

Town of Otsego Planning Board

Minutes (Unapproved) – December 6, 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 7:02 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Members present were Phillips, Darryl Szarpa, Steve Purcell, and Rosemary Craig. With Vice-Chairman Tom Huntsman, Scottie Baker, and alternate member Paul Russo absent, and Ed Hobbie now acting as Zoning Enforcement Officer, alternate member Chip Jennings joined the meeting table. Also present were Planning Board Attorney Jim Ferrari, and Town Board members Carina Franck and Tom Hohensee. Deane reminded the members that, even with just five present, four votes would be required to pass any motion.

The Board reviewed the minutes of November 1, 2016, e-mailed to the members. Purcell moved to approve the minutes as written. Szarpa seconded the motion and it was approved, 5-0.

Chairman Phillips reviewed correspondence received since the last meeting. It included a letter from Delaware Engineers, regarding the Village of Cooperstown wastewater treatment plant upgrade; a letter from Town Attorney Michelle Kennedy, regarding the Zoning Board of Appeals' (ZBA's) lead agency declaration on the Bissell ZBA application; and an e-mail from Wayne Bunn, expressing interest in reappointment as the Planning Board Engineer.

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

Chairman Phillips asked if anyone from the public had a comment on a non-agenda item. Otsego Land Trust (OLT) Board members Dan Sullivan and Joe Homburger gave an update on the Brookwood Point property. Sullivan discussed the planned demolition of the main house, which has been deemed uninhabitable and unsafe. Homburger discussed the hiring of a consultant to develop a Master Plan and Management Plan for the property. The two answered Board members' questions.

The Board moved on to applications.

APPLICATIONS

Orlo & Cindy Burch – Site plan review, special permitted use, bed & breakfast – 124 Dana Clark Road (#112.00-1-29.02)

Orlo Burch described his plan to use part of his existing residence as a bed & breakfast starting in 2017. His children have grown up and moved out, and he wants to use the extra space to accommodate one family at a time. Burch said the existing facilities are adequate for this; there would be no new construction or signs.

Chairman Phillips said State Environmental Quality Review (SEQR) would not be necessary due to it being a private residence. Phillips went through the site plan requirements in Section 8.04 of the *Land Use Law*. The consensus of the Board was that all the requirements either had been met, or were not applicable, except for the survey. Burch said he could bring a copy of the survey to the next meeting. Phillips said the Board could waive the survey requirement, but it would be good to have a copy for the file.

Steve Purcell moved to deem the application complete, waiving the survey requirement, and schedule a public hearing for January 3, 2017. Rosemary Craig seconded the motion and it was approved, 5-0.

John Caven – Site plan review, expansion of existing residence within 100 feet of Otsego Lake – 6458 State Highway 80 (#84.12-1-12.01)

Applicant John Caven was accompanied by his son, Alex. He discussed his site plan application that the Planning Board had approved in 2014. He has not yet acted on that approval, and now proposes a change to the building (three stories instead of two), but within the same footprint and the building height limit. Caven submitted drawings of his proposed building, noting that the roof overhangs shown as 24 inches in the drawings will actually be only 18 inches. He plans to demolish the existing building in the spring of 2017 and rebuild by the fall. He has been in touch with the New York State Departments of Environmental Conservation (DEC) and Transportation (DOT).

Clerk Bill Deane read aloud from the minutes of October 7, 2014, relevant to the application. The consensus of the Board was that Caven would not need further site plan review, since he already had an approval and the footprint was not changing.

Chairman Phillips said SEQR would not be necessary due to it being a private residence. Phillips went through the site plan requirements in Section 8.04 of the *Land Use Law*. He asked Caven to work with acting Zoning Enforcement Officer Hobbie to enhance the existing file with details on such things as tree removal, lighting, and the DEC permit.

Dan Rowley – Sketch plan conference, microbrewery – 4017 State Highway 80 (#96.00-1-14.01)

Applicant Dan Rowley described his proposed plan to grow about ten acres of hops on his property in the RA2 district, and use part of his existing building as a microbrewery and tasting room, similar to Rustic Ridge in Burlington. He submitted photos and a survey map, and said there would be no new structures.

Attorney Ferrari noted that there is no definition of “brewery” in the *Land Use Law*. He said that the Board could deem this an agricultural use, in which case it would be permitted without Planning Board intervention, and Rowley would have to come before the Board only if he expands the use (e.g., adds a restaurant).

After discussion, Steve Purcell moved to declare the enterprise as described by the applicant as an agribusiness, requiring no Planning Board review. Darryl Szarpa seconded the motion and it was approved, 5-0.

Larry Shannon – Site plan review, home occupation – 1070 County Highway 26 (#98.00-1-48.01)

No one appeared on behalf of this application. Attorney Ferrari said that, if the proposed project was indeed a home occupation, it would be a permitted use, not requiring Planning Board intervention. Zoning Enforcement Officer Hobbie said he would contact the applicant to discuss further.

Greek, LLC – Site plan review, relocation of hardware store building – 6132 State Highway 28 (#114.00-1-6.00)

Kevin Green and Ed Kukenberger were present. Zoning Enforcement Officer Hobbie described the proposed project, which he has been helping to plan. Kukenberger owns the former Jonesie's Hardware Store building (c. 1881) on State Highway 28. He had planned to raze the building, but Hobbie expressed interest in relocating the building on someone else's property, thus preserving it. Green, whose commercial property is just east on State Highway 28 (in the Historic District), agreed to acquire the building. The plan is to take the building down piece by piece in the spring of 2017, then reassemble it on Green's property, incorporating it into his existing shop.

Attorney Ferrari said that the only Planning Board intervention needed would be site plan review for Green, due to his expansion. Chairman Phillips said he would like to see written agreement between the parties involved. Board members agreed that this would be a "win-win" situation for the community and everyone involved.

Hobbie said he would let the Board know when they were ready to return for site plan review.

OTHER BUSINESS

Dave Poulette asked the Board whether they would need anything from him regarding his plan to take down the former "Deerslayer" building. Chairman Phillips said there would be no Board intervention needed unless Poulette were building something new to replace it.

Chairman Phillips asked for a volunteer to serve as Planning Board liaison for the December 14 Town Board meeting. Steve Purcell volunteered. Phillips said he would probably be there as well.

The Board discussed the appointments of 2017 Planning Board personnel: Engineer (currently Wayne Bunn), Attorney (Jim Ferrari), and Clerk (Bill Deane). Chairman Phillips moved to

reappoint Bunn, Ferrari, and Deane. Steve Purcell seconded the motion, expressing confidence in all three. Chip Jennings said he thought the Board should make separate motions for each of the three positions, and Darryl Szarpa agreed. After discussion, Phillips withdrew his motion.

Chairman Phillips moved to reappoint Deane as Clerk. Rosemary Craig seconded the motion and it was approved, 5-0.

Chairman Phillips moved to reappoint Bunn as Engineer. Purcell seconded the motion and it was approved, 5-0.

Chairman Phillips moved to reappoint Ferrari as Attorney, and Purcell seconded the motion. Jennings said that he would be abstaining. He said he has a list of concerns about Ferrari, some of which he cited, and also thought the vote should not be taken without Tom Huntsman and Scottie Baker present. Szarpa said he would also be abstaining, for similar reasons. With two of the five members abstaining, there would not be a voting quorum, so Phillips withdrew his motion. Later, Purcell expressed his confidence in Ferrari, saying he did not think the Board should change the Attorney as long as the Blackbird Hollow situation is not fully resolved. Acting Zoning Enforcement Officer Hobbie agreed, though he acknowledged Jennings's and Szarpa's concerns. Jennings, Hobbie, and Rosemary Craig mentioned that they preferred Ferrari's sitting at the table, as he had done for the past two meetings, and wondered why he hadn't done that in the past. Phillips said that no Planning Board Attorney had done that in the past 16 years. Ferrari said some Planning Boards have their attorneys at the table, others don't. He clarified his role, which is to advise the Board, and make sure that the Town does not get sued (but that it prevails if they do). So far, he has had a perfect record in that regard. He said that he felt he was being made a scapegoat for the 2014 Blackbird Hollow approval, but reminded the Board that they had spent a lot of time on it and approved it unanimously, and that nobody had sued the Town over the decision.

Ed Hobbie said that, as acting Zoning Enforcement Officer since Barb Monroe's resignation, he was planning to have office hours only on the dates of the monthly Planning, Town, and Zoning Board meetings, from 3 PM until the meetings were over. He would also be available by appointment, if necessary. Hobbie submitted no written report. He gave status reports on LLIB, Bissell, and Hummel. He described what he would require from applicants, to avoid future miscommunications. Joe Homburger suggested Hobbie get his name on the Town's web-page.

Jim Ferrari discussed progress on the Blackbird Hollow project, approved in 2014. He said they had complied with New York State Department of Labor asbestos removal concerns, and there was nothing else to discuss. Zoning Enforcement Officer Hobbie explained a cleanup issue, which was not the applicant's fault. Chairman Phillips said he had checked with Tony Gentile of the County Planning Department today, and Gentile said that everything was in order on the Blackbird Hollow project.

During "member & employee discussion," Steve Purcell expressed his concerns about division and lack of communication within the Planning Board. Chairman Phillips said that, in the past,

the chairman was always kept in the loop about issues concerning the Board, including interviewing Planning Board applicants, but that he hadn't been given the same courtesy. Clerk Bill Deane said that 2016 has been a very challenging year for everyone connected with the Board, due to challenging applications and audience members, and dissension within the Board and from the Town Board, which is upsetting. Deane thinks Phillips has done a good job as chairman under these circumstances, and if the Town Board decides not to reappoint him, it will be bad for the Planning Board, leaving a void of experience, knowledge, and often a voice of reason. Purcell agreed. Rosemary Craig said that the Blackbird Hollow application had stretched everyone to the limit. Zoning Enforcement Officer Hobbie said that it would not make sense to replace Phillips at this time.

Chairman Phillips mentioned a column by Cathe Ellsworth in the *CoopersTown Crier*. The column mentioned alleged issues involving the Planning Board, and some people have accused Phillips of feeding Ellsworth this information. Phillips said he had not contacted Ellsworth before the article appeared, nor divulged any privileged information.

Bill Deane discussed the January 3, 2017 agenda. Burch will be back, with a public hearing. Shannon or Greek, LLC may be back, depending if there is anything new to present to the Board.

Chairman Phillips wished everyone Merry Christmas and Happy Holidays.

With no further business, at 9:02, Rosemary Craig moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk