**Town of Otsego Planning Board**

# Minutes, October 1, 2024

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

**PUBLIC HEARINGS**

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

Chairman Huntsman opened the O’Connor public hearing at 7:31 PM and asked if anyone from the public had comments or questions about the application. David Van Heusen asked for an explanation of the plans, and expressed satisfaction with the answers from representative Jim Longmore.

Sharon Kroker moved to close the public hearing. Ann Cannon seconded the motion and it was approved, 5-0.

**Christine DiNigro – Site plan review, special permitted use (retail store) in GB2 district – 6208 State Highway 28 (#114.05-1-37.00)**

Chairman Huntsman opened the DiNigro public hearing at 7:33 PM and asked if anyone from the public had comments or questions about the application. No one responded. Sharon Kroker moved to close the public hearing. Matt Glynn seconded the motion and it was approved, 5-0.

**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 7:34 PM, and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Ted Feury (Vice-Chairman), Sharon Kroker, Ann Cannon, and May Leinhart (who arrived at 7:35, after the public hearings). With Steve Talevi, Elizabeth Horvath, and alternate member Matt Monahan absent, alternate member Matt Glynn joined the meeting table. Planning Board Attorney Jill Poulson and Zoning Enforcement Officer Wylie Phillips were also present. Deane reminded the Board that four votes would be required to pass any motion.

The Board reviewed the minutes of September 3, e-mailed to the members. Feury moved to approve the minutes as written. Kroker seconded the motion and it was approved, 6-0.

Deane said the only correspondence received since the last meeting was an e-mail regarding the Rabten application, which has not yet come before the Board. Deane responded to the e-mail and printed it for the file.

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

Chairman Huntsman asked if anyone from the public had comments on a non-agenda item. Rob Bohm commended Huntsman for his recent handling of a delicate situation.

The Board moved on to applications.

**APPLICATIONS**

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

Clerk Bill Deane read aloud from the minutes of September 3 relative to the O’Connor application. State Environmental Quality Review (SEQR) had been performed and the application deemed complete.

The Board reviewed the building plans and asked questions of the representative, Jim Longmore. Chairman Huntsman reviewed the Board’s options.

Matt Glynn moved to approve the site plan as submitted. Shron Kroker seconded the motion and it was approved, 6-0. Chairman Huntsman stamped the site plan “approved” and signed it. Zoning Enforcement Officer Phillips said he would e-mail a scan of the stamped plan to the applicant.

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

Clerk Bill Deane read aloud from the minutes of August 6 relative to the Bohm application. Attorney Bob Birch said the properties had been transferred from the various LLC names into Rob Bohm’s name, so they were ready to proceed with the lot line adjustments as planned, 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.” Birch passed out copies of documents, including an August 14 survey map. Attorney Poulson examined the transfer deeds and expressed satisfaction with them.

Chairman Huntsman went through the lot line adjustment requirements. Zoning Enforcement Officer Phillips said there had been no splits of the property since 1987. Huntsman noted that a “flag” lot with 40 feet of road frontage/driveway is preferable to a land-locked parcel, but asked if the proposed driveway could be sized or located in any other feasible way, to minimize the increase of non-conformity in the other lots. Attorney Birch said it could not; the driveway is sized and located based on existing buildings and land features.

Ted Feury moved to approve the boundary line adjustments as submitted. Matt Glynn seconded the motion and it was approved, 6-0. Chairman Huntsman stamped the Mylar and file copy “approved” and signed them.

**Christine DiNigro – Site plan review, special permitted use (retail store) in GB2 district – 6208 State Highway 28 (#114.05-1-37.00)**

Clerk Bill Deane read aloud from the minutes of September 3 relative to the DiNigro application. State Environmental Quality Review (SEQR) had been performed and the application deemed complete.

Chairman Huntsman reviewed the Board’s options. Sharon Kroker moved to approve the site plan and special permitted use (retail store) as submitted. Ann Cannon seconded the motion and it was approved, 6-0.

Deane prepared a special permit which Chairman Huntsman signed, with a copy going into the file and the original to the applicant.

**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)**

Clerk Bill Deane read aloud from the minutes of April 2 relative to the application:

<< Representative Tim Yerdon said that applicant Peter Kapsales wants to expand his residence within 500 feet of Otsego Lake, with two-story, 16’ x 26’4” addition. Clerk Bill Deane read aloud from the Zoning Board of Appeals’s minutes of December 21, 2023, February 20, 2024, and March 19, 2024 relevant to the Kapsales application. In February, the ZBA held a public hearing with no comments, and in March they granted a five-foot variance on the north side, with the following conditions: (1) Watershed Supervisory Committee [WSC] approval of the septic system; (2) a gutter, downspout, or similar system to be installed on the addition to mitigate water runoff; (3) a siltation system to be installed down-slope from the building to mitigate silt/debris runoff. Deane suggested that any Planning Board approval include those conditions.

Chairman Huntsman said this should be considered a sketch plan conference. He asked Yerdon to review Section 8.04 of the *Land Use Law* and be prepared to address those items, as well as submitting documentation of adherence to the ZBA conditions, at the next meeting. Huntsman also advised Yerdon to seek Department of Environmental Conservation [DEC] sign-off on the project. >>

No one had appeared on behalf of the application since then. Representative Tim Yerdon was present, and submitted a July 30 letter from the DEC, signing off on the project. Zoning Enforcement Officer Phillips said he had spoken to Al Keck of the WSC, who said he has no issues with the project, but would not put anything in writing. Yerdon said the other ZBA conditions are addressed on the site plan.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. He said the survey could be waived, but the Board would need a map drawn to scale, showing setbacks. This had been in the file when the ZBA reviewed it, but could not be located today.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 6.17.5(c)(11). Ted Feury seconded the motion and it was approved, 6-0.

Feury moved to deem the application complete, waiving the survey, and contingent on the map drawn to scale being delivered to the Zoning Enforcement Officer by October 16. Matt Glynn seconded the motion and it was approved, 6-0.

The Board discussed waiving a public hearing due to the previous ZBA hearing, but the consensus was that too much time had passed. May Leinhart moved to schedule a public hearing for November 12 with the same contingency. Feury seconded the motion and it was approved, 6-0.

**Kenneth Stabler – Site plan review, special permitted use (storage units) in GB2 district – State Highway 28 & Parslow Road (#97.00-1-3.03)**

Applicant Ken Stabler said he wants to erect 50 storage units on his eight-acre parcel in the GB2 district, the first of a staged development en route to a goal of 294 units. He submitted a site plan, which the Board examined.

Sharon Kroker made suggestions about aesthetics. Stabler said the units would not be visible to neighbors nor from the roads.

Chairman Huntsman noted that the *Land Use Law* limits building space to 5,000 square feet per lot, whereas this project calls for approximately 8,000 square feet of building(s). Huntsman said this would require a variance from the Zoning Board of Appeals before the Planning Board could act on it, similar to the Simple Integrity project from 2023. Stabler could also subdivide his property to permit increased square footage by spreading the project over multiple lots; or reduce the number of storage units to stay within the 5,000-square-foot maximum.

Stabler asked to be put on the October 16 ZBA agenda.

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

No one appeared on behalf of this application. Zoning Enforcement Officer Phillips said that applicant Tashi Rabten wants to open a yoga studio on his property in the RA2 district, but wasn’t ready to proceed yet.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips reported on a staircase which was being built within 100 feet of Otsego Lake. He issued a “stop-work” order, and either they will have to dismantle the stairway, or the project will have to come to the Planning Board before they can continue.

Ted Feury said he had pinch-hit for Steve Talevi as Planning Board liaison at the September 11 Town Board meeting, and reported on the activities that night. One item of possible interest to the Planning Board was a proposal to hang banners honoring veterans in the Town, similar to those done in Milford and other nearby areas. The Village of Cooperstown is holding up the proposal due to its sign laws, so the applicant is asking the Town of Otsego to allow the banners on NYSEG poles outside of the Village, along State Highway 28. Clerk Bill Deane said the proposal is coming before the ZBA this month. Matt Glynn is assigned to serve as Planning Board liaison at the October 9 Town Board meeting.

Deane discussed the November 12 agenda, noting the date change due to Election Day. At this point, only Kapsales (public hearing) and Rabten are expected, though there are still four weeks before the agenda cutoff date.

With no further business, at 9:02 PM Sharon Kroker moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Clerk