

Town of Otsego Planning Board

Minutes – June 7, 2016

PUBLIC HEARINGS

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

Chairman John Phillips opened the Chokgyur Lingpa public hearing at 7:32 PM. Rosemary Craig read aloud a June 7 letter from Kathleen Gozigian of 394 Glimmerglen Road, opposing the project. She expressed particular concerns about visual impact, overnight transient guests, and increased water usage. Representative Doris Matta responded that there is no shortage of water in the area, and that they are proposing an expensive, engineered septic system, which is an improvement over the current system.

Chairman Phillips asked if anyone from the public had questions or comments. Val Page, a next-door neighbor, said she doesn't understand the proposed project, and feels it is the beginning of a series of steps which will increase the facility's usage and impact on the neighborhood. Matta responded that they have no intent to overdevelop nor change the rural character of the neighborhood. Matta showed Page the plans. Chairman Phillips noted that any further change to the site plan would require another site plan modification application.

Margaret McGown said she supports the project, saying it represents a quiet usage of the property.

Chairman Phillips noted that a public hearing notice addressed to Henry Kimcannon had been returned to sender, "not deliverable as addressed."

With no further questions or comments, Craig moved to close the public hearing. Tom Huntsman seconded the motion and it was approved, 7-0.

Jeffrey Wait – Site plan review, replacement of structure within 100 feet of Otsego Lake – 6793 State Highway 80 (#69.52-1-11.00)

Chairman John Phillips opened the Jeffrey Wait public hearing at 7:47, and asked if anyone from the public had questions or comments. No one responded. Ed Hobbie moved to close the public hearing. Steve Purcell seconded the motion and it was approved, 7-0.

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 John Phillips called the meeting to order at 7:49 PM and asked Darryl Szarpa to lead the Pledge of Allegiance.

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

The Board reviewed the minutes of May 3, 2016, e-mailed to the members. Craig moved to approve them as written. Hobbie seconded the motion and it was approved, 7-0.

Correspondence received since the last meeting included an e-mail from Joe Siracusa, regarding a change tonight's sketch plan conference for proposed NYSHA

projects; and a 6/7 e-mail (filed) from Kathy Chase, related to the Blackbird Hollow application. Chairman Phillips noted that a Blackbird Hollow public hearing notice addressed to Opera Lake House, LLC, had been returned to sender, “attempted – not known.”

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

Chairman Phillips asked if anyone from the public had a comment on a non-agenda item. Jon McManus asked if the Board would consider a year-round 7:00 start time, instead of the 7:30 used from May-September. The consensus of the Board was to retain the later start time, as getting to 7:00 meetings is too difficult for many members during the spring and summer months.

Betty Van Heusen asked whether “Historic District” status offers landowners any protections. Chairman Phillips said that it triggers State Environmental Quality Review (SEQR), but beyond that and the *Land Use Law*, the Planning Board has no authority on the matter. Carina Franck said that the Town Board is looking into this question, and will be discussing a related issue at its next meeting.

The Board moved on to applications.

APPLICATIONS

Tom Bouton (Jon McManus) – Sketch plan conference, boundary line adjustment to increase parking for Fly Creek General Store – 6216 State Highway 28, Fly Creek (#114.05-1-13.00 & -14.00).

Applicant Tom Bouton was present, along with representative Jon McManus. Bouton owns the Fly Creek General Store (tax map #114.05-1-14.00), and a house next-door at 6216 State Highway 28 (tax map #114.05-1-13.00). Both are on pre-existing, non-conforming lots, less than the required one-acre lot-size for the hamlet business district: the store’s lot is .244 acres, and the house’s is .388 acres. Bouton wants to do a lot line adjustment to make the store lot bigger (.297 acres) and allow for more parking. This would decrease the house lot size to .335 acres. Because of the substandard lot size and increase in non-conformity, Bouton will need variances from the Zoning Board of Appeals (ZBA) before the Planning Board can take any action. Bouton went before the ZBA on May 17, and has a public hearing scheduled by that Board for June 21. Clerk Bill Deane read aloud from the ZBA minutes (not yet approved) of May 17.

Bouton and McManus showed plans for the proposed lot line adjustment. Chairman Phillips asked that, if Bouton has the properties surveyed, that he submit the survey for the Town file. Steve Purcell suggested that Bouton have the Fly Creek Fire Chief sign off on the proposed plan.

The consensus of the Board was that they would have no issue with the lot line adjustment, providing the ZBA grants the requested variances. They will need proposed deed language, and drainage plans. Bouton will return to the July 5 meeting if he gets his ZBA variances.

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

Rosemary Craig read aloud from the May 3 minutes relevant to the Chokgyur Lingpa application.

Representative Doris Matta said that the building’s square footage will increase from 864 to 940. She said that the only real traffic would be on Thursday evenings

and Monday mornings. Matta said they planned evergreen plantings to buffer the impact on neighbors.

Tom Huntsman noted that the proposed project represents an improvement, as the new facility will replace Porta Johns and an outdoor shower currently in usage. He moved to approve the site plan as submitted. Steve Purcell seconded the motion and it was approved, 7-0. Chairman Phillips stamped the site plan “approved” and signed it. Clerk Bill Deane noted that they have a copy of the 2009 special permit, and there is no substantial change, thus he sees no need to issue a revised permit.

Jeffrey Wait – Site plan review, replacement of structure within 100 feet of Otsego Lake – 6793 State Highway 80 (#69.52-1-11.00)

Rosemary Craig read aloud from the May 3 minutes relevant to the Wait application.

Tom Huntsman questioned whether the Board could consider this a replacement-in-kind, since the building footprint is being relocated. Applicant Jeffrey Wait said that the ZBA asked him to relocate the building farther from the Lake, if possible, but he could use the same footprint as before if the Planning Board preferred. The consensus of the Planning Board was that, under the circumstances, this could be treated as a replacement-in-kind.

Ed Hobbie moved to approve the site plan as submitted. Scottie Baker seconded the motion and it was approved, 7-0. Chairman Phillips stamped the site plan “approved” and signed it.

NYSHA (Joe Siracusa, Michael Haas) – Sketch plan conference, parking lot upgrade – State Highway 80 (#115.00-1-4.00)

NYSHA representative Joe Siracusa was accompanied by Michael Haas of Haas Landscape Architects. They hope to upgrade the Farmers’ Museum parking lot in the fall, increasing capacity from 55 to 63, and improving safety (including the addition of lights). Haas displayed an architectural rendering of the proposed upgrade, and distributed photos of the existing lot and renderings of the upgraded one.

The Board examined the documents. Tom Huntsman asked if they would even need to do site plan review for a parking lot. Haas said NYSHA would need limited site plan review in order to meet Codes requirements. The Board discussed whether SEQR would be needed, and waiving a public hearing.

Clerk Bill Deane advised Siracusa to submit a site plan application to the Zoning Enforcement Officer at least two weeks before they want to return to the agenda.

Glimmerglen Hills, Inc. (Kathy Brady, Bob Schlather) – Property merges – (#83.00-1-9.00, -11.01, -11.02, -11.03, -11.04, -11.05, -35.00, and 98.00-1-76.00)

Attorney Bob Schlather introduced Kathy Brady, President of Glimmerglen Hills. Schlather had mailed an application package to Chairman Phillips at the Town building on May 6. Clerk Bill Deane said he found this package in the Planning Board mailbox only by chance, since neither Phillips nor Deane have scheduled hours at the Town building; otherwise, it would not have been discovered until tonight, and delayed to the July meeting. Deane reminded Schlather that anything for the Planning Board agenda should be submitted to the Zoning Enforcement Officer.

