

Town of Otsego Planning Board

Minutes (unapproved), May 1, 2018

PUBLIC HEARINGS

Otsego Sailing Club (David Ainsworth, Ronald Streek) – Site plan review, construction of pavilion within 500 feet of Otsego Lake – State Highway 80 (#99.00-1-32.02)

Chairman Huntsman opened the Otsego Sailing Club public hearing at 7:34 PM. He read aloud the Town's public comment guidelines, asking for speakers to be respectful and brief. Huntsman asked if anyone had questions or comments about the application. No one responded. Ted Feury moved to close the public hearing. Elizabeth Horvath seconded the motion and it was approved, 7-0.

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

Chairman Huntsman opened the Michaels public hearing at 7:36 PM. Representatives David Brennan and Jon McManus gave a summary of the proposed project, passing out copies of the site plan, and displaying plans and photos. Huntsman asked if anyone had questions or comments about the application, and provided a sign-in sheet for those wishing to speak. Clerk Bill Deane called upon those listed:

- Jim Howarth of 2 Lake Street said he supports the proposed project, saying that in creating jobs and preserving a historic structure, it supports the needs of the community.
- Donna Thomson-Hulse of 9 Pioneer Street said she supports the project, which is being proposed by long-term residents, and promotes tourism.
- Vera Taleve of 5988 State Highway 80 said she supports the project, and that the Michaelses have proven to be good neighbors and stewards.
- Brenda Jaeger of 202 Goose Street read aloud from her May 1 written statement (filed), saying that she is opposed to the project. Citing the Town's Comprehensive Plan, she said it is not appropriate for a residential district, and expressed concerns about negative impacts on neighborhood traffic, quality of living, and property values.
- Dawn Hage of 189 Goose Street read aloud an April 28 letter (filed) from Ken Reitz of 272 Goose Street, opposing the project due to concerns about traffic, noise, odor, and impact on property values. She added her own concerns about home-brewing establishments.
- Christopher Hage of 189 Goose Street passed around handouts (filed), expressing opposition to the project. He said that “Enough is enough,” and asked the Board to protect the residents and environment. Citing the Comprehensive Plan, *Land Use Law* 1.03, and a 2015 Zoning Boards of Appeals (ZBA) application, Hage said he believes that the project increases a non-conformity, and requires use and area variances from the ZBA.
- Barbara Tobey of 931 County Highway 26 read aloud from her May 1 written statement (filed), opposing the project for the same reasons stated by others.
- Dale Davidson of 245 Goose Street said he opposes the project, as it will negatively affect the neighborhood and property values.
- John Phillips of 6761 State Highway 28 said he supports the project, citing the positive impact on the local economy, and the intent of the “Heirloom Barn Law,” which he helped draft.
- Chuck Newman of 239 Goose Street said he is opposed to the project, citing concerns about automobile and pedestrian traffic, and echoing points made by others.

- Sheila Ross of 124 Willow Avenue said she supports the project, citing the creation of jobs.
- Rob Bohm of 6180 State Highway 28 said he supports the project, saying that the Michaelses have proven to be good neighbors, and that the Town needs enterprises which produce money for the community.
- Jim Foutch of 119 Bailey Road said he is adamantly opposed to the project, saying “Enough is enough.”
- Jeffrey Foutch of 123 Bailey Road said he is opposed to the project, citing concerns about water level, noise, and traffic.
- Ellen Pope of 28 Elm Street said she is the Executive Director of Otsego 2000. Citing impacts on neighbors, she said the project illustrates the problems with the “Heirloom Barn Law,” and is the right project for the wrong spot.
- Kathy Chase of 250 Red House Hill Road cited *Land Use Law* 1.04, saying there is no law which provides for this enterprise, therefore it is not a permitted use. She said the “Heirloom Barn Law” constitutes spot-zoning.
- Nathan Sentz of 112 Glimmerhill Lane read aloud from his April 30 written statement (filed), supporting the project. He said the Board should not be governed by emotions.
- Lena Guyot of 165 Goose Street said she is opposed to the project, citing *Land Use Laws* 1.04 and 2.02.

Bob Gernhardt of 206 Goose Street had signed in, but was not present when called. With no further comments or questions, Ted Feury moved to close the public hearing. Chip Jennings seconded the motion and it was approved, 7-0. At 8:37, Chairman Huntsman called for a brief recess.

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 8:45 PM and led the Pledge of Allegiance.

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

The Board reviewed the minutes of April 3, 2018, e-mailed to the members. Baker moved to approve the minutes as written. Dusenbery seconded the motion and it was approved, 7-0.

Chairman Huntsman said the only correspondence received since the last meeting pertained to the Michaels public hearing, and would be addressed during the “applications” portion of the meeting.

Chairman Huntsman asked if anyone had a conflict with any of tonight’s applicants. No member reported any conflict, but Miosek said he would again be recusing himself from the Hall application.

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

Vincent Herrmann – Sketch plan conference, deck & septic system within 100 feet of Otsego Lake – 6786 State Highway 80 (#67.60-1-3.00)

Applicant Vincent Herrmann said he had just bought the property, and determined that he needs the deck replaced and a new septic system (holding tank) installed.

Chairman Huntsman read from *Land Use Laws* 4.04 (Lake Shore protection) and 8.04 (site plan requirements). He said that most of the requirements were either submitted or not applicable.

Zoning Enforcement Officer Ed Hobbie said that the deck would be a replacement-in-kind, and that the septic system would not be under the jurisdiction of the Planning Board (Jon McManus later cited a March 15, 2008 Memorandum of Agreement with the Watershed Committee, governing septic systems in the Lakeshore protection area). Huntsman said that he thought any project within 100 feet of Otsego Lake required site plan review, though he acknowledged that a holding tank does not constitute construction. Attorney Miosek said he did not think the deck required site plan review, as a replacement-in-kind.

Following the discussion, Chairman Huntsman advised Herrmann that his project does not require site plan review.

Otsego Sailing Club (David Ainsworth, Ronald Streek) – Site plan review, construction of pavilion within 500 feet of Otsego Lake – State Highway 80 (#99.00-1-32.02)

Scottie Baker read aloud from the April 3 minutes relevant to the Otsego Sailing Club application. Chairman Huntsman reviewed the Board's options.

Ted Feury moved to approve the site plan as submitted. Walter Dusenbery seconded the motion and it was approved, 7-0. Chairman Huntsman stamped the site plan "approved" and signed it.

Aaron Hall – Site plan review, replacement of garage within 500 feet of Otsego Lake – 6555 State Highway 80 (#84.08-1-24.01)

Attorney Miosek left the meeting table. Scottie Baker read aloud from the April 3 minutes relevant to the Hall application. Applicant Aaron Hall submitted a check for \$25 (delivered to Town Clerk Pam Deane). He had previously submitted the documents requested at the last meeting.

After discussion, Walter Dusenbery moved to waive the requirement for topographical contours. Sharon Kroker seconded the motion and it was approved, 7-0. Scottie Baker moved to deem the application complete. Kroker seconded the motion and it was approved, 7-0. Ted Feury moved to schedule a public hearing for June 5. Chip Jennings seconded the motion and it was approved, 7-0. Miosek returned to the meeting table.

Bill Michaels (Jon McManus, David Brennan) – Site plan review, special permitted use ("Heirloom Barn"), craft beverage manufacturing business – 276 Goose Street (#98.00-1-29.00)

Chairman Huntsman and Scottie Baker read aloud from some of the correspondence received for the public hearing. He said they would read only correspondence from neighbors within one mile of the property (in **bold**, below); the rest would be filed and available for review by members at their leisure. Correspondence received included:

- An undated letter from Matthew Hazzard, Executive Director of the Cooperstown Chamber of Commerce, supporting the proposed project.
- An undated letter from Frank Maloney, supporting the project.
- An undated letter from Hank Phillips of 9 Westridge Road, supporting the project.
- An April 23 letter from Vera & Bruno Talevi of 5988 State Highway 80, supporting the project.
- **An April 26 letter from Wayne Mellor and Amy Cannon of 881 County Highway 26, requesting that the Board deny the application for various reasons, and saying that the project is not in keeping with the neighborhood.**

- An April 26 letter from David K. Butler, Sr. of 101 Haggerty Road, supporting the project.
- An April 26 letter from Andrew Blum of 16 Main Street, supporting the project.
- An April 26 letter from Barbara Mulhern of 663 Keyes Road, supporting the project.
- An April 26 letter from R. A. King of 956 County Highway 26, supporting the project.
- An April 27 letter from Jeanette Weldon of 13 Main Street, supporting the project.
- An April 27 letter from Joan Kegelma of 251 Tripp Hill Road, supporting the project.
- An April 27 letter from Richard & Rosemarie Abbate, supporting the project.
- **An April 27 letter from Gary & Sally Bush of 205 Goose Street, supporting the project.**
- An April 29 letter from Edward & Junice Walker of 168 Glimmerhill Lane, supporting the project.
- An April 29 e-mail from Patricia Esposito, supporting the project.
- An April 30 e-mail from Bob Covici of 161 Bailey Road, supporting the project.
- An April 30 letter from M. Anne O'Connell of 167 Glimmer Hill Lane, supporting the project.
- An April 30 letter from Nancy Angerer of 434 Williams Road, supporting the project.
- A May 1 letter from Douglas Walker of 90 Lake Street, supporting the project.
- A May 1 e-mail from Susan Green, of 175 Main Street, supporting the project.
- **A May 1 e-mail from Paula Schaeffer of Goose Street, saying that she does not feel the new project would have much additional impact on the neighborhood, providing that it operates during the same hours as the Cider Mill.**

Baker read aloud from the April 3 minutes relevant to the Michaels application. Representative

David Brennan said that they had heard a lot tonight, and needed time to digest and respond to the comments made. He said they would plan to return in June to discuss the project further. Board members were agreeable to this plan. The Board has 62 days after the public hearing to issue a decision, meaning it has to be made by July 2 (the day before the scheduled July meeting), unless the "clock is stopped" by mutual agreement of the applicant and Board.

Later during the meeting, the Board informally discussed the project. Members reiterated concerns about whether it was a permitted use, and whether it increased a non-conformity. Attorney Miosek advised the members to be thorough in their rationale when issuing a decision.

OTHER BUSINESS

Ed Hobbie distributed copies of his Zoning Enforcement Officer report (filed), and answered questions about it.

Chairman Huntsman asked for a volunteer to serve as Planning Board liaison for May 9 Town Board meeting. With no volunteer, he said he would do it. The Board discussed the necessity of the position, which is provided for by the Board's By-Laws.

Ted Feury discussed his work on the Town's *Land Use Law* Committee, including discussion about Sections 3.15 and 4.04.

Bill Deane discussed the June 5, 2018 agenda. Hall (public hearing) and Michaels will be returning. With no further business, at 10:02 PM Scottie Baker moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk

