

Town of Otsego Planning Board

Minutes (unapproved), December 3, 2019

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 7:05 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. All Board members ultimately were present: Huntsman, Ted Feury (vice-chairman, who arrived at 7:07, after the first vote), Darryl Szarpa, Walter Dusenbery, Chip Jennings, Sharon Kroker, and Elizabeth Horvath, and alternate members Rosemary Brodersen and Lynn Krogh. Zoning Enforcement Officer Ed Hobbie and Planning Board attorney Ryan Miosek were also present.

The Board reviewed the minutes of November 12, 2019, e-mailed to the members. Dusenbery moved to approve the minutes as written. Kroker seconded the motion and it was approved, 7-0, with Brodersen voting in Feury's absence.

There was no correspondence received since the last meeting.

Chairman Huntsman asked if anyone had a conflict with tonight's applicant. Horvath said she had a conflict with Redpoint Construction.

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. Bruce Bennett of Christian Hill Road shared two concerns:

- At a recent event at Serenity Hill Event Center, guests were roaming on the road as if it were a sidewalk, creating a safety concern.
- A ten-unit short-term rental development is planned in the Town of Hartwick, just over the Town line from his property. Bennett wondered if such a project could pass in the Town of Otsego. Chairman Huntsman referred him to the *Land Use Law*, which has strict guidelines on acreage required for such a project.

The Board moved on to applications.

APPLICATIONS

Jonathan Svahn (Michelle Barry/Jon McManus) – Site plan review, addition of border fence within 100 feet of Otsego Lake in RA1 district – 6765 State Highway 80 (#69.60-1-14.00)

Clerk Bill Deane read aloud from the Planning Board's minutes of September 3 relevant to the Svahn application.

Representative Michelle Barry said that Svahn had decided to construct the fence above the existing railing, instead of on the property border, as applied for. According to Chairman Huntsman, this would not require site plan review. Deane suggested that the application be withdrawn.

Zoning Enforcement Officer Hobbie noted that Deb Creedon's complaints regarding Svahn's 2018-19 application were unfounded.

Michele Barry – Site plan review, addition of garage within 100 feet of Otsego Lake in RA1 district – 6812 State Highway 80 (#69.52-1-8.00)

Applicant Michele Barry wants to construct a garage on her property. Clerk Bill Deane read aloud from the Zoning Board of Appeals's (ZBA's) minutes of October 15 relevant to the application. During that meeting, the ZBA had held a public hearing with no negative comment, and the Board had granted the following variances: a 34-foot variance on the west (Route 80) side; a 27-foot variance on the north side; and a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of Otsego Lake; with the conditions that the garage be no more than 15 feet in height, and that it have gutters along the eaves, directed into a drainage system.

Due to its proximity to the Lake, the project now requires site plan review. Chairman Huntsman read through the site plan requirements in Section 8.04 of the *Land Use Law*, comparing with documents Barry had submitted. Barry said there were no trees greater than 6" in width on the property; that the garage would be built on a slab; that there would be LED

lighting; and that she anticipated construction to begin next year. Zoning Enforcement Officer Hobbie said that the application fee had been paid. The consensus was that all site plan requirements had been met.

The Board discussed State Environmental Quality Review (SEQR). With member input, Chairman Huntsman read aloud from the short environmental assessment form (EAF) completed by the applicant. He added a comment about the erosion mitigation plan. After discussion, Chip Jennings moved to deem this a Type II action per SEQR Section 617.5(c) (10): “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance” [the Board subsequently learned that this had been changed to Section 617.5(c)(9)]. Darryl Szarpa seconded the motion and it was approved, 7-0.

Walter Dusenbery moved to deem the application complete. Jennings seconded the motion and it was approved, 7-0.

Elizabeth Horvath moved to waive the public hearing due to the result of the ZBA hearing, and the letters for support from neighbors. Sharon Kroker seconded the motion and it was approved, 7-0.

Dusenbery moved to approve the site plan with the same conditions as cited by the ZBA: that the garage be no more than 15 feet in height, and that it have gutters along the eaves, directed into a drainage system. Horvath seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the site plan “approved” and signed it.

Redpoint Builders (Tim Horvath) – Site plan review, special permitted use, service trade establishment in RA1 district – 5934 State Highway 80 (#99.00-1-35.00)

Elizabeth Horvath recused herself and left the meeting table, with alternate member Rosemary Brodersen replacing her. Clerk Bill Deane read aloud from the Planning Board’s minutes of November 12 relevant to the Redpoint application.

