

# Town of Otsego Planning Board

Minutes, June 4, 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 7:30 PM and led the Pledge of Allegiance.

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

The Board reviewed the minutes of May 7, e-mailed to the members. Three corrections were requested:

- Supervisor Bauer said the Town had acquired \$2,500 worth of audio-visual equipment, not \$25,000.
- Attorney Poulson asked that, under the Stagliano application, paragraph #3, the second sentence be replaced with, “Attorney Poulson said in that case, it **is within the Board’s discretion under the Land Use Law to decline** to approve anything, even conditionally.”
- Kroker noted that it was not her, but Horvath, who moved to deem the Nygren application complete, then withdrew the motion.

Kroker moved to approve the minutes as amended. Bosley seconded the motion and it was approved, 5-0.

Deane discussed correspondence received since the last meeting. There were many e-mailed pieces of unsolicited correspondence regarding the Otsego Land Trust (OLT) application, which he had forwarded to the members and printed for the file. These included ones from Serena Black Martin, Amanda Mahoney, Margaret McGown, Michelle Eastman, and Steve Talevi, each expressing opposition and/or urging conditions on any approval. There was a May 9 notice (filed) from the County Planning department, regarding the filing of the Mateunas subdivision the Board had approved on May 7. And there was a copy (passed around) of the proposed *Land Use Law* amendments proposed by the Town Board, for which a public hearing is scheduled for June 12.

Chairman Huntsman asked if anyone had a conflict with any of tonight’s applicants. No one responded (Leinhart, not yet in attendance, had previously said she had a conflict with the OLT application).

Chairman Huntsman asked if anyone from the public had comments on a non-agenda item. No one responded. The Board moved on to applications. Huntsman said he would change the order of the applications to get the simpler ones taken care of first.

## **APPLICATIONS**

### **Ed Hobbie – Boundary line adjustment in RA district – 586 Bedbug Hill Road (#82.00-2-14.00)**

Applicant Ed Hobbie said he wants to sell 19.1 acres of his property to his adjacent neighbor, Matt Long, by effecting a boundary line adjustment between their two properties. Long plans to then convey it to Otsego Land Trust. Hobbie submitted a boundary line adjustment form, a 1979 survey, and aerial photos, which the Board examined.

Chairman Huntsman went through the boundary line adjustment requirements. The Board agreed that Hobbie would have to submit a copy of the current deed and the unexecuted new deed, including covenants, and the \$50 application fee. The application was tabled to give Hobbie time to retrieve the current deed. In the meantime, Connie Hobbie gave Zoning Enforcement Officer Phillips a check for \$50.

Ed Hobbie returned with the requested deed. He said attorney Hyde Clark is working on the proposed new deed, and he would e-mail it to Phillips when he had it, probably later this week. Sharon Kroker moved to approve the boundary line adjustment, conditional on Attorney Poulson's receipt and approval of the unexecuted deed. Matt Glynn seconded the motion and it was approved, 6-0. Chairman Huntsman stamped the application "approved," with a copy made for Hobbie.

### **Arlene Nygren (Barb Monroe) – Site plan review, replacement of existing camp within 500' of Otsego Lake in RA1 district – 6769 State Highway 80 (#69.60-1-12.00)**

Clerk Bill Deane read aloud from the Planning Board's minutes of May 7 relevant to the Nygren application. Applicant Arlene Nygren and representative Barb Monroe were present. Monroe submitted the requested drawings, which the Board examined.

Sharon Kroker moved to deem the application complete. Ann Cannon seconded the motion and it was approved, 6-0.

Kroker moved to waive the public hearing due to the result of the April 16 ZBA hearing. Matt Glynn seconded the motion and it was approved, 6-0.

Cannon moved to approve the site plan as submitted. 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 scan the signed document and e-mail it to Monroe.

### **Ken Marx – Site plan review, privacy fence & retaining wall within 100 feet of Otsego Lake in RA1 district – 6600 State Highway 80 (#84.08-1-32.00)**

Applicant Ken Marx wants to erect a set of wooden stairs, a six-foot-high wooden privacy fence, and a four-foot-high, 40-foot-long retaining wall on his property within 100 feet of Otsego Lake. Clerk Bill Deane read aloud from the Zoning Board of Appeals's minutes of April 16 and May 21 (not yet approved) relevant to the Marx application. On the latter date, the ZBA held a public hearing with one letter in opposition, and approved variances of 28 feet on the south side, 15 feet on the east (rear or Lake side), and one from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego 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 it had everything it needed.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to declare lead agency status, and to deem this a Type II action per SEQR Section 617.5(c)(12). Ann Cannon seconded the motion and it was approved, 6-0.

Kroker moved to deem the application complete. Cannon seconded the motion and it was approved, 6-0.

Kroker moved to waive the public hearing due to the result of the May 21 ZBA hearing. Matt Glynn seconded the motion and it was approved, 6-0.

Kroker moved to approve the site plan as submitted. Cannon 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 scan the signed document and e-mail it to Marx.

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**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)**

Barb Monroe said she was representing applicant Joseph Stagliano, and explained the proposed project. Clerk Bill Deane read aloud from the ZBA’s minutes of December 21, 2023 and the Planning Board’s minutes of May 7, 2024 relevant to the Stagliano application. The ZBA’s approved variances were contingent on Watershed Supervisory Committee approval of the septic plan, and Chairman Huntsman and Attorney Poulson had said that the Planning Board could not act without that WSC approval.

Monroe submitted a copy of an unsigned June 3 draft e-mail from a member of the WSC to neighbor Joe Galati. It indicated that the WSC would be formally signing off on the Stagliano project on June 5. Huntsman asked the Board whether they were comfortable accepting this as WSC approval. Ann Cannon said she did not feel this constituted the approval documentation the Boards required. Attorney Poulson and Chairman Huntsman agreed.

Deane suggested the Board determine whether any other documentation would be required. 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, except the WSC approval, and a survey, which could be waived in lieu of the detailed plans. Huntsman said a public hearing could also be waived, due to the ZBA’s multiple hearings on the application.

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). May Leinhart seconded the motion and it was approved, 6-0.

This application will be put on the July 2 agenda.

**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)**

No one was present on behalf of the Kapsales application. Zoning Enforcement Officer Phillips said he would contact representative Tim Yerdon.

**Otsego Land Trust (Gregory Farmer, Executive Director) – Site plan review, addition of boardwalk within 100 feet of Otsego Lake in RA1 district – 6000 State Highway 80 (#99.00-1-32.01)**

May Leinhart recused herself and left the meeting table.

Clerk Bill Deane read aloud from the Planning Board’s minutes of May 7 relevant to the Otsego Land Trust application. He also read from the Zoning Board of Appeals’s relevant minutes of March 19, April 16, and May 21 (not yet approved). In April, the ZBA held a 20-minute public hearing, with mostly positive comments but also some duly-noted concerns. In May, that Board granted a 35-foot variance on the east (rear or Lake side), and a variance from *Land Use Law* 4.04, which prohibits new construction

within 100 feet of Otsego Lake, specific to the proposed project, with the following conditions: (1) Improved directional signage shall be installed by OLT, clearly directing motorists away from the Talevi property; (2) Maintenance of existing signs mandating dog leashing, with an additional such sign installed at the bridge; (3) If not already mandated, OLT must prohibit alcohol consumption, fires, cookouts, amplified music, or gatherings on the property to the north of the bridge, installing signage along the north property line designating "Private property, please be respectful"; (4) A removable bollard(s) shall be installed in front of the bridge to prevent unauthorized motor vehicles from crossing.

Chairman Huntsman read aloud a May 31 communication from ZBA Chairman Greg Crowell, addressing concerns raised by neighbor Michelle Eastman. Huntsman also read aloud a June 4 letter from neighbor Steve Talevi, going over it item by item with representative Gregory Farmer.

Farmer displayed plans on an easel, and responded to questions. He said there would be no expansion of the property's use or capacity, and that it is not a money-making enterprise. OLT owns the driveway, and the Sailing Club is its biggest user. Farmer said he would be presenting the ZBA's conditions to the OLT's Board, but most of them were already in place.

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. Huntsman also reviewed the Town's *Comprehensive Plan*, opining that this project is compatible with it.

Sharon Kroker moved to deem the application complete. Ann Cannon seconded the motion and it was approved, 5-0.

Kroker moved to waive the public hearing due to the April 16 ZBA hearing. Cannon seconded the motion and it was approved, 5-0.

Kroker moved to approve the site plan as submitted. Matt Glynn seconded the motion and it was approved, 5-0. Chairman Huntsman stamped the site plan "approved" and signed it. Zoning Enforcement Officer Phillips said he would scan the signed document and e-mail it to Farmer.

Leinhart returned to the meeting table.

## **OTHER BUSINESS**

Zoning Enforcement Officer Phillips said he had nothing new to report regarding applications. He said he had recently attended a SEQR seminar held by the Department of State. His biggest takeaway was that a subdivision should normally be declared an unlisted action, with a short environmental assessment form (EAF) completed by the applicant.

Sharon Kroker said she had attended the May 8 Town Board meeting as Planning Board liaison. The Town Board discussed proposed changes to the *Land Use Law*, including the one for which a hearing is scheduled on June 12. May Leinhart is assigned to serve as Planning Board liaison for the June 12 Town Board meeting.

Town Supervisor Bauer said he is moving to North Carolina in August. In addition to replacing him, the Town will need a new bookkeeper, as he was filling that role.

Bill Deane discussed the July 2 agenda. Kapsales and Stagliano are expected to return; there are no other applications in the pipeline as of now.

With no further business, at 9:27 PM Kroker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Clerk