Glimmerglen Hills wants to merge eight contiguous land parcels into three large lots. Parcels #83.00-1-9.00 and -11.05 would be merged into one 152-acre lot; parcel #83.00-1-11.02, -11.03, -11.04, -35.00, and part of -11.01 would be merged into a 141-acre lot; and parcel #98.00-1-76.00 and the rest of #83.00-1-11.01 would be merged into a 92-acre lot.

The Board examined the documents submitted, and determined that the only item requiring their review would be the split of parcel #83.00-1-11.01. Chairman Phillips and Tom Huntsman examined the Town's tax maps, and confirmed that there had been no other splits on this lot since 1987. Huntsman noted that the two resultant lots, split by a road, would be conforming.

Huntsman moved to declare the proposed division of parcel #83.00-1-11.01 as a first lot split. Rosemary Craig seconded the motion and it was approved, 7-0.

Chairman Phillips moved to resolve that the Planning Board has no issue with the proposed merging of lots. Scottie Baker seconded the motion and it was approved, 7-0.

James, John & Jeffrey Foutch – Boundary line adjustment – 119 Bailey Road (#98.00-1-40.02)

Brothers James, John, and Jeffrey Foutch own a 3.24-acre parcel surrounded by a larger lot owned by them, with their mother having life use. They want to convey approximately 2.5 acres from their mother's property and add it to their lot. They showed a diagram of the proposed boundary line adjustment.

Chairman Phillips moved to approve the boundary line adjustment, contingent on a proposed deed description submitted to and approved by Attorney Ferrari. Darryl Szarpa seconded the motion and it was approved, 6-0 (Ed Hobbie had temporarily left the room). Phillips advised the Foutches to contact him when they were ready for the plat to be signed.

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

Representatives Jon McManus and Les Sittler were present. Applicant Joe Galati had sent a May 16 memo, withdrawing their pending application on the Blackbird Hollow property, saying he instead would be pursuing a site plan modification application, modifying the site plan and special permit approved by the Board in 2014. Galati subsequently sent a memo, saying he was not withdrawing the 2016 application, but "suspending" it. Attorney Sittler explained that Galati wanted the 2016 application "frozen or held in abeyance," pending the results of the site plan modification application. If the modification is approved, Sittler expects that Galati will withdraw the 2016 application; if not, he may resume it.

McManus submitted a site plan modification application package. The 2014 approval was for a 21-room hotel and 68-seat restaurant in the old Hickory Grove building, along with a separate pool and pavilion. The modification seeks a 36-room hotel and 32-seat restaurant in the Hickory Grove building, with no change to the pool or pavilion. McManus said there would be no change to the footprint or height of the building; the only changes would be to the interior. He said the water usage estimate would change only slightly, from 3,500 gallons per day to 3,520. Steve Purcell said he believes there is plenty of water for the proposed project.

Scottie Baker asked if an applicant can have multiple pending applications on the same property. No one knew of any such restriction. Darryl Szarpa suggested that the Board, if approving the modification, could do so conditional of the withdrawal of the 2016 application.

Sittler referred to former Zoning Enforcement Officer Schecher's decision, incorporated into the 2014 approval, that they could have up to a 36-room hotel under the "Heirloom Barn" provisions. He said the 2000 use variance did not specify an allowable number of restaurant seats.

Tom Huntsman said he does not feel the project follows the spirit of the Heirloom Barn law. Ed Hobbie agreed, and said that the 2014 drawings showed an open porch, whereas the current drawings indicate it is all enclosed living space. Hobbie said he had called Galati to ask about the discrepancy, and could not repeat Galati's response. Hobbie also said he had requested a set of prints from McManus and was rebuffed. McManus said that Hobbie was lying about that and impugning McManus's integrity.

Throughout the meeting, members of the audience interrupted with conversation, comments, and applause. They were asked to quiet down on several occasions. At one point, Kathy Chase loudly complained about the proposed project and the Planning Board process. Chairman Phillips repeatedly reminded audience members that this was not a public hearing.

Chairman Phillips said that the Board couldn't reverse the 2014 decision, and that per Section 1.04 of the *Land Use Law*, there should be no site plan requirements for interior changes. Attorney Ferrari said that the Board would have to go through the usual site plan requirements, including another public hearing.

Purcell moved to deem the application complete and schedule a public hearing for July 5. Hobbie seconded the motion and it was approved, 6-1, with Baker opposed.

Richard & Michelle Eastman – Site plan review, expansion of existing residence within 500 feet of Otsego Lake – 6014 State Highway 80 (#99.00-1-31.01)

This application was mistakenly left off the agenda. Richard Eastman had submitted an application on time, but it appeared the project was within 100 feet of Otsego Lake, thus would need ZBA variances first. It was later ascertained that the proposed project would be 101 feet from the Lake, thus ready for Planning Board review.

Applicant Richard Eastman showed a drawing. He wants to exceed his existing deck, 109 feet from the Lake, by eight feet (adding an 8 x 36' section). He also wants to add some parking spaces farther up the lot.

Tom Huntsman went through the site plan requirements in section 8.04 of the *Land Use Law*. The consensus was that the applicant had submitted everything necessary except a survey, which could be waived. Attorney Ferrari said that SEQR does not apply to residential projects.

After multiple aborted motions by various members, Steve Purcell moved to waive a public hearing, due to the minimal impact of the project, and to waive the survey requirement, deeming the drawing adequate. Scottie Baker seconded the motion and it was approved, 6-1, with Darryl Szarpa opposed, as he did not agree with waiving a public hearing.

Chairman Phillips moved to deem the application complete, with the aforementioned waivers. Ed Hobbie seconded the motion and it was approved, 6-1, with Szarpa opposed.

Huntsman moved to approve the site plan as submitted. Steve Purcell seconded the motion and it was approved, 6-1, with Szarpa opposed. Phillips stamped the drawing “approved” and signed it.

OTHER BUSINESS

Chairman Phillips explained that Zoning Enforcement Officer Purcell was absent due to a family commitment. He distributed copies of her June report (filed).

Chairman Phillips asked for a volunteer to serve as Planning Board liaison for the June 8 Town Board meeting. Ed Hobbie said he planned to go. Phillips asked Hobbie to call him if he could not make it.

Hobbie said he thought that the Planning Board has been remiss in its duties in some cases, particularly in the Blackbird Hollow projects. He said that anyone utilizing the Heirloom Barn law should submit a stamped set of prints showing a rendering of the exterior appearance, in addition to a site plan. He said the change from an open to a closed porch, and the increased square footage from the Hickory Grove, had been slid past the Board. Hobbie disagreed with Phillips’s decision on a time limit during the public hearing, and said Phillips should have consulted the other Board members on that.

Darryl Szarpa suggested a sign-up sheet for those wanting to speak at a public hearing.

Chip Jennings said that neighbors should be given their full say during public hearings. He asked what was the use of a public hearing if no consideration is given to neighbors’ input? And why is a Planning Board needed if they are just following the *Land Use Law*?

Bill Deane said that previous chairmen had imposed time limits during public hearings, and that Phillips has done a good job under the circumstances. He said that, in his 12+ years as Board clerk, he has never encountered more disrespectful neighbors than those attending the Blackbird Hollow proceedings, and it makes his job more difficult. They complain that they are not being respected as neighbors, yet they show no respect for the Board, other applicants, or other attendees.

Carina Franck said that the Town Board would be discussing a proposed moratorium on the demolition of historic structures during the June 8 meeting. She gave a copy of the proposed language.

Bill Deane discussed the July 5 agenda. As of now, Blackbird Hollow (public hearing) and Tom Bouton (assuming he gets his ZBA variances) are the only pending applications.

With no further business, at 10:35, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk