

Applicant Steven Werner was present. He showed a photo of his two-story barn, which is in disrepair, and a depiction of the garage he wants to replace it with. He said the garage would be in the exact same footprint, and be no taller than the existing barn. It is within 500 feet of (but more than 100 feet from) Otsego Lake.

Chairman Huntsman read aloud from *Land Use Law* Section 4.04, and opined that site plan review is not required for this project. The other members agreed by consensus.

Steve Talevi – Sketch plan conference, ground-mount solar panels in RA1 district – 2144 County Highway 22 (#39.00-2-2.03)

No one was present on behalf of this application. Zoning Enforcement Officer Lanza said Talevi’s project was the same as discussed by the Board on June 4, 2019: installation of ground-mount solar panels. Clerk Bill Deane read aloud from the relevant minutes.

The consensus of the Board was that site plan review is not required for this project. Ted Feury remarked that the Town Board should address solar panels in the *Land Use Law*.

Kukenberger Sand & Gravel (Mike Stocking) – Site plan review, special permitted use, mineral extraction (gravel mine) in RA2 district – 595 County Highway 26 (#114.00-1-77.01)

Mike Stocking said he is the current proprietor of Kukenberger Sand & Gravel, a gravel mine which has been operating since the 1950s, long predating the *Land Use Law*. He submitted colored drawings of the property. The Department of Environmental Conservation (DEC) has permitted mining on 44.7 acres of the 263.8-acre lot. However, 21.4 acres of these have been “reclaimed” (reverted to farm-land) and are no longer mineable, and another 12 acres will soon have the same fate. Stocking wants to extend the mine to include 14.3 acres of northern neighbor Melissa Worthington’s property, which he hopes would extend the life of the mine by another ten years. Because this would expand a pre-existing non-conformity, site plan review and a special use permit for mineral extraction will be required.

The DEC sent the Town an October 20 letter, declaring itself as lead agency for SEQR, and giving the Town a form to sign with 30 days to accept or challenge this declaration. After brief discussion, Darryl Szarpa moved to defer lead agency status to the DEC, authorizing Town Supervisor Meg Kiernan to sign the form. Lynn Krogh seconded the motion and it was approved, 7-0. Kiernan signed the form, and a copy was made for the file.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. He advised Stocking to return for site plan review/special permitted use after the DEC completes its SEQR. Clerk Bill Deane advised Stocking that they would need a list of neighbors within 200 feet of the property lines. He will plan to return for the December 1 meeting, unless the Board hears otherwise.

Helmut & Charlotte Bussmann – First lot split in RA1 district – 101 Sugar Hill Road (#68.00-1-27.222 & -27.228)

Ted Feury took over as chairman while Tom Huntsman took a phone call. Applicant Helmut Bussman was present, and his attorney Bob Schlather participated via Zoom.

Bussman said he had bought his house on 15.77 acres in 2002. In 2014, he sold 11.18 acres of the lot to his daughter, Stephanie. (This matched one of the lots formed by a 1979 subdivision, but Real Property Services had since combined the lots.) Schlather sent the Planning Board a letter on October 2, 2014, proposing this as a first lot split. The Board discussed it at their October 7 meeting, and Chairman Donna Borgstrom wrote Schlather a letter the following day. Borgstrom advised Schlather that the Board agreed it qualified as a first lot split, but that he would need to come before them to get it formally approved. This was never done, and consequently Bussman is unable to sell the remaining 4.59 acres.

Clerk Bill Deane explained that the Town laws are at best vague on first lot splits. The practice of the Board has been to do a cursory review with no public hearing, and sign off on these. For a time, Zoning Enforcement Officer Tavis Austin was empowered to sign off on first lot splits without Board review. Attorney Miosek counseled the Board to rubber-stamp this split.

Elizabeth Horvath moved to deem the 2014 transaction (creating lot numbers 68.00-1-27.222 and 68.00-1-27.228) as a first lot split. Rosemary Brodersen seconded the motion

and it was approved, 6-0. Acting Chairman Feury stamped the plat “approved” and signed it, with a copy made for the file. Huntsman returned to the meeting table.

Peter & Judith Kapsales – Expansion of deck within 500 feet of Otsego Lake in RA1 district – 6447 State Highway 80 (#84.00-1-17.02)

No one appeared on behalf of this application. Zoning Enforcement Officer Lanza said he would contact the applicant.

Karen/Robert Schlather – First lot split of 93.2 acres from 315.2-acre parcel in RA1 district – 275 Keys Road (#84.00-1-1.04 & 69.00-1-5.00)

Bob Schlather participated via Zoom. He said that in 1987, after the *Land Use Law* was enacted, he and his wife had combined four contiguous parcels into one 315.2-acre lot. They now want to split off 93.2 acres (including a house) from this lot. He said the two resultant lots would easily meet frontage and setback requirements. Attorney Miosek checked the 1987 and current Town maps, agreeing that this qualified as a first lot split.

Sharon Kroker moved to deem this as a first lot split. Lynn Krogh seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the Mylar and file copy “approved” and signed them.

Tommy Ibrahim (Ed Hobbie) – Site plan review, enclosure of existing porch within 100 feet of Otsego Lake in RA1 district – 112 Lakeshore Drive (#69.44-1-26.00)

Elizabeth Horvath recused herself and left the meeting table. Ed Hobbie submitted a letter of representation from Redpoint Builders. Hobbie was advised that he should get a letter of representation signed by the property owner, not the contractor.

Hobbie said that owner Tommy Ibrahim wants to enclose an existing first-floor porch located 53 feet from Otsego Lake. ZBA Chairman Greg Crowell had opined that this would not require a variance. The consensus of the Planning Board was that it would require site plan review.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that the only missing item was a survey, which could be waived.

The Board discussed SEQR. Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(2). Sharon Kroker seconded the motion and it was approved, 6-0.

Feury moved to deem the application complete, waiving the survey requirement due to the minor changes involved in the project. Kroker seconded the motion and it was approved, 6-0. Feury moved to schedule a public hearing for December 1. Kroker seconded the motion and it was approved, 6-0.

Horvath returned to the meeting table.

OTHER BUSINESS

Jess Lanza had no formal Zoning Enforcement Officer report, but discussed various cases of interest.

Elizabeth Horvath said that she had forgotten to attend the October 14 Town Board meeting as Planning Board liaison, and would do so at the November 11 meeting instead. Clerk Bill Deane suggested that the Board move up its liaison assignments made in October by one month, and the members were agreeable. Thus, the following revised future assignments were made: Elizabeth Horvath (November 11), Ted Feury (December 9), Darryl Szarpa (January 13, 2021), Chip Jennings (February 10), Walter Dusenbery (March 10), Tom Huntsman (April 14), Lynn Krogh (May 12), Rosemary Brodersen (June 9), and Sharon Kroker (July 14).

Deane discussed the December 1, 2020 agenda. Kukenberger Sand & Gravel, Kapsales, and Ibrahim (public hearing) are scheduled to return. The Board is also due to make 2021 personnel appointments and recommendations.

With no further business, at 9:00 PM Lynn Krogh moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk