

Town of Otsego Planning Board
Minutes, November 14, 2023

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

PUBLIC HEARINGS

Steve & Laurie Kovatchitch (Ed Hobbie) – Major subdivision in RA1 district – 745 County Highway 28 (#69.00-1-18.01 & -18.02)

Chairman Huntsman opened the Kovatchitch public hearing at 7:32 PM and asked if anyone from the public had questions or comments about the application. No one responded.

Clerk Bill Deane noted that the hearing notice mailed to neighbor Margaret Grayson had been returned to sender due to her being deceased.

Sharon Kroker moved to close the public hearing. Ann Cannon seconded the motion and it was approved, 6-0.

Village of Cooperstown (Tom Hohensee) – Site plan review, replacement of Three-Mile Point fishing pier within 100 feet of Otsego Lake in RA1 district – 6266 State Highway 80 (#84.00-1-26.00)

Chairman Huntsman opened the Village of Cooperstown public hearing at 7:33 PM and asked if anyone from the public had questions or comments about the application. No one responded. Sharon Kroker moved to close the public hearing. Steve Talevi seconded the motion and it was approved, 6-0.

James & Joan Marini – Site plan review, construction of fence within 500 feet of Otsego Lake in RA1 district – 6616 State Highway 80 (#84.08-1-34.02)

Chairman Huntsman opened the Marini public hearing at 7:33 PM and asked if anyone from the public had questions or comments about the application. No one responded.

Clerk Bill Deane noted that the hearing notice mailed to neighbor Richard Brown had been returned to sender due to “forwarding time expired.”

Sharon Kroker moved to close the public hearing. Steve Talevi seconded the motion and it was approved, 6-0.

Kathleen Vanacore (Luke Wykoff) – Site plan review, replacement-in-kind of deck within 100 feet of Otsego Lake in RA1 district – 110 Badger Lane (#69.36-2-25.00)

Chairman Huntsman opened the Vanacore public hearing at 7:34 PM and asked if anyone from the public had questions or comments about the application. No one responded.

Clerk Bill Deane noted that the hearing notice mailed to neighbor Peter Rutkoff had been returned to sender as “not deliverable as addressed.”

Sharon Kroker moved to close the public hearing. Ann Cannon seconded the motion and it was approved, 6-0.

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 7:35 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Ted Feury (Vice-Chairman), Sharon Kroker, Antoinette Kuzminski, and Steve Talevi. With Elizabeth Horvath and May Leinhart absent, alternate member Ann Cannon joined the meeting table. Planning Board Attorney Jill Poulson and Zoning Enforcement Officer Wylie Phillips were also present.

The Board reviewed the minutes of October 3, e-mailed to the members. Feury moved to approve the minutes as written. Kroker seconded the motion and it was approved, 6-0.

Chairman Huntsman reviewed correspondence received since the last meeting:

- A November 4 letter from the Otsego Lake Association, regarding the repair of State Highway 80.
- A November 13 e-mail from the Department of Transportation, regarding the State Highway 28, Cooperstown sidewalk repair.
- A November 8 e-mail from the New York Planning Federation (passed around the table), regarding a “Last-Chance Training” on December 2.
- A copy of the July/August 2023 issue of *Talk of the Towns & Topics*.

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

Matthew Collison & Robbie McGovern (Fly Creek Auto) – Sketch plan conference, special permitted use expansion in GB2 district – 6670 State Highway 28 (#97.00-1-2.00)

No one was present on behalf of this sketch plan conference. Zoning Enforcement Officer said that the Planning Board had granted a special permitted use (motor vehicle repair shop) to Fly Creek Auto in 2015. They hope to expand their building to better service customers, adding a garage bay toward the substation. Per *Land Use Law* #2.07, “For expansion of existing conforming uses... a site plan may be required. The Planning Board shall decide on all questions at their discretion.”

After brief discussion, Ted Feury moved that this project required no further action by the Planning Board. Sharon Kroker seconded the motion and it was approved, 6-0.

Steve & Laurie Kovatchitch (Ed Hobbie) – Major subdivision in RA1 district – 745 County Highway 28 (#69.00-1-18.01 & -18.02)

Clerk Bill Deane read aloud from the minutes of October 3 relevant to the Kovatchitch application. Representative Ed Hobbie submitted a Mylar and copies of a November 9, 2023 survey plat, showing contours and the full original property, as requested by the Board on that date. He also submitted a copy of November 10 quit-claim deed on the right-of-way between Andy Timmerman and the Kovatchitches.

Chairman Huntsman reviewed the Board’s procedures and options regarding a preliminary plat. Steve Talevi moved to approve the preliminary plat as submitted. Sharon Kroker seconded the motion and it was approved, 6-0.

Kroker moved to waive a second public hearing. Ann Cannon seconded the motion and it was approved, 6-0.

Antoinette Kuzminski asked if the Board should be discussing all the considerations in Articles 3 and 4 of the *Land Subdivision Regulations*. Chairman Huntsman said that he did not think they applied

to a small project like this with no buildings proposed at this time. He later scanned Article 4, saying he felt that most of the items were not applicable. Attorney Poulson agreed. Zoning Enforcement Officer Phillips said that some of the concerns are covered by a waiver with Otsego County.

The Board discussed State Environmental Quality Review (SEQR). Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(16), which covers “granting of individual setback and lot line variances and adjustments.” Deane questioned the application of this Section, as a lot line adjustment between two existing lots is different than a subdivision, creating a new lot(s). Sharon Kroker seconded the motion and it was approved, 6-0.

Kuzminski noted that this subdivision is not in harmony with the Town’s Comprehensive Plan, which calls for the preservation of agricultural land. Talevi asked if someone building a house on the new lot would come before the Planning Board. Zoning Enforcement Officer Phillips said it would come to him for a Land Use permit, and go to the Planning Board only if it involved a steep slope or wetland.

Hobbie said the November 9 survey constitutes the final plat. Sharon Kroker moved to accept the preliminary plat as the final plat. Ann Cannon seconded the motion and it was approved, 6-0.

Chairman Huntsman said that the Board had been premature in waiving the second public hearing, and should revisit that subject now. Talevi moved to rescind the previous motion, and to waive the second public hearing. Kroker seconded the motion and it was approved, 6-0.

Kroker moved to approve the major subdivision as submitted. Talevi seconded the motion and it was approved, 6-0. Chairman Huntsman stamped the Mylar and a paper copy “approved,” giving the Mylar to Hobbie. Deane advised Hobbie to file it with the County within 30 days.

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Village of Cooperstown (Tom Hohensee) – Site plan review, replacement of Three-Mile Point fishing pier within 100 feet of Otsego Lake in RA1 district – 6266 State Highway 80 (#84.00-1-26.00)

Zoning Enforcement Officer Phillips noted that Bruce Miller had left following the public hearing, so there was no representative present. Phillips said that the Village of Cooperstown is still awaiting sign-offs from the Department of Environmental Conservation and the Army Corps of Engineers.

With no representative present and issues unresolved, the consensus of the Board was to table the application until December. Clerk Bill Deane reminded the Board that they had 62 days from tonight’s public hearing to make a decision, or by January 15, 2024.

James & Joan Marini – Site plan review, construction of fence within 500 feet of Otsego Lake in RA1 district – 6616 State Highway 80 (#84.08-1-34.02)

Clerk Bill Deane read aloud from the minutes of October 3 relevant to the Marini application. Applicant James Marini said there were no changes to the application.

Chairman Huntsman reviewed the Board’s options. Sharon Kroker moved to approve the site plan as submitted. Ann Cannon seconded the motion and it was approved, 6-0. Chairman Huntsman stamped the site plan “approved” and signed it, with Zoning Enforcement Officer Phillips making a copy for the applicant.

Kathleen Vanacore (Luke Wykoff) – Site plan review, replacement-in-kind of deck within 100 feet of Otsego Lake in RA1 district – 110 Badger Lane (#69.36-2-25.00)

Clerk Bill Deane read aloud from the minutes of October 3 relevant to the Vanacore application. Representative Luke Wykoff said there were no changes to the application.

Ted Feury moved to approve the site plan as submitted. Ann Cannon seconded the motion and it was approved, 6-0. Chairman Huntsman stamped the site plan “approved” and signed it, with Zoning Enforcement Officer Phillips making a copy for the representative.

Bernard Madden (Erik Wilson/Redpoint Builders) – Site plan review, addition of porch and replacement of foundation (elevation increase to previously-approved project) within 100 feet of Otsego Lake in RA1 district – 6698 State Highway 80 (#69.76-1-3.00)

Clerk Bill Deane read aloud from the Zoning Board of Appeals’s (ZBA’s) minutes of July 18, August 15, September 19, and October 17 (not yet approved) relevant to the Madden application. In August, the ZBA had held a public hearing and approved variances for Madden to replace a deteriorating foundation and add a cantilevered, screened-in porch to his residence within 100 feet of Otsego Lake. The plan had then been changed to make the building slightly higher, necessitating a new application. In October, the ZBA had held another public hearing and approved a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake, specific to the proposed project (no future conversion to indoor/living space).

Chairman Huntsman read aloud an August 28 letter from neighbor Bill McDonald, supporting the project.

Applicant Bernard Madden and representative Erik Wilson of Redpoint Builders were present. Madden submitted a neighborhood map. Wilson submitted drawings and answered questions. He said they were working with Scott Ubner and LaMont Engineers, and hoped to begin construction in the spring.

Chairman Huntsman went through 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. Wilson said they had a survey, but not with them. They are awaiting sign-off from the Department of Conservation.

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), which covers “replacement, rehabilitation or reconstruction of a structure or facility, in kind.” Deane questioned the application of this Section, as the building footprint is increasing by 50% (from 600 square feet to 900) with a new porch, so it is not being replaced “in kind.” Sharon Kroker seconded the motion and it was approved, 6-0.

Antoinette Kuzminski moved to deem the application complete, waiving the survey. Ann Cannon seconded the motion and it was approved, 6-0. Kuzminski moved to waive the public hearing due to the ZBA hearing results. Feury seconded the motion and it was approved, 6-0.

Feury moved to approve the site plan, conditional on DEC sign-off on the project. Kroker seconded the motion and it was approved, 6-0. Chairman Huntsman advised Madden and Wilson that he would make arrangements to stamp the site plan “approved” and sign it, upon the Town’s receipt of DEC sign-off.

OTHER BUSINESS

Zoning Enforcement Officer Phillips reported that things are finally slowing down. Clerk Bill Deane noted that the Simple Integrity project was before the ZBA for an area variance to increase their building size over the maximum-allowed 5,000 square feet (to 11,320 square feet). The Planning Board may want to reconsider whether it requires their review afterward.

Antoinette Kuzminski said she had attended the October 11 Town Board meeting as Planning Board liaison, but missed the November 8 meeting. She said that a Comprehensive Plan Committee had been appointed and had met. Other items discussed in October concerned Lakeshore issues, the proposed

sewer project, and the sidewalk project. Kuzminski said she would be attending the December 13 Town Board meeting as Planning Board liaison, and continue doing that into 2024.

The Board discussed 2024 personnel. May Leinhart's term is expiring, but no one present knew whether she was willing to be reappointed for 2024-30. The Board is still missing a second alternate member; Matt Glynn and Isaac Huntsman were mentioned as potential candidates. The Town will be appointing or reappointing a Chairman for 2024; Tom Huntsman said he was willing to continue in that role. Sharon Kroker moved to recommend that the Town Board reappoint Huntsman as Chairman. Kuzminski seconded the motion and it was approved, 5-0, with Huntsman abstaining.

Clerk Bill Deane discussed the December 5 agenda. The only applicant expected to return is the Village of Cooperstown. There are also two Lakeshore applications (Joseph Stagliano, David Drenth) which will come to the Board, if approved by the ZBA on November 21.

With no further business, at 9:32 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Clerk