

## Town of Otsego Planning Board

Minutes, August 6, 2024

*(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 7:31 PM, and explained that with only three members present, the Board did not have a voting quorum. Two members are expected to arrive later, remedying the situation, and in the meantime the Board would do things not requiring a vote.

Chairman Huntsman led the Pledge of Allegiance. Clerk Bill Deane took roll call. Huntsman was the only Board member present. With Ted Feury (Vice-Chairman), Steve Talevi, Sharon Kroker, Ann Cannon, Elizabeth Horvath, and May Leinhart absent, alternate members Matt Glynn and Jay Bosley joined the meeting table. Zoning Enforcement Officer Wylie Phillips and Planning Board Attorney Jill Poulson were also present. (Leinhart arrived at 7:57 and Feury at 8:36.)

Deane distributed correspondence received since the last meeting: the 2023 *Biological Field Station Report*, and updates to the *Land Use Law*. There was also a 19-page August 3 submission from Joe Galati, regarding the Stagliano application; this was forwarded to the members via e-mail and printed for the file. Chairman Huntsman said it would be addressed during that application.

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.

### **APPLICATIONS**

#### **Peter Kapsales (Tim Yerdon) – Site plan review, addition to residence within 500 feet of Otsego Lake in RA1 district – 6447 State Highway 80 (#84.00-1-17.02)**

Once again, no one appeared on behalf of this application. Zoning Enforcement Officer Phillips said he had talked to representative Tim Yerdon last week, and expected him to come tonight with his DEC sign-off. Clerk Bill Deane said he would take Kapsales off the agenda until further notice.

#### **John & Sara Schallert (Dan Schallert) – First lot split in RA2 district – 161 Hecox Road (#97.00-2-18.00)**

Dan Schallert said that his late parents owned a 145.3-acre lot. Schallert wants to split off 9.1 acres of it and build a house there. He said there were no easements or covenants on the property. Zoning Enforcement Officer Phillips said he had rechecked, and this qualifies as a first lot split.

The Board noted that the new lot would meet acreage and road frontage requirements. Chairman Huntsman said he saw no reason this could not be approved once the Board had a voting quorum. Schallert left in the meantime.

Later during the meeting, with a quorum present, the Board returned to the application and discussed State Environmental Quality Review (SEQR). Jay Bosley moved to deem this a Type II action per SEQR Section 617.5(c)(16). May Leinhart seconded the motion and it was approved, 5-0.

Bosley moved to accept this as a first lot split. Matt Glynn seconded the motion and it was approved, 5-0. Zoning Enforcement Officer Phillips said he would get the stamped application to Schallert. Clerk Bill Deane told Phillips to advise Schallert that he has to file it with the County within 30 days.

**Joseph Stagliano (Nick Drummond/Redpoint Builders) – Site plan review, addition to camp within 500 feet of Otsego Lake in RA1 district – 6723 State Highway 80 (#69.68-1-10.00)**

Applicant Joseph Stagliano wants to expand his camp, located more than 100 feet from but within 500 feet of Otsego Lake. In December, 2023, the Zoning Board of Appeals held a second public hearing, and approved variances of 17’5” on the north side, 12’11” on the south side, and 7 feet on the front or east (State Highway 80) side, conditional on Watershed Supervisory Committee (WSC) approval of the septic plan, and either the drainage plan signed off by the Department of Transportation (DOT), or an engineered plan approved by the Planning Board.

Clerk Bill Deane read aloud from the Planning Board’s minutes of June 4 relative to the Stagliano application. At that point, the only thing delaying a Planning Board decision on the project was WSC approval. Per documentation in the file, the WSC granted that approval on June 5. Representative Nick Drummond said they had since gotten a building permit for the septic system.

Chairman Huntsman read aloud from Joe Galati’s previously-mentioned submission. Galati questions the approval for various reasons, asking that it be returned to the WSC for further review. He also referenced the applicant’s history of misrepresenting things to the Town.

Attorney Poulson warned the Board about going too far with the application without a voting quorum present. May Leinhart arrived minutes later, giving the Board a quorum.

With input from Attorney Poulson, Chairman Huntsman said that the Planning Board members are not experts on septic systems or engineering questions. They rely on the WSC for that purpose, and he feels the WSC has done its due diligence here. The applicant and Board have gone through an extensive process to ensure an adequate and appropriate plan. If there were any subsequent issues with the septic system, it would be the property owner’s and/or WSC’s responsibility.

Drummond pointed out that the approved septic system will be a vast improvement over the existing seepage pit. He said that no neighboring properties have wells; they draw their water from the Lake.

Chairman Huntsman reviewed Section 8.05 of the *Land Use Law*. Jay Bosley moved to deem the application complete, waiving the survey in lieu of the detailed plans submitted. Matt Glynn seconded the motion and it was approved, 4-0.

Bosley moved to waive the public hearing due to the result of the previous ZBA hearings. Leinhart seconded the motion and it was approved, 4-0.

Glynn moved to approve the site plan as submitted. Bosley seconded the motion and it was approved, 4-0. Chairman Huntsman stamped the site plan “approved” and signed it.

**Len Carson – Site plan review, new construction within 500 feet of Canadarago Lake in RA2 district – 130 Lakeside Estate (#52.00-2-14.05)**

Applicant Len Carson said he bought a 4.02-acre lot in January, and wants to erect a new single-family, 29-foot-high residence there, 480 feet from Canadarago Lake. He submitted an application package, including a 7/16/24 site plan.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that it had everything it needed.

The Board discussed State Environmental Quality Review (SEQR). Jay Bosley moved to deem this a Type II action per SEQR Section 617.5(c)(11). Matt Glynn seconded the motion and it was approved, 4-0.

Jay Bosley moved to deem the application complete. Glynn seconded the motion and it was approved, 4-0.

The Board discussed scheduling a public hearing. Carson objected, saying his only neighbor was the man who sold him the property and okayed his plan. Chairman Huntsman said it was the practice of the Board to schedule public hearings on all Lakeshore protection area projects, unless the Zoning Board of Appeals had already held one. Huntsman said he saw no reason the application would be denied, but they had to go through the process.

Bosley moved to schedule a public hearing for September 3. Glynn seconded the motion and it was approved, 4-0.

**Kyle O'Connor – Site plan review, addition to residence within 500 feet of Otsego Lake in RA1 district – 6687 State Highway 80 (#69.76-1-7.00)**

No one appeared on behalf of this application. Zoning Enforcement Officer Phillips said he would contact applicant Kyle O'Connor, who wants to add a second floor to his residence within 500 feet of Otsego Lake.

**Rob Bohm (Bob Birch) – Sketch plan conference, lot line adjustments in GB2 district – 6180 State Highway 28 (#98.00-1-24.01; 114.00-1-3.00, -3.00, & -4.00)**

Representative Bob Birch explained that applicant Rob Bohm owns four contiguous lots in the GB2 district, three of which are pre-existing, non-conforming lots of .5 acres or less, and the other a 13.05-acre, landlocked parcel. Bohm wants to add a 20-foot-wide driveway from the larger lot to State Highway 28. This would require changing the lot lines, effectively moving land from each of the three smaller lots and adding it to the larger one. Zoning Enforcement Officer Phillips had advised Birch that this would require Zoning Board of Appeals variances for increasing non-conformity; however, Birch wanted to argue to the contrary.

Birch noted that, per *Land Use Law* Section 1.05, “Any non-conforming lot(s) which adjoin another lot and are held in common ownership shall be considered one lot for purposes of this law.” Attorney Poulson agreed, but noted that the properties were listed under different LLC names. If Bohm were to transfer the properties to his name, the project could be done as lot line adjustments.

Other possibilities were discussed: combining the lots (not possible due to existing houses); applying to the ZBA for area variances (not likely to succeed); or writing an easement to allow the driveway across the other properties. Birch and Bohm said they were inclined to transfer the ownerships in order to proceed with the lot line adjustments. Birch said he hoped to be ready to return to the September 3 meeting, but would let Clerk Bill Deane know if he was not ready.

**OTHER BUSINESS**

The Board reviewed the minutes of July 2, e-mailed to the members. Matt Glynn moved to approve the minutes as written. Jay Bosley seconded the motion and it was approved, 5-0.

Zoning Enforcement Officer Phillips said things remain slow, and the only item besides those on the Planning Board agenda was a new application (Scurry) on the Zoning Board of Appeals agenda.

May Leinhart said she attended the short July 10 Town Board meeting as Planning Board liaison. The main topics of discussion were the new amendment to the *Land Use Law*, and the departure of Town Supervisor Ben Bauer.

Bosley is assigned to serve as Planning Board liaison for the August 14 Town Board meeting, and said he was resigning as Planning Board member after that, as he expects to be appointed as Town Supervisor through 2025.

Clerk Bill Deane discussed the September 3 agenda. Carson (public hearing), O'Connor, and Bohm are expected to return. Deane also mentioned the “pop-up” Christmas shop which was opened briefly at the former Kim’s Kut & Style location last fall; it has apparently reopened full-time as of a month ago. Zoning Enforcement Officer Phillips said he had asked the owner to come to the September meeting with a site plan application for special permitted use, as the only permitted use now is for a hair salon. With no further business, at 9:10 PM Bosley moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Clerk