

# Town of Otsego Planning Board

Minutes (unapproved), February 6, 2018

## 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 7:01 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. All Board members were present: Huntsman, Darryl Szarpa (Vice-Chairman), Scottie Baker, Chip Jennings, Elizabeth Horvath, Walter Dusenbery, and Ted Feury. Also present were alternate member Sharon Kroker, Zoning Enforcement Officer Ed Hobbie, Planning Board attorney Ryan Miosek, and Town Board members Carina Franck and Tom Hohensee. Alternate member Toby Wilcox was absent.

The Board reviewed the minutes of January 2, 2018, e-mailed to the members. Feury moved to approve the minutes as written. Jennings seconded the motion and it was approved, 7-0.

Chairman Huntsman discussed correspondence:

- He said that Bill Miller had submitted a copy of his January 23, 2007 deed. Huntsman and Hobbie had reviewed it and agree that there appear to be no deed restrictions on Miller's lot.
- Attorney Les Sittler send a January 8 package containing a boundary lot adjustment form. Because it was addressed to Huntsman rather than Hobbie, it was not found in the mailbox until today. Hobbie examined the package after the meeting and said the project appeared to be the joining together of multiple lots, which he did not think required Planning Board review.
- Deane distributed copies of the 2018 Planning Board directory.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. No member reported any conflict, but Hobbie said he would be leaving the room during the Michaels application proceedings for personal reasons.

Chairman Huntsman asked if anyone from the public had a comment on a non-agenda item. No one responded. The Board moved on to applications.

## APPLICATIONS

### Tashi Rabten (Bruce Phillips, Jon McManus) – Site plan review, special permitted use (yoga hall) in RA2 district – 533 Cook Road (#112.00-1-20.04, -.05 & -.06)

Representative Jon McManus asked that this application be taken off the agenda until further notice.

### Joyce Boyd – Minor subdivision in RA1 & RA2 districts – 1914 County Highway 26 (#68.00-1-23.02)

Scottie Baker read aloud from the minutes of January 2 relevant to the Joyce Boyd application. Boyd has since submitted a formal application form, the only item which was missing last month. Chairman Huntsman reviewed the *Land Subdivision Regulations*.

The Board discussed State Environmental Quality Review (SEQR). Elizabeth Horvath moved to declare lead agency status for the Planning Board, and deem this a Type II action per SEQR Section 617.5(c)(38). Walter Dusenbery seconded the motion and it was approved, 7-0.

Horvath moved to deem the application complete. Chip Jennings seconded the motion and it was approved, 7-0. Ted Feury moved to schedule a public hearing for March 6. Darryl Szarpa seconded the motion and it was approved, 7-0.

**Cathedral Park, Inc. (Marty Patton, Ed Gozigian) – Site plan review, construction within 100 feet of Otsego Lake – 6512 State Highway 80 (#84.12-1-14.00)**

No one appeared on behalf of this application. Attorney Miosek said that he had had daily e-mail exchanges with attorney Ed Gozigian, who maintains that Marty Patton's project does not require site plan review. Miosek and Town personnel disagree.

**Rosemary Summers – Sketch plan conference, construction of 12x18' barn – 405 County Highway 26 (#130.00-2-28.03)**

No one appeared on behalf of this application.

**Aaron Hall – Sketch plan conference, replacement of garage in Otsego Lakeshore protection area – 6555 State Highway 80 (#84.08-1-24.01)**

No one appeared on behalf of this application. Zoning Enforcement Hobbie said that Aaron Hall is awaiting a survey before he will be ready to proceed.

**Bill Michaels (Jon McManus, David Brennan) – Site plan review, special permitted use (“Heirloom Barn”), craft beverage manufacturing business in hamlet residential district – 276 Goose Street (#98.00-1-29.00)**

Representatives Jon McManus and David Brennan were present, along with Hyde Clarke, who works with Brennan at Young-Sommer. McManus submitted a letter of representation, a site plan (January 22, 2018, revision 1), elevations, and a survey. Brennan submitted photos and gave a history of the property and an overview of the proposed project.

Applicant Bill Michaels wants to use the former Christmas Barn building, next-door to his Fly Creek Cider Mill, to open a craft beverage manufacturing business (products yet to be determined). This would be done under the “Heirloom Barn Law,” permitting uses allowed in other districts, such as the General Business or Hamlet Business districts. Michaels proposes to expand the barn, and remove some falling-down outbuildings as a trade-off. Brennan said this was a pre-existing, non-conforming property in terms of setbacks, but that the proposed project would actually bring the setbacks closer to conformance. He said the project constitutes “agricultural use.”

Chairman Huntsman said he thought this was a great project which he hopes the Board can make work; however, he expressed concerns, chiefly that this is in the hamlet residential (HR) district. Huntsman also said that this would constitute expansion of a non-conforming use, which the Zoning Board of Appeals (ZBA) had ruled was not allowable on June 16, 2015, when Michaels had sought to expand the Cider Mill. Clerk Bill Deane noted that the ZBA had not actually ruled on that, as Michaels had substituted a different plan just before the Board was about to vote.

Walter Dusenbery expressed concern about the proposed hours extending to 11 PM in a residential district. He also questioned the expansion of the barn as a “trade-off” for removing outbuildings. Dusenbery asked what would happen to the house on the property. Brennan said it would be used for worker housing.

Board members discussed whether Michaels would need either a use variance, area variance, or interpretation from the ZBA. Deane explained that the ZBA could not decide or interpret anything unless either the Zoning Enforcement Officer or the Planning Board denied Michaels something.

Attorney Miosek said that separate applications would be needed for each special permitted use applied for. He said the Heirloom Barn Law allows for “adaptive rehabilitation,” but that Michaels would be expanding, not rehabilitating. Brennan noted that the Town has no definition for “adaptive rehabilitation.”

Carina Franck suggested that the Board should consider the size and use of the proposed project, as well as public hearing input.

Brennan and McManus said they would consider the Board's input, and plan to return in March with a revised plan.

**OTHER BUSINESS**

Ed Hobbie had no formal Zoning Enforcement Officer report, but discussed some projects and situations of interest.

Chairman Huntsman asked for a volunteer to serve as Planning Board liaison at the February 14 Town Board meeting. Darryl Szarpa volunteered. Scottie Baker volunteered to serve for the April 11 meeting.

Bill Deane reminded the Board that he would not be present for the March 6 meeting, but that Town Supervisor Meg Kiernan had agreed to cover for him. Chairman Huntsman, Scottie Baker, and Chip Jennings also said that they would miss the March meeting. That leaves a maximum of six members (Darryl Szarpa, Elizabeth Horvath, Walter Dusenbery, Ted Feury, and alternate members Sharon Kroker and Toby Wilcox) available, with four members required for a quorum and four votes required to pass any motion.

Deane discussed the March 6 agenda. Boyd (public hearing), and possibly Michaels and Hall are expected to return.

Chairman Huntsman discussed an e-mail he received with training opportunities from the New York Planning Federation. He said he would forward it to the other members.

With no further business, at 8:34 PM Scottie Baker moved to adjourn the meeting.

Respectfully submitted,  
Bill Deane, Planning Board Clerk