

Town of Otsego Planning Board
Minutes – July 5, 2016

PUBLIC HEARING

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)

Chairman John Phillips called the Blackbird Hollow public hearing to order at approximately 7:31 PM. Those wishing to comment were asked to sign in on a sheet provided by Ed Hobbie.

Doug Hastings of 119 Badger Lane quoted from the “Heirloom Barn” law and previous Planning Board and Town Board meeting minutes. He cited various concerns, and said that the Heirloom Barn provisions and public comments should be taken into consideration in the Planning Board’s decision. Hastings spoke for nine minutes, and submitted a paper copy of his comments for the file.

Ginny Hastings of 119 Badger Lane expressed concerns about traffic, parking, the pool hours and size, the external appearance (particularly the porch), and discrepancies in the application. She said the project was not in keeping with the Heirloom Barn law or the character of the residential neighborhood. She had Jack and Barbara Nichols display old photos of the Hickory Grove building as she spoke. Hastings spoke for 19 minutes, and submitted a paper copy of her comments for the file.

William Dornburgh of 58 Brunlar Court said that he had had his wedding reception at the Hickory Grove 62 years ago. He said the current proposed project is “a disgrace to our community.”

Teresa Bader of 6834 State Highway 80 shared emotional memories of the Hickory Grove, and said she was totally opposed to the current proposed project. She cited concerns about safety, noise pollution, the septic system, parking, and lighting.

Sarah Seaver of 103 Badger Lane also shared fond memories of the Hickory Grove, and said she was opposed to the current proposed project.

Danny Lapin of 7207 State Highway 80, identifying himself as an environmental planner for the Otsego County Conservation Association, requested that the application be denied. He cited concerns about safety of traffic and pedestrians, the well and septic systems, and setting of a precedent. Lapin spoke for eight minutes, and submitted a paper copy of his comments for the file.

Kathy Chase of 250 Red House Hill Road asked the Board to “take pause” and seek legal guidance in their decision, rectifying previous mistakes. She quoted from previous Planning Board minutes, and said the proposed project would have a greater impact on the residential neighborhood. Chase spoke for eight minutes, and submitted a paper copy of her comments for the file.

Jim Seaver of 6691 State Highway 80 said that his Internet research indicated that the increase in hotel rooms would significantly increase the water usage.

Carol Taylor of Badger Lane said that the Board should consider the neighbors’ input and deny the application.

Cheryl Pratt Zamelis of 6887 State Highway 80 said that she agreed with the other neighbors, who obviously feel strongly against the proposed project. She asked the Board to take that into consideration.

Betty Van Heusen cited environmental issues, and said the applicants have made no effort to preserve the historic character of the building. She suggested that the Board negotiate with the applicant for a better solution, resolving previous oversights.

Kay Additon of 6816 State Highway 80 said that the Board and applicants should take a closer look at the Heirloom Barn law and “go back to the drawing board.”

Charlotte Hall of 110 Pine Ridge Road said she was opposed to the proposed project, and asked “Would any of you like to live next-door to this hotel?” She said it would block her view of the Lake and reduce the value of her house. Hall said it violates the Heirloom Barn law, and if the Board is confused, they should hire an outside consultant. She agreed with the other neighbors, particularly about water usage. Hall submitted a paper copy of her comments for the file. Her comments, like all those before hers, were met with applause from the audience.

Chairman Phillips, Rosemary Craig, and Scottie Baker read aloud from e-mails (filed) received from Frank & Katherine Stabile (July 5), Joseph & Maria Stabile (July 5), Deborah Creedon (July 5), Sue Ann Goodwin (July 4), Ellen Pope of Otsego 2000 (July 5), and Howard William Michaels (June 26). Michaels supports the project, while each of the others oppose it. Pope quoted from the April 16 letter from the State Historic Preservation Office, and said the Board should deny the application on the basis of the Heirloom Barn law.

Chairman Phillips noted that the public hearing notice mailed to Opera Lake House, LLC had been returned to sender.

With no further comments or questions, Ed Hobbie moved to close the public hearing. Darryl Szarpa 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 8:45 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Members present were Phillips, Darryl Szarpa, Steve Purcell, Rosemary Craig, Scottie Baker, and Ed Hobbie. With Vice-Chairman Tom Huntsman absent, alternate member Chip Jennings joined the meeting table (Huntsman arrived at 9:55, during “other business”). Also present were alternate member Paul Russo, Zoning Enforcement Officer Barbara Monroe, Planning Board Attorney Jim Ferrari, and Town Board members Carina Franck and Tom Hohensee.

The Board reviewed the minutes of June 7, 2016, e-mailed to the members. Baker noted that, under “other business,” “Purcell” should be “Monroe.” Also, she thought it should be noted that, at the conclusion of the Chokgyur Lingpa application, Chairman Phillips also signed the drawing. Hobbie said that he was positive that Jon McManus did not mention the word “lying” during the Blackbird Hollow application, and wanted that stricken from the record. (Deane checked the audio after the meeting, and determined that McManus’s exact quote was “Don’t sit here and lie about my integrity.”) Hobbie apologized to McManus if he questioned his integrity. Hobbie moved to approve the minutes as amended. Purcell seconded the motion and it was approved, 7-0.

The only correspondence received since the last meeting was a June 14 memo (filed) from the County Planning Department, regarding the filing of the Edwin Leslie subdivision plat.

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

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. McManus distributed handouts to the members, including a long environmental assessment form (EAF). He said, though the project may be considered a Type II or Unlisted action under State Environmental Quality Review (SEQR), the applicants would rather err on the side of caution and treat it as a Type I. This will require the Board to declare lead agency status and coordinated review to be done, as was done in March for their previous, suspended application.

Rosemary Craig moved to declare lead agency status for the Planning Board. Ed Hobbie seconded the motion and it was approved, 7-0. Clerk Bill Deane will initiate coordinated review by sending letters to the State Historic Preservation Office (SHPO), Department of Environmental Conservation (DEC), Department of Transportation (DOT), U.S. Army Corps of Engineers, Otsego County Planning Department, and Town of Springfield (done July 12).

Chairman Phillips asked the members to take home the EAF and go over it line by line so they would be prepared for SEQR next month. He suggested there should be another public hearing.

Chairman Phillips asked McManus if he wanted to respond to some of the issues brought up during the public hearing. McManus said they had no intent to change the pool hours (8:30 AM to 11 PM) approved in 2014. He said the building had been enclosed as protection from the elements prior to construction. McManus explained the system and process for determining water usage calculations, based on Department of Health and DEC guidelines and his own experience in metering. He said he was not prepared to discuss exterior architecture.

Scottie Baker asked McManus if he could bring a large version of the previously-approved site plan and architectural drawings to the next meeting. McManus said he would.

Rosemary Craig asked McManus whether he thought the neighbors' concerns about parking and traffic were founded. McManus said that there is always a risk when there are vehicles and pedestrians involved, but the plan meets the law, and the applicants can't control people who choose to park illegally.

McManus will return to the August meeting. He said that Board members could call him with any questions in the meantime.

During the "other business" part of the meeting, the Board and Town employees discussed the application further. Attorney Ferrari said he thought things went well. He again clarified that the 2014 approval is not open to review, contrary to some of the public hearing comments. Ferrari said that the Board should take heightened scrutiny on future applications involving the Heirloom Barn law.

Scottie Baker again asked about an applicant having two applications open at the same time. The consensus was there was no problem with this.

Baker discussed her “no” vote to last month’s motion, deeming the application complete and scheduling a public hearing. She said she was not against scheduling a hearing, just against deeming the application complete. Baker suggested that it should have been broken into two separate motions.

Carina Franck said she had spoken to Town Supervisor Meg Kiernan and Attorney Michelle Kennedy about the application, and they stressed that the previous decision was that the property “may” have up to 36 rooms, not that it is entitled to 36 rooms. Chairman Phillips said that he had asked to meet Kennedy for clarification, but had not heard back from her.

Chairman Phillips asked that, when the Board was ready to vote on the application, members be prepared to individually discuss the reasons for their votes, citing applicable sections of the *Land Use Law*.

Several members commented on how much research and work the neighbors had done in preparing their comments.

Tom Hohensee said the public had spoken loud and clear. He reminded the Board that the Heirloom Barn law specifies “minimal impact to neighbors.”

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

Scottie Baker read aloud from the June 7 Planning Board minutes relevant to the application. Representative Jon McManus was present with an April 12 site plan, showing the proposed lot line adjustment. Applicant Tom 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 needed variances from the Zoning Board of Appeals (ZBA) before the Planning Board could take any action. Those variances were granted by that Board on June 21. Clerk Bill Deane read aloud from the ZBA minutes (not yet approved) of that meeting.

After brief discussion, and some aborted motions, Ed Hobbie moved to approve the boundary line adjustment. Steve Purcell seconded the motion and it was approved, 7-0. Chairman Phillips stamped and signed two copies of the site plan, giving one to McManus and keeping the other for the file.

OTHER BUSINESS

Zoning Enforcement Officer Monroe distributed copies of her July report (filed).

Chairman Phillips asked for a volunteer to serve as Planning Board liaison for the July 13 Town Board meeting. Chip Jennings volunteered.

Chairman Phillips passed around registration information on New York Planning Federation planning and zoning summer schools.

Ed Hobbie said that, for future applications, the chairman should sign drawings, not just site plans. Hobbie said he has “had it with” Phillips, and was resigning as

member after tonight's meeting. He later said he would resign after the Board completes the Blackbird Hollow application.

Scottie Baker asked what the process was for the Planning Board to draft suggestions to the Town Board. Chairman Phillips said that the Board should discuss suggestions among themselves, then appoint someone to submit them to the Town Board. Carina Franck said that the Town Board was open to such suggestions.

John Phillips referred to the Town Board's minutes of June 8, wherein Hobbie said that the Planning Board "failed miserably" in approving Blackbird Hollow's 2014 application. Phillips said that Hobbie was not speaking for the Board, thus should have said this as a personal opinion during "public comment," not during his function as Planning Board liaison. Phillips also disagreed with Hobbie's opinion, saying he believed the Board has always worked hard to do due diligence.

Bill Deane discussed the August 2 agenda. Blackbird Hollow will be returning, and Bill Miller is due back for his conditional approval extension. Zoning Enforcement Officer Monroe said that Frank Kukenberger would be coming to discuss a gravel mine.

With no further business, at 10:28, Scottie Baker moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk