

Town of Otsego Planning Board

Minutes, December 5, 2023

(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 7:30 PM and led the Pledge of Allegiance.

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

The Board reviewed the minutes of November 14, e-mailed to the members. Kuzminski moved to approve the minutes as written. Talevi seconded the motion and it was approved, 6-0.

The only correspondence received since the last meeting was a notice (filed) from the County Planning Department, regarding the filing of the Kovatchitch subdivision the Planning Board approved last month.

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

Chairman Huntsman asked if anyone from the public had comments on a non-agenda item. Bruce Bennett of 210 Christian Hill Road asked questions about some development he has observed. Someone on Williams Road has put in an airplane runway, raising safety and other concerns; is this permissible? Chairman Huntsman said that, if something is not listed in the *Land Use Law*, it is not permitted. Attorney Poulson said it might be considered a recreational facility, requiring site plan review for a special permitted use. Zoning Enforcement Officer Phillips said he would look into it. Bennett also said he was interested in serving on the Planning Board. Deane suggested he speak to Town Supervisor Ben Bauer.

The Board moved on to applications.

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APPLICATIONS

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)

Clerk Bill Deane read aloud from the minutes of October 3 and November 14 relevant to the Village of Cooperstown application. The Board had deemed the application complete in October and held a public hearing with no comments in November. Deane reminded the Board that they had until January 15, 2024 to make a decision.

Representative Tom Hohensee was present. He said the Village was still awaiting sign-off from the Department of Conservation and Army Corps of Engineers, but hoped for Planning Board

approval conditional on that. Attorney Poulson suggested there may be an Office of General Services (OGS) permit required.

Antoinette Kuzminski moved to approve the site plan as submitted, conditional on DEC, Army Corps, and OGS sign-off (either approval or statement of non-jurisdiction). Elizabeth Horvath seconded the motion and it was approved, 6-0. Chairman Huntsman said he would make arrangements to stamp the site plan “approved” and sign it, upon proof of the sign-offs.

Heather & David Drenth (Tim Yerdon) – Site plan review, addition of porch to residence within 500 feet of Canadarago Lake in RA2 district – 173 Marble Road (#52.08-1-27.02)

Contractor Tim Yerdon represented applicants Heather & David Drenth. He said the Drenths want to add a 16x16’ addition to their existing residence within 500 feet of Canadarago Lake, beyond the expansion of the residence which the Planning Board had approved in 2022. Yerdon submitted plans and photos. He said he had not been involved with the previously-approved project, and it had not yet been built.

Clerk Bill Deane read aloud from the Planning Board’s August 2, 2022 minutes relevant to the previous Drenth application, and Zoning Board of Appeals’s minutes of October 17 and November 21 (not yet approved) relevant to the current application. During the latter meeting, the ZBA held a public hearing with no comments, and granted the variances requested, specific to the proposed project: a nine-foot variance on the front (east) side, and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Canadarago Lake.

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 things missing were a survey and elevations, which could be waived in lieu of other documents submitted. The Drenths will need sign-off from the DEC; their previous approval expired 9/30/23.

Chairman Huntsman noted that the application mistakenly asks for the previously-approved 16x16’ addition, not the newly-proposed 9x30’ porch. Yerdon corrected and initialed the application.

The Board discussed State Environmental Quality Review (SEQR). Antoinette Kuzminski moved to deem this a Type II action per SEQR Section 617.5(c)(12). Elizabeth Horvath seconded the motion and it was approved, 6-0.

Kuzminski moved to deem the application complete, waiving the survey and elevations in lieu of documents and measurements submitted. May Leinhart seconded the motion and it was approved, 6-0.

Kuzminski moved to waive the public hearing, due to the ZBA hearing result. Horvath seconded the motion and it was approved, 6-0.

Chairman Huntsman said the Board could now approve the application, approve it with modifications, or disapprove it. Steve Talevi said he felt rushed to make a decision, and wasn’t comfortable doing so. He said the Board had not seen the application until an hour ago, and hadn’t had time to review it.

Kuzminski moved to table the application until January 2, 2024. Talevi seconded the motion and it was approved, 4-2, with Huntsman and Leinhart opposed. Zoning Enforcement Officer Phillips apologized for not e-mailing the application and plans to the members before tonight’s meeting, and said he would do so before the next one.

OTHER BUSINESS

Zoning Enforcement Officer Phillips reported that things are finally slowing down. He noted that someone has taken over the Kim's Kut & Style building (tax map #114.05-1-37.00), and turned it into an antique store. Clerk Bill Deane said that, on October 7, 2008, the property was granted a special permitted use for a "barber shop," which is #2 on the list of special permitted uses for the hamlet business district. If someone now wants to do a retail trade (#1), it would require a new site plan review for a different special permitted use, per *Land Use Law* Section 7.03. Attorney Poulson said she had visited the store, and the owner said she intends it as a "pop-up," open only through December. Phillips said he would contact the owner.

Phillips also noted that the ZBA granted Simple Integrity project a conditional variance to increase their building size by 5,120 square feet over the maximum-allowed 5,000 square feet (to 10,120 square feet). Deane read aloud from the ZBA's minutes of October 17 and November 21 (not yet approved) relevant to the Simple Integrity application. Deane said that, in view of the large expansion, the Board may want to reconsider whether it requires their further review. Phillips said that the expansion is proposed over a period of years, and he would keep the Board apprised of their progress.

The Board discussed 2024 personnel. The positions of Planning Board Attorney (currently Jill Poulson) and Clerk (Bill Deane) are up for appointment or reappointment. Antoinette Kuzminski moved to reappoint Deane as Clerk. May Leinhart seconded the motion and it was approved, 6-0. Kuzminski moved to reappoint Poulson as Attorney. Elizabeth Horvath seconded the motion and it was approved, 6-0.

Deane discussed the January 2, 2024 agenda. Drenth is expected to return. Also, Joseph Stagliano changed his Lakeshore application, and has another public hearing before the ZBA on December 21; it will require site plan review if approved by them. With no further business, at 9:15 PM Ted Feury moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Clerk