

Town of Otsego Planning Board

Minutes (unapproved), December 4, 2018

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 7:03 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Darryl Szarpa (vice-chairman), Scottie Baker, Ted Feury, Chip Jennings, and Walter Dusenbery. With Elizabeth Horvath and alternate member Toby Wilcox absent, alternate member Sharon Kroker joined the meeting table. Also present were Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board member Carina Franck.

The Board reviewed the minutes of November 13, 2018, e-mailed to the members. Regarding the Bissell application, Chairman Huntsman questioned whether the 100 feet of road frontage was correct, and was satisfied that it was. Dusenbery moved to approve the minutes as written. Kroker seconded the motion and it was approved, 7-0.

Chairman Huntsman read aloud an e-mail from Deb Creedon, et al, objecting to the Svahn application. Huntsman said the only other correspondence was related to the Cathedral Farms application, and would be discussed at that time.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Huntsman again said he would recuse himself from the Susquehanna SPCA application.

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. Jon McManus thanked Scottie Baker for her service as a Planning Board member.

The Board moved on to applications.

APPLICATIONS

Cathedral Farms, Inc. (Jon McManus) – Site plan review, construction within 100 feet of Otsego Lake – 6512 State Highway 80 (#84.12-1-14.00)

Scottie Baker read aloud from the November 13 minutes relevant to the Cathedral Farms application. Darryl Szarpa read aloud from letters (filed) regarding the property line/"gore" dispute: from Ed Gozigian (November 16), responding to Young/Sommers LLC's October 19 letter, and from E. Hyde Clarke of Young/Sommers LLC (December 4).

Representative Jon McManus submitted a signed 7/29/18 survey from KMS, and acknowledged that he doesn't know who owns the gore area. Chairman Huntsman said that this meets the site plan requirements, and that the boundary dispute is outside the Planning Board's scope. The Board agreed by consensus.

Hyde Clarke asked and was given permission to speak. He contended that it is within the Board's scope, and read aloud from October 18, 19, and 26, and November 1, 16, and 28 letters from Attorney Gozigian, which Clarke said demonstrates no evidence the gore is owned by the applicant. Chairman Huntsman and Attorney Miosek noted that the Board is not considering approving the application at this time, just deeming it complete.

The Board discussed State Environmental Quality Review (SEQR). Baker moved to declare lead agency status for the Planning Board. Darryl Szarpa seconded the motion and it was approved, 7-0. With input from others, Ted Feury moved to declare this a Type II action per SEQR Sections 617.5(c)(1) and -(10). Baker seconded the motion and it was approved, 7-0.

Walter Dusenbery moved to deem the application complete per *Land Use Law* Section 8.04. Szarpa seconded the motion and it was approved, 7-0. Baker moved to schedule a public hearing for January 8, 2019. Sharon Kroker seconded the motion and it was approved, 7-0.

Chairman Huntsman explained the process for the benefit of a neighbor.

Susquehanna SPCA (Jon McManus) – Site plan review, relocation of animal shelter & thrift shop to RA2 district – 5082 State Highway 28 (#146-2-5.00 & -6.00)

Representative Jon McManus said there was nothing new to present at this time. He said the applicant (now known as Susquehanna SPCA) had hired a surveyor, and would probably be ready to proceed in February. McManus said the gift shop and "Heirloom Barn Law" are not expected to be parts of the application.

Addison "Peter" Bissell & Boyd Bissell (Joann Darcy Crum) – Lot line adjustment – 6505 & 6515 State Highway 80 (#84.12-1-6.00 & -7.00)

Scottie Baker read aloud from the November 13 minutes relevant to the Bissell application. Representative Joann Darcy Crum submitted a revised survey map dated 11/29/18. It shows the

proposed new lots to measure 5.14 and 1.02 acres, respectively, meeting the guidelines the Board proposed last month.

After discussion, Walter Dusenbery moved to approve the boundary line adjustment. Sharon Kroker seconded the motion and it was approved, 7-0. Chairman Huntsman stamped and signed the Mylar and two copies, keeping one for the file.

Mary Winne – Minor subdivision in RA1 district – 106 Johnston Road (#114.00-1-12.01)

Scottie Baker read aloud from the November 13 minutes relevant to the Winne application. Chairman Huntsman noted that the items requested in November had been received.

Chip Jennings moved to deem the application complete. Scottie Baker seconded the motion and it was approved, 7-0. Darryl Szarpa moved to schedule a public hearing for January 8, 2019. Jennings seconded the motion and it was approved, 7-0.

Joseph Stagliano (Jon McManus) – Site plan review, excavation within 100 feet of Otsego Lake – 6723 State Highway 80 (#69.68-1-10.00)

Representative Jon McManus reminded the Board of the previous site plan, approved by the Board in October. Applicant Joseph Stagliano now wants to put in a well, requiring the excavation of a 22x22' section of rock for the well drillers (Leatherstocking Drilling) to gain access. McManus said that Leatherstocking Drilling would be responsible for runoff issues, and that afterward, the excavated area would be used for two parking spaces. He asked that the requirements for a survey and public hearing be waived.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus was that all items other than the survey were either submitted or not applicable.

The Board discussed SEQR. Walter Dusenbery moved to declare lead agency status for the Planning Board, and Scottie Baker seconded the motion. Ted Feury asked whether another agency, such as the Department of Environmental Conservation (DEC) or Department of Transportation (DOT), might have jurisdiction. After considerable discussion, Dusenbery withdrew his motion.

Darryl Szarpa moved to declare this a Type II action per SEQR Section 617.5(c)(5). Dusenbery seconded the motion and it was approved, 6-1, with Feury opposed.

Chip Jennings moved to deem the application complete, waiving the survey requirement. Szarpa seconded the motion and it was approved, 7-0. Over McManus's objection, the consensus of the Board was that a public hearing should not be waived, due to the "sensitivity" of the Lake area. Jennings moved to schedule a public hearing for January 8, 2019. Feury seconded the motion and it was approved, 7-0.

Laura Kilty & Bruce Kramer – Sketch plan conference, first lot split in RA1 district – Johnston Road (#114.00-1-18.01)

Applicant Laura Kilty said that she and her husband, Bruce Kramer, are planning to buy three acres of a 108-acre lot owned by Ann Marnell. She submitted a letter from attorney Ed Gozigian, representing Marnell. Zoning Enforcement Officer Ed Hobbie said there had been no previous splits of the property since 1987, so this would qualify as a first lot split.

Chairman Huntsman advised Kilty that she would have to submit a survey and proposed deeds for the two resultant lots, and that both should meet the minimum acreage (three acres) and road frontage (150 feet) for the RA1 district. Kilty said she would return with those items, probably in February.

Jonathan Svahn (Jon McManus) – Site plan review, addition to existing residence within 500 feet of Otsego Lake in RA1 district – 6765 State Highway 80 (#69.60-1-14.00)

Applicant Jonathan Svahn wants to build an addition to an existing residence, more than 100 feet but less than 500 feet from Otsego Lake. The addition would measure approximately 10x28' and be on the side of the house opposite the Lake. Clerk Bill Deane read aloud from the Zoning Board of Appeals (ZBA) minutes of October 23 and November 20 (not yet approved) relevant to this application. During those meetings, the ZBA had held a public hearing, and approved area variances on the north, south, and west (rear) sides, with the condition that "the ZBA requires due diligence during construction, with all new roof areas to have rain-gutters piped to leeching areas." (The minutes also listed the requirement of an engineered septic system, but ZBA Chairman Greg Crowell noted via e-mail to the Planning Board members that that condition had been withdrawn.)

Representative Jon McManus submitted a site plan dated "9/5/18 rev. 2/12-4-18," along with a 2014 survey and photos. Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. He said the only missing items were elevation and lighting plans, to be shown on a revised site plan.

The Board discussed SEQR. Ted Feury moved to deem this a Type II action per SEQR Section 617.5(c)(7). Chip Jennings seconded the motion and it was approved, 7-0.

Scottie Baker moved to deem the application complete, contingent on the aforementioned revised site plan to be submitted by December 25. Jennings seconded the motion and it was approved, 7-0. Darryl Szarpa moved to schedule a public hearing for January 8, 2019, with the same contingency. Baker seconded the motion and it was approved, 7-0.

OTHER BUSINESS

Carina Franck said that the Town Board had worked on potential *Land Use Law* revisions, but become bogged down due to various factors. She thanked the Planning Board for being the “voice” for the Town’s natural resources. Franck particularly thanked Scottie Baker for her years of service to the Planning Board, earning applause from the attendees.

Zoning Enforcement Officer Ed Hobbie noted that the ZBA had granted Rob Bohm a variance to build a 25x30’, two-story addition to his existing motel in the G-B district on 6156 State Highway 28. The addition would be used for a rec room, kitchen facilities, and possibly another unit. Hobbie wondered whether this requires site plan review. Chairman Huntsman said it did not.

Hobbie noted a letter from the Village of Cooperstown, regarding their proposed upgrade of the wastewater treatment facility in the Town of Otsego. The consensus of the Board was that the Village was the logical lead agency.

Hobbie again described his frustration with the Town Board in not clarifying problematic sections and definitions in the *Land Use Law*.

Ted Feury volunteered to serve as Planning Board liaison for December 12 Town Board meeting. Chairman Huntsman suggested that members pick months for the role starting in 2019.

The Board discussed 2019 personnel. Chip Jennings moved to reappoint Ryan Miosek as Planning Board Attorney. Darryl Szarpa seconded the motion and it was approved, 7-0. Szarpa moved to reappoint Bill Deane as Clerk. Jennings seconded the motion and it was approved, 7-0.

Chairman Huntsman, whose term expires December 31, said he was willing to serve another seven-year term as member. Jennings moved to recommend that the Town Board reappoint Huntsman as both member and chairman. Scottie Baker seconded the motion and it was approved, 6-0, with Huntsman abstaining. Scottie Baker is leaving the Board with one year remaining on her term. Jennings moved to recommend that the Town Board appoint alternate member Sharon Kroker to complete Baker’s term. Walter Dusenbery seconded the motion and it was approved, 6-0, with Kroker abstaining. Deane noted that that would leave the Board with essentially no alternate members, since the other alternate, Toby Wilcox, has not attended a meeting or communicated with the Board since September, 2017. Huntsman said Town Supervisor Meg Kiernan has some potential candidates to serve as alternate members.

Deane discussed the January 8, 2019 agenda, noting the date change due to New Year’s Day. At this point the agenda is the much the same as December’s, with Cathedral Farms, Winne, Stagliano, and Svahn expected to return with public hearings, and Susquehanna Animal Shelter and Kilter/Kramer possibly returning as well.

With no further business, at 9:55 PM Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk