

**Town of Otsego Planning Board**  
Minutes – April 5, 2016

**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 John Phillips called the meeting to order at 7:01 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. All regular members were present: Phillips, Tom Huntsman (Vice-Chairman), Darryl Szarpa, Steve Purcell, Rosemary Craig, Scottie Baker, and Ed Hobbie. Also present were first alternate member Chip Jennings, Zoning Enforcement Officer Barbara Monroe, Planning Board Attorney Jim Ferrari, and Town Councilperson Carina Franck. Second alternate member Paul Russo was absent.

The Board reviewed the minutes of March 1, 2016, e-mailed to the members. Hobbie moved to approve them as written. Purcell seconded the motion and it was approved, 6-0 (Phillips abstained because he was not at the March meeting).

Correspondence received since the last meeting related to the Blackbird Hollow application, and is described below.

Chairman Phillips asked if anyone had a conflict with tonight's applicants. No one reported a conflict. Phillips asked if anyone from the public had a comment on a non-agenda item. No one responded. The Board moved on to applications.

**APPLICATIONS**

**Alex Zoeller (Bob Birch) – First lot split? – Cty. Hwy. 26 (#114.00-1-54.21)**

No one was present on behalf of this matter, but Attorney Ferrari had asked that it be discussed tonight. Ferrari said he had received a letter from Schlather & Birch, and it "looks fine to me as a first lot split." The Board also received an unsigned letter from Schlather & Birch, saying that they were representing applicant Alex Zoeller, but there is no letter from Zoeller.

**Steven Smith/Rosemary Summers – Boundary line adjustment – 381/405 County Highway 26 (#130.00-2-28.03 & -2.00)**

Robert Baker was present, describing himself as Rosemary Summers's "sweetheart." He submitted a site map and deed language for a proposed boundary line adjustment, wherein Steven Smith would convey .64 acres to Summers. This would make Summers's lot 1.57 acres and rectangular, thus more conforming. Attorney Ferrari looked over the language and expressed approval of it.

After discussion, Scottie Baker moved to accept the boundary line adjustment and authorize the chairman to sign the map. Steve Purcell seconded the motion and it was approved, 7-0. Chairman Phillips stamped the map "approved" and signed it, advising Baker to file it with the County as soon as possible.

**Blackbird Hollow, LLC (Joe Galati & Susanne Adsit/Jon McManus/Les Sittler) – Site plan review, special permitted use, restaurant/bar/hotel – 6855 State Highway 80 (#69.44-1-5.00)**

Applicants Joe Galati and Susanne Adsit were represented by engineer Jon McManus and attorney Lester Sittler. Tom Huntsman read aloud from the minutes of March 1 relevant to the application.

Clerk Bill Deane had sent coordinated review mailings on March 10. Since then, the Board received letters (filed) from the Department of Environmental Conservation (DEC), Department of Transportation (DOT), U.S. Army Corps of Engineers, and Otsego County Planning Department, each expressing no problem with the Planning Board's declaration of lead agency. No responses have been received from the Town of Springfield or the State Historic Preservation Office (SHPO).

The Board also received numerous unsolicited e-mails from neighbors, expressing concerns with the proposed project. Most of these were printed out and filed.

The Board had deemed the application complete contingent on a letter of authorization and a list of neighbors. It turned out those items were included in the application package submitted at the March meeting.

McManus read aloud a summary of the differences between the site plan approved in 2014, and the current proposed project. He said they had received a renovation permit from the County, but were still holding off on applying for the Watershed Committee permit. McManus asked if there were any questions.

Scottie Baker asked whether the extra hotel rooms would be where the restaurant originally was supposed to be, and if so, would the building be changing? McManus said they were, and that the only changes to that building were inside.

Tom Huntsman asked how they could justify the new restaurant building, since the original approval was under the "Heirloom Barn" law. Huntsman cited *Land Use Laws* 1.05 and 7.03, regarding special permitted uses. Attorney Sittler said that the use variance granted by the Zoning Board of Appeals in 2001 (giving permission to operate a restaurant and lodging business) applies to the entire property, identified by tax map number, not just the existing building. He cited a pertinent 2008 letter from Attorney Ferrari in the application package. Ferrari agreed, saying the variance runs with the land, not the building. He said the Heirloom Barn provision was used in increasing the number of rooms permitted in the 2014 application.

Deane retrieved the ZBA minutes from 2000, when that board granted the use variance. Zoning Enforcement Officer Monroe made copies of the relevant minutes for the Planning Board members. Huntsman read aloud a portion of the minutes.

Baker noted that the property is in the Historic District, wondering if a new building is even allowed, and if so, what integrity would be required?

Baker asked about people parking illegally on the road – could the Planning Board add a condition addressing that? McManus said the roads are not on the property, so it would be up to the police to monitor parking. McManus added that, though the *Land Use Law* does not account for employee parking, they plan to mitigate the effect by having the cleaning crew (about half of the staff) shuttled in.

Baker also asked about the 15 more hotel rooms: how many more people and bathrooms would that equate to? McManus said it would equate to 92 more people (144 minus 52 from the restaurant), and 30 more bathrooms. Baker noted that both the 2014 and 2016 plans call for 3,500 gallons of water usage per day. McManus said the figure may have to be tweaked, but it should be close to 3,500.

Finally, Baker asked why the application is listed as new rather than a site plan modification. Sittler said it was because they didn't want to risk losing the 2014

approval if this one were denied. Deane and Ferrari suggested that the special permit, if granted, should clarify that it supersedes any previous permit.

Ed Hobbie noted that the 2014 approval specified pool hours of 8:30 AM to 11 PM, whereas the current application shows hours of 7 AM to 11 PM. Chairman Phillips said that that is a moot point, since the previous time restriction involved use of the pool, whereas everything will now be indoors.

McManus said he would bring details on a traffic study, lighting, parking, and handicap parking to the May meeting.

Chairman Phillips asked if the Board could wait to do State Environmental Quality Review (SEQR) at the May meeting. The consensus was that they could and should.

Hobbie moved to schedule a public hearing for May 3 at 7:30. Darryl Szarpa seconded the motion and it was approved, 7-0. Deane noted that that will be 63 days after the application was deemed complete. McManus agreed to waive the 62-day time limit for the Board to make a decision or perform SEQR.

### **Chokgyur Lingpa Foundation – Site plan modification, special permitted use, place of worship – 412 Glimmerglan Road (#98.00-1-67.01)**

Doris Motta, Director of the Board for the Chokgyur Lingpa Foundation, was present. She said they plan to install bathrooms, showers, a septic tank and a leech field for their facility, which was given a special permit (place of worship) by the Planning Board in 2009. She showed engineering plans. Chairman Phillips said that the septic system would require New York State engineering approval.

The Board discussed whether this could be considered accessory use, not requiring Board intervention. Attorney Ferrari said it would be subject to site plan review as a site plan modification. Motta was advised that she should complete an application and follow the site plan requirements listed in the Land Use Law, then return before the Board.

### **OTHER BUSINESS**

Barbara Monroe distributed copies of her April 1 Zoning Enforcement Officer report (filed). She said there was “not much going on.”

Chairman Phillips asked for a volunteer to serve as Planning Board liaison for the April 13 Town Board meeting. Scottie Baker volunteered, saying she would call if she cannot make it.

Chairman Phillips said he had checked on Brookwood Gardens, and “they are doing what they said they would do” in 2015.

Phillips and Ed Hobbie said they had visited the site of the Van der Riets’ proposed tennis court, which Hobbie noted was the site of encapsulated waste disposal. Clerk Bill Deane said the applicants are aware of that, and that they have a ZBA public hearing scheduled for April 19. Deane read aloud the relevant minutes (not yet approved) of the ZBA’s March 15 meeting.

Chairman Phillips said that he signed the plat for the Theodosia Jones boundary line adjustment approved in March.

Chairman Phillips suggested that the Board members have e-mail addresses in care of the Town. Carina Franck said she would bring the idea up at the Town Board meeting.

Chairman Phillips asked members to give copies of their continuing education certificates to him, so he could keep track of training requirements for everyone.

Sonny Kukenberger asked the Board what happened to the solar energy issue discussed last year. Chairman Phillips and Carina Franck gave him updates. Deane said that Kukenberger could have brought this up during the “public comment” at the beginning of the meeting, rather than sit through the whole meeting.

Deane discussed the May 3 agenda, reminding the Board of resumption of the 7:30 start time. Bill Miller is due back for extension of his conditional approval. Blackbird Hollow (public hearing) will be returning, as will Chokgyur Lingpa Foundation, assuming they complete an application. Van der Riet may return if he gets his variances from the ZBA. Zoning Enforcement Officer Monroe said that Paul Belmonte (discussed as a sketch plan in December) would also be on the agenda.

With no further business, at 9:20, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk