

Town of Otsego Planning Board

Minutes (unapproved), July 3, 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. Acting Chairman Darryl Szarpa called the meeting to order at 7:33 PM and led the Pledge of Allegiance.

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

The Board reviewed the minutes of June 5, 2018, e-mailed to the members. Miosek said that, under “other business,” “Hobbie has issued another stop-work order” should be “Hobbie had issued a stop-work order.” Feury moved to approve the minutes as amended. Baker seconded the motion and it was approved, 7-0.

The only correspondence received since the last meeting was a June 4 letter (filed) from Holly Lee, opposing the Michaels application.

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

Acting Chairman Szarpa asked if anyone from the public had a comment on a non-agenda item. Joyce Putnam of 6498 State Highway 80 introduced herself, thanking the members for their service, and saying she was there just to observe.

The Board moved on to applications.

APPLICATIONS

Longview Allied, LLC (Jon McManus) – Site plan review, special permitted use (“Heirloom Barn”), “Serenity Hill Event Center” – 281 Christian Hill Road (#133.00-1-66.09)

Scottie Baker read aloud from the June 5 minutes relevant to the Longview Allied application. Representative Jon McManus submitted a revised site plan, showing additional parking. He said he was trying to get hold of a survey done c. 2005.

Baker asked who the LLC included. McManus said that it included Joe and Tom Potrikus, but he wasn’t sure who else. Baker expressed concern that only one member of the LLC signed the representative form, and that others may not be in agreement. Attorney Miosek said that would be an LLC issue, not the Board’s.

Acting Chairman Szarpa asked if the facility would be open year-round. McManus said that the downstairs portion of the building has the potential to host events year-round.

Walter Dusenbery asked about the height of the building. McManus said the building was already in existence, and the proposed porch would be within the *Land Use Law*’s 40-foot limit.

Ted Feury expressed concern about the hours of operation. The Board can limit these as a condition of the Special Permit.

Szarpa went through the site plan requirements in Section 8.04 of the *Land Use Law*. McManus said there would be no new lighting or signs, and that the facility would accommodate up to 150 people per event. He said

that permits required included ones from the New York State Department of Health (septic and water), and Otsego County Codes (building permit). The consensus of the Board was that the only missing items were the survey and elevation drawings. Chip Jennings moved to waive the elevation drawing requirement, due to the building already being in existence. Sharon Kroker seconded the motion and it was approved, 7-0.

The Board discussed State Environmental Quality Review (SEQR). Feury moved to declare lead agency status for the Planning Board, and deem this a Type II action per SEQR Section 617.5(c)(1). Kroker seconded the motion and it was approved, 7-0.

Feury moved to deem the application complete, contingent on a survey to be submitted by July 24. Jennings seconded the motion and it was approved, 7-0. Baker moved to schedule a public hearing for August 7. Elizabeth Horvath seconded the motion and it was approved, 7-0.

Phillips Living Trust – Sketch plan conference, special permitted use in RA2 district, woodworking & storage – 6761 State Highway 28 (#96.00-1-19.00)

Scottie Baker read aloud from the June 5 minutes relevant to the Phillips sketch plan. Applicant John Phillips said he still needs clarification from the Board, and has not yet submitted a formal application.

The Board said that the project could qualify as a service trade establishment, as long as the square footage used did not exceed 3,000 square feet. Phillips said that the barn is approximately 12,000 square feet.

Phillips expressed concern that the “Heirloom Barn Law” would soon be revoked by the Town. Attorney Miosek said that, as long as he submitted a site plan application before this happened, his application would be given the benefit of the current law. Otherwise, Phillips could apply for a variance from the Zoning Board of Appeals (ZBA). Acting Chairman Szarpa said that the Heirloom Barn Law would not be needed if the project qualified as a recreational facility.

Phillips will plan to submit a site plan application as soon as possible. Clerk Bill Deane suggested that Zoning Enforcement Officer Hobbie date-stamp it upon receipt.

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)

This application was added to the agenda at the request of Attorney Miosek, who said the applicant is scheduled for a conference with the County Court on July 11. Marty Patton had submitted an application in November, 2017, and had appeared at the December Planning Board meeting, but had failed to show up at subsequent meetings. Clerk Bill Deane read aloud from the December 5, 2017 minutes relevant to the application.

Attorney Ed Gozigian said that he does not think Patton needs Town approval for his proposed projects. He reminded the Board that this whole thing (the stop-work order) started with the simple removal of five trees out of about 60. Gozigian doesn't think such things as removing weeds should require approval. Miosek said that a Court order requires Patton to submit a site plan application. Miosek later added that any ambiguity in the law should be interpreted in favor of the applicant, but that the Court had determined that there is no ambiguity in this case.

Zoning Enforcement Officer Hobbie said that Patton had started major excavation, digging a hole measuring approximately ten feet long, ten feet wide, and five feet deep, where he plans to put a fireplace. Hobbie later noted that the *Land Use Law* addresses a percentage of tree removal over a ten-year period, and that the previous property owner had removed about ten trees within the past ten years.

Patton said that all he wants to do at this time is replace a patio. He said that Hobbie had completed the November application, and that he hadn't even reviewed it. Patton finally said he would complete a site plan

application in time for the August 7 meeting. Miosek said that he would not have to pay an additional \$25 application fee. Clerk Bill Deane advised Patton and Gozigian that the August 7 Planning Board agenda deadline is July 24. Deane wondered if Patton would need a ZBA variance for construction within 100 feet of the Lake, before the Planning Board could perform site plan review. Attorney Miosek said that Patton would not need a ZBA variance unless there is a structure being erected.

OTHER BUSINESS

Ed Hobbie distributed copies of his July 3 Zoning Enforcement Officer report (filed).

Acting Chairman Szarpa asked for a volunteer to serve as Planning Board liaison for the July 11 Town Board meeting. Chip Jennings said he would try to attend.

Bill Deane discussed the August 7, 2018 agenda. All three applicants are expected to return. Ted Feury said that he would not be at the August 7 meeting.

Deane said that Bill Michaels's attorneys have demanded a written denial resolution, as provided by the *Land Use Law*, Section 8.05(8). Deane said he was not aware of this law, and had never before prepared a denial resolution in 14 years working for the Planning Board. With input from Attorneys Miosek and Michelle Kennedy, Deane prepared a resolution. The Board reviewed the resolution, and Acting Chairman Szarpa and Deane signed it. Deane made copies for the file and for the Town Clerk, and said he would mail the original to Michaels (done July 5). The Board briefly discussed the case.

With no further business, at 9:24 PM Scottie Baker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk