

Town of Otsego Planning Board
Minutes (unapproved), June 5, 2018

PUBLIC HEARING

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

Chairman Huntsman opened the Hall public hearing at 7:32 PM, and asked if anyone from the audience had comments or questions about the application. No one responded. Darryl Szarpa moved to close the public hearing. Walter Dusenbery 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 Tom Huntsman called the meeting to order at 7:33 PM and led the Pledge of Allegiance.

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

The Board reviewed the minutes of May 1, 2018, e-mailed to the members. Baker wanted it noted that Jim and Jeffrey Foutch had commented about the Cider Mill hiring non-local employees, but that Chairman Huntsman had cut them off, saying this was not relevant. Baker moved to approve the minutes as amended. Horvath seconded the motion and it was approved, 6-0, with Szarpa abstaining because he was not at the meeting.

Chairman Huntsman reviewed correspondence received since the last meeting:

- A May 29 letter (filed) from Mr. & Mrs. Art Blessin of 162 Goose Street, supporting the Michaels project.
- A June 1 letter (filed) from Stan Hall of 1 Elm Street, supporting the Michaels project.
- A May 25 letter (filed) from Paul Deringer of 882 County Highway 26, opposing the Michaels project.
- A May 15 letter (filed) from David & Janet Lyons of 224 Goose Street, supporting the Michaels project.
- A May 2 letter (filed) from Paul Kuhn of 51 Chestnut Street, supporting the Michaels project.
- A letter from Ellen Pope, Executive Director of Otsego 2000, claiming that the two new applications on tonight's agenda are prohibited by the *Land Use Law*.

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. Jon McManus said he wanted to give the Board a "heads-up" on the Cornell Cooperative Extension's potential project at 123 Lake Street (tax map #115.14-1-6.00). He distributed handouts illustrating the project. Board members said the property appears to be in the Village of Cooperstown, thus not under their jurisdiction.

The Board moved on to applications.

APPLICATIONS

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

Applicant John Phillips explained his proposal for of using his existing 1890s barn for woodworking (for resale), storage, etc. He asked for the Board’s guidance as to what could or could not be done with the barn, both for himself and his heirs. He said there would be no signs, lighting, or other external work.

The Board discussed whether the proposal would fall under the “Heirloom Barn Law,” service trade establishment (maximum 3,000 square feet), or home occupation. The consensus was that, in any case, it would require site plan review. Phillips said he would return in July with a formal site plan application.

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Attorney Miosek left the meeting table. Scottie Baker read aloud from the May 1 minutes relevant to the Hall application. Applicant Aaron Hall said there were no changes to the application.

Chairman Huntsman reviewed the Board’s options from Section 8.05 of the *Land Use Law*. Ted Feury moved to approve the site plan as submitted. Elizabeth Horvath seconded the motion and it was approved, 7-0. Huntsman stamped the site plan and stop-work order “approved,” asking Hall to have Zoning Enforcement Officer Hobbie copy them for the file. Miosek returned to the meeting table.

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

Applicant Bill Michaels was present, along with representatives David Brennan, Jon McManus, and Hyde Clarke. Chairman Huntsman acknowledged receipt of Brennan’s response (filed) to the May 1 public hearing comments. Huntsman listed concerns the application and response give him:

- The hours of operation were previously listed as 9-6, but are listed as 9-8 in the response. Michaels said that 9-6 is correct.
- The Cider Mill and the application property have common ownership, making the two properties essentially one lot. Brennan disagreed, saying that the application property is owned by Michaels, but the Cider Mill is owned by an LLC. Attorney Miosek agreed with Brennan.
- “Agricultural use” is a permitted use, not a special permitted use, so can’t be used in this application. Brennan again cited the Pail Shop Winery, and was again told that that project had not come before the Board. Huntsman noted that that property is in the RA1 district.
- Manufacturing of beer is not “incidental” or “accessory” to the retail trade. Brennan said that the manufacturing space takes up only about 350 of the 2,200 square feet. Brennan later said that they would be willing to eliminate the

distillery, thus removing the manufacturing from the property. This could be added as a condition to the special permit.

- This is a hamlet residential district, not hamlet business (the Cider Mill was grandfathered). He believes the intent of the zoning was to maintain the area as residential.
- The Christmas Barn ceased operation more than two years ago, losing its grandfathered status.
- The traffic study is outdated and not representative. Traffic is substantial and can be expected to increase.
- The information on neighboring property values is contradictory.

On a few occasions, audience members interrupted the proceedings, and Chairman Huntsman asked them to be quiet and respectful.

Chip Jennings noted that New York State Ag & Markets designates where a project like this can be done, and this property is not included in the permitted areas. Ted Feury said he doesn't think this project meets the criteria for a special permitted use. Walter Dusenbery said the project would exacerbate conditions that neighbors complained about. Brennan noted that the Board seemed to be focusing only on neighbors who are opposed to the project, and disregarding the many who expressed support of it.

Scottie Baker read aloud from her written statement, congratulating the Michaelses for the success of the Cider Mill, but saying that she thinks the proposed project will have a negative impact on the neighborhood. She said that the Town's Comprehensive Plan calls for "small, low-impact businesses," and this would not qualify. Baker said that approving this would set a bad precedent. It is the wrong location for such a project. Baker added that, in previous "Heirloom Barn" applications, the impact on neighbors was mostly conjecture, whereas here it is based on experience with the Cider Mill.

Chairman Huntsman said that the "Heirloom Barn Law," Section 3.15, requires the Board to weigh the benefits to the community vs. the negative impacts on the neighborhood. Attorney Miosek said that the Board could consider granting a limited-time permit for one to three years, giving them an opportunity to review it at a later date.

After much discussion, Feury moved to deny the application. Feury said that it does not meet the "Standards Applicable to All Special Permit Uses" listed in *Land Use Law* 7.03, specifically A and B: the project will not be in harmony with orderly development of the district, and, in his opinion, it will impair the value of adjacent land and buildings. Jennings seconded the motion and it was approved, 7-0.

At 9:14, Chairman Huntsman called for a brief recess. The meeting was resumed at 9:22.

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)

Jon McManus submitted a site plan and a form signed by Thomas Potrikus, one of the principals of Longview Allied LLC, giving McManus to represent them. He said that the LLC wants to renovate an existing barn and use it for single-day events such as wedding receptions, accommodating 100-150 people at a time. McManus said that he thinks this would qualify as a "Recreational Facility," which is a special permitted use in the RA districts, thus may not require use of the "Heirloom Barn Law."

The Board discussed various items in the *Land Use Law* which might be applicable, including “places of public assembly,” and the fact that events of less than three days do not require a permit. There was mention of the Portabello’s Too! application approved by the Board in 2005.

The consensus of the Board was that the project does qualify as a “Recreational Facility,” with only Chip Jennings dissenting; therefore, the “Heirloom Barn Law” would not apply. They will want more detail on such things as types of events hosted, and parking.

McManus said he would return in July with a revised application based on this discussion.

OTHER BUSINESS

The Board discussed a Planning Board liaison for June 13 Town Board meeting. Several members said they were planning to attend, so it was agreed that there was no need to designate a liaison.

Bill Deane discussed the July 3, 2018 agenda. Returning will be Phillips and Longview. Zoning Enforcement Officer Hobbie said that there was a possible subdivision in the works. Chairman Huntsman said that he would not be at the July 3 meeting.

Ed Hobbie distributed copies of his June 5 Zoning Enforcement Officer report (filed). He and Attorney Miosek briefed the Board on the Marty Patton situation (see the February minutes). Patton has begun substantial excavation within 100 feet of Otsego Lake, Hobbie has issued another stop-work order, and Town Attorney Michelle Kennedy has recused herself from the matter. There is a June 27 court date based on a neighbor complaint about a fence.

With no further business, at 10:11 PM Scottie Baker moved to adjourn the meeting.

Respectfully submitted,

Bill Deane, Planning Board Clerk