**Town of Otsego Planning Board**

# Minutes, May 6, 2025

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

**PUBLIC HEARING**

**Tashi Rabten (Bruce Phillips) – Site plan review, special permitted use (recreational facility) in RA2 district – 195 Stoller Hill Road (#112.00-1-20.01)**

Chairman Tom Huntsman opened the Rabten public hearing at 7:30 PM, and asked if anyone from the public had questions or comments about the application.

Corlissa Card of 149 Stoller Hill Road read aloud from a signed petition (copy filed), urging denial of the application. It cited concerns about noise, traffic, aesthetics, and wildlife habitat, and said the project is contrary to the Town’s Comprehensive Plan.

Tony Kroker of 150 Cook Road noted previous history of the applicants’ properties, in which property usage did not conform to what was applied for or approved. Kroker urged close monitoring of the property, if the current application is approved.

Suzanne Summers of 207 Stoller Hill Road read aloud from a letter (filed) she had submitted last fall, urging denial of the application. It cited concerns about noise, traffic, lighting, and wildlife habitat.

With no further comments or questions, Jay Bosley moved to close the public hearing. Sharon Kroker 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 7:39 PM, and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. All Board members were present: Huntsman, Jay Bosley (Vice-Chairman), Sharon Kroker, Ann Cannon, Elizabeth Horvath, May Leinhart, and Mike Hodgman. Alternate member Matt Glynn was absent. Planning Board Attorney Jill Poulson and Zoning Enforcement Officer Wylie Phillips were also present.

The Board reviewed the minutes of April 1, e-mailed to the members. Kroker moved to approve the minutes as written. Cannon seconded the motion and it was approved, 7-0.

There was no correspondence received since the last meeting.

Chairman Huntsman asked if anyone had a legal or ethical conflict with any of tonight’s applicants. No one reported any conflict. Huntsman asked if anyone from the public had comments on a non-agenda item. No one responded. The Board moved on to applications.

**APPLICATIONS**

**Tashi Rabten (Bruce Phillips) – Site plan review, special permitted use (recreational facility) in RA2 district – 195 Stoller Hill Road (#112.00-1-20.01)**

Clerk Bill Deane read aloud from the minutes of April 1 relevant to the Rabten application. Applicant Tashi Rabten and representative Bruce Phillips were present.

Chairman Huntsman invited Phillips and Rabten to respond to concerns brought up during the public hearing, particularly the “house” on 533 Cook Road which has reportedly been used for other purposes in violation of the *Land Use Law*. Phillips said it was being used as an “entertainment facility,” then later revised the description to a part-time home, not a recreational facility. Zoning Enforcement Officer Wylie Phillips said use of the building as a yoga facility would be an allowable home occupation, as with the Goose Street yoga studio which the Board discussed in 2023.

Rabten explained his vision of the proposed new facility. He said it would be a peaceful, environmentally-friendly, non-commercial, yoga/meditation/worship facility open to family members, friends, and neighbors. He expected no more than ten vehicles or 15 people at a time, with hours of 10 AM to 5 PM on Thursdays and Fridays, and 10 AM to 3 PM on Saturdays.

Elizabeth Horvath noted that the *Land Use Law* prohibits the granting of special permits to anyone who is in violation of the law. Attorney Poulson agreed, and noted that the Board had 62 days from today (or by July 7) to decide on the application. Zoning Enforcement Officer Wylie Phillips said there are no outstanding violations on any of Rabten’s properties.

Chairman Huntsman said the Board should address the site plan and special permitted use as two separate motions. He reviewed Section 8.05 of the *Land Use Law*. After discussion, Horvath moved to approve the site plan as submitted. May Leinhart seconded the motion and it was approved, 7-0.

Chairman Huntsman reviewed Section 7.03 of the *Land Use Law*. He noted that a special permit could be revoked if conditions weren’t being met, or if it expired. Board members discussed possible conditions of special permitted use approval. Sharon Kroker suggested the permit expire in one year, and be restricted to the uses, number of users, and hours of operation cited by the applicant. Huntsman said the applicant would have to return next year to apply for renewal of the permit.

Zoning Enforcement Officer Wylie Phillips noted that the facility was not proposed to be built before next year, and suggested the expiration date be at least two years. He also suggested the Board table the application, giving them and the applicant time to consider the various concerns and limits. Chairman Huntsman agreed.

Rabten was asked to return to the June 3 meeting, and bring written documentation of his proposed uses, number of users, and hours of operation. Deane advised neighbors that there would be no additional public hearing.

**Sal Furnari – Boundary line adjustment in RA1 district – Huff Road (#68.00-1-33.00)**

Applicant Sal Furnari said he wants to do a boundary line adjustment between two contiguous properties (measuring approximately 71 and 90 acres, respectively) he owns. It would move the line 125 feet, transferring 4.78 acres from the smaller lot to the larger one. This would accommodate his preferred location of a proposed 45x55’ storage barn, which otherwise would be within the side-yard setback. Furnari submitted a 2017 survey and current deeds for the two properties.

Chairman Huntsman reviewed the boundary line adjustment policy and guidelines. Zoning Enforcement Officer Phillips said the application fee had been paid. Attorney Poulson examined the deeds. She said the Board would need proposed deed language for the revised lots.

Sharon Kroker moved to approve the boundary line adjustment as submitted, contingent on the revised deeds being submitted to Phillips. Elizabeth Horvath seconded the motion and it was approved, 7-0. Phillips said he would arrange to have the application stamped and signed after receipt of the deeds. Clerk Bill Deane advised Furnari to file it with the County within 30 days.

**Jack Witaszek – Site plan review, new house within 500 feet of Canadarago Lake in RA2 district – 134 Lakeview Drive (#52.00-2-14.07)**

Applicant Jay Witaszek was accompanied by contractor Jeff Gardner, his authorized representative. Witaszek said he plans to build a new single-family residence on a vacant seven-acre lot, about 400 feet from Canadarago Lake. Because it will be within 500 feet of the Lake, it requires site plan review. Witaszek submitted a site plan application package, which the Board examined.

Chairman Huntsman said the survey could be waived in lieu of the map drawn to scale. The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(11). Ann Cannon seconded the motion and it was approved, 7-0.

Kroker moved to deem the application complete, waiving the survey. Elizabeth Horvath seconded the motion and it was approved, 7-0. Kroker moved to schedule a public hearing for June 3. Cannon seconded the motion and it was approved, 7-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips said there was nothing new to report involving the Planning Board. He discussed a proposed electronic Fire District sign, which was going to the Zoning Board of Appeals.

May Leinhart said she had served as Planning Board liaison at the April 9 Town Board meeting. Among items of discussion were the proposed solar legislation, public hearing notices, and updates to the Comprehensive Plan. Jay Bosley is scheduled to serve as Planning Board liaison at the May 14 Town Board meeting.

Clerk Bill Deane noted that Matt Glynn, the Board’s only alternate member, had not been to a meeting since February. Chairman Huntsman said he would contact Glynn.

Deane discussed the June 3 agenda. Rabten and Witaszek (public hearing) are expected to return; there will probably be a boundary line adjustment for Bill & Paula Schaeffer; and Danielle Henrici (minor subdivision) will proceed to the Planning Board, if the ZBA grants a variance for minimum lot size on May 20.

With no further business, at 9:10 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Clerk