Chairman Huntsman read through the site plan requirements in Section 8.04 of the *Land Use Law*, comparing with documents applicant Tim Horvath had submitted. Horvath said there would be no signs, and he submitted letters of support from four neighbors, which he said were the only ones within 200 feet of the property lines. Zoning Enforcement Officer Hobbie agreed, and said that the application fee had been paid. Huntsman said that the Board could waive the requirements for such things as a survey and traffic circulation plans.

Walter Dusenbery moved to deem the application complete, waiving the requirements of *Land Use Law* Section 8.04, items #1-11, due to the neighbor letters and the fact that Horvath has been operating for nine years without known complaints. Sharon Kroker seconded the motion and it was approved, 6-1, with Ted Feury opposed.

Feury moved to schedule a public hearing for January 7, 2020. Chip Jennings seconded the motion and it was approved, 7-0.

The Board discussed State Environmental Quality Review (SEQR). Dusenbery moved that there is no adverse environmental impact per SEQR Section 617.5(b)(1). Darryl Szarpa seconded the motion and it was approved, 7-0.

Elizabeth Horvath returned to the meeting table, and Brodersen left it.

Michael Quinn – Site plan review, replacement-in-kind of camp within 100 feet of Canadarago Lake – 202 Bibik Road (#52.11-1-29.02)

Applicant Michael Quinn said that he had bought a camp on Canadarago Lake last year, and found it to be in disrepair. He plans to demolish it, including asbestos abatement, and replace it. Zoning Enforcement Officer Hobbie said it would be in the same footprint, thus be a “replacement-in-kind,” not requiring ZBA intervention. Hobbie said the application fee had been paid.

While examining the plans, the Board noted that the new camp would have an additional 221-square-foot room, “squaring off” a corner. Although it would not change the setbacks, it also would not be in the same footprint. Chairman Huntsman said that Quinn would thus need variance(s) from the ZBA before the Planning Board could do site plan review.

Clerk Bill Deane said that he would put Quinn on the December 17 ZBA agenda.

Cooperstown Center for Rehabilitation (Ed Hobbie) – Site plan review, staff housing in RA2 district – 152 Phoenix Mill Road (#146.00-2-21.00)

Zoning Enforcement Officer Hobbie said that the Cooperstown Center for Rehab had bought the neighboring house formerly owned by Graham. They plan to use it for temporary staff housing, and are working with the County Codes office.

Chairman Huntsman said that this was a permitted use in the RA2 district, thus would not require site plan review. The other members agreed by consensus.

Florence Helfand (Ed Hobbie) – Site plan review, construction within 100 feet of Canadarago Lake – 222 Bibik Road (#52.11-1-38.00)

Zoning Enforcement Officer Hobbie said that applicant Florence Helfand is a nursing home resident, but owns a property near Canadarago Lake. Her family wants to replace a retaining wall. Since it would entail construction within 100 feet of the Lake, it would require site plan review.

Chairman Huntsman read through the site plan requirements in Section 8.04 of the *Land Use Law*, comparing with application documents submitted. The only missing documents were a survey, and a list of neighbors (with addresses) within 200 feet of the property lines. Huntsman said the Board could waive the survey requirement.

The Board discussed State Environmental Quality Review (SEQR). Darryl Szarpa moved to deem this a Type II action per SEQR Section 617.5(c)(1). Sharon Kroker seconded the motion and it was approved, 7-0.

Walter Dusenbery moved to deem the application complete, waiving the survey requirement, and contingent on the list of neighbors. Kroker seconded the motion and it was approved, 7-0.

Elizabeth Horvath moved to schedule a public hearing with the same contingency. Szarpa seconded the motion and it was approved, 7-0.

OTHER BUSINESS

Ed Hobbie distributed copies of his Zoning Enforcement Officer report (filed), and answered questions about it.

Rosemary Brodersen said she had attended the November 13 Town Board meeting as Planning Board liaison. She said she had passed on the Planning Board's 2020 personnel recommendations, and that there had been further discussion about the definition of "fence." Sharon Kroker is assigned to serve as liaison at the December 11 Town Board meeting.

Brodersen said she would not be at the January 7, 2020 Planning Board meeting. Attorney Miosek said he would not be at the April 7, 2020 meeting.

The Board discussed 2020 personnel. Darryl Szarpa moved to reappoint Miosek as Planning Board attorney for 2020. Sharon Kroker seconded the motion and it was approved, 7-0. Walter Dusenbery moved to reappoint Bill Deane as clerk for 2020. Kroker seconded the motion and it was approved, 7-0.

Deane discussed the January 7, 2020 agenda. Horvath and Helfand are expected to return, both with public hearings.

Chairman Huntsman said it had been a wonderful year for the Board, and that he enjoys working with this group of people. Ted Feury commended Huntsman's orderly running of meetings.

With no further business, at 8:57 PM Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk