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**TOWN OF OTSEGO PLANNING BOARD**  
**HEIRLOOM BARN CRAFT BEVERAGE MANUFACTURING BUSINESS**

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**PUBLIC MEETING**

Held on Tuesday, May 1, 2017, taken at the  
Otsego Town Court, 811 County Highway 26, Fly Creek, New  
York 13337, commencing at 7:36 p.m., before Nora B.  
Lamica, a Shorthand Reporter and Notary Public in and for  
the State of New York.



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**APPEARANCES:**

**Members Present:**

- Tom Huntsman, Chairman
- M.J. "Scottie" Baker
- Walter Dusenbery
- Ted Feury
- Elizabeth Horvath
- Chip Jennings

**Others Present:**

- Ryan Miosek, Planning Board Attorney
- Ed Hobbie, Zoning Enforcement Officer
- Bill Deane, Clerk
- Sharon Kroker, 1st Alternate

**Present Representing Heirloom Barn Craft**

**Beverage:**

DAVID C. BRENNAN, ESQ.  
 YOUNG SOMMER, LLC  
 Executive Woods Five Palisades Drive  
 Albany, New York 12205  
 Phone: (518) 438-9907  
 Email: [dbrennan@youngsommer.com](mailto:dbrennan@youngsommer.com)



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## PUBLIC MEETING

**APPEARANCES: (CONT'D.)****Also Present:**

Jon McManus McMANUS ENGINEERING GROUP

189 Cemetery Road

Fly Creek, New York 13337

**Members of the public requesting to speak:**

Rob Bohm, 6120 State Highway 28, Fly Creek

Kathy Chase, 250 Red House Hill Road,

Cooperstown

Dale Davidson, 245 Goose Street, Fly Creek

Jeffrey Foutch, 123 Bailey Road (Goose  
Street), Fly Creek

Jeffrey Foutch, 123 Bailey Road (Goose  
Street), Fly Creek

Bob Gernherdt, 206 Goose Street, Fly Creek

Lena Gnyst, 165 Goose Street, Cooperstown

Christopher Hage, 189 Goose Street, Fly Creek

Dawn Hage, 189 Goose Street, Fly Creek

for Ken Reitz, 272 Goose Street

Jim Howarth, 2 Lake Street, Cooperstown

Brenda Jaeger, 202 Goose Street, Fly Creek

Chuck Newman, 239 Goose Street, Fly Creek



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PUBLIC MEETING

**APPEARANCES: (CONT'D.)**

**Members of the public requesting to speak:**

John Phillips, 6761 State Highway 28, Fly  
Creek

Ellen Pope, 28 Elm Street, Cooperstown

Sheila Ross, 124 Willow Ave, Fly Creek

Nathan Sentz, 112 Glimmerhill Lane,  
Cooperstown

Vera Talevi, 5928 State Highway 80,  
Cooperstown

Donna Thomson-Hulse, 9 Pioneer, Cooperstown

Barbara Tobey, 931 County Highway 26, Fly  
Creek

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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING

MAY 1, 2018

(Whereupon, the Planning Board Meeting began at 7:30 p.m. and other business was discussed.)

(Whereupon, the Public Hearing regarding Bill Michaels' site plan review, special permitted use, Heirloom Barn craft beverage manufacturing business began at 7:36 p.m.)

CHAIRMAN HUNTSMAN: We will now go to the matter of Bill Michaels' site plan review, special permitted use, Heirloom Barn Manufacturing business, 276 Goose Street, Fly Creek, New York 13337.

I guess what we'll do is I'll do it by the first person that signed here. It will make it easier to keep track of for Bill's purposes. Will you read them off for me?

MR. DEANE: The first one is Jim Howarth.

MR. MIOSEK: Do you want to present first?

## PUBLIC MEETING

1  
2 MR. BRENNAN: That's normally what  
3 I'd like to do, is make a presentation about  
4 what the project's about and answer any  
5 questions.

6 CHAIRMAN HUNTSMAN: Sure. That  
7 sounds reasonable.

8 MR. BRENNAN: Thank you. Good  
9 evening Ladies and Gentlemen. My name is  
10 Dave Brennan with the law firm of Young  
11 Sommer. With me tonight is Bill Michaels,  
12 the owner, and Jon McManus, the engineer.  
13 There's a lot of people here tonight. I  
14 don't want to monopolize -- as much as we  
15 all like listening to lawyers, I won't stand  
16 up here and speak.

17 I'm going to turn it over to Mr.  
18 McManus to give an overview of the project,  
19 so that people can get information from Mr.  
20 McManus as to what the project is proposed  
21 as and what it entails, and hopefully that  
22 will answer some of the questions up front  
23 and dispel some questions.

24 Obviously, by the number of people  
25 here tonight and the sign-up sheet that I



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1  
2 can see from across the room, there's a long  
3 list of people. We're going to be here for  
4 the purpose tonight of listening to those  
5 comments, and my expectation is taking them  
6 back with us so we can provide some  
7 additional information.

8 I've been doing this a long time.  
9 I try to gauge the room, and I've sat on  
10 the other side of the table. And this is  
11 not one where I would expect we'd be in a  
12 position to ask for any decision tonight,  
13 until we have a chance to respond, and  
14 reflect on those comments, sleep on those  
15 comments and provide a response. And with  
16 that, I'll turn it over to Mr. McManus to  
17 provide the details.

18 MR. McMANUS: Good evening. I know  
19 it's quite packed tonight, but I did bring  
20 some information here. I want to give a  
21 brief overview of the project. It's fairly  
22 simple as far as the site is involved. I  
23 don't know where I should set these up.

24 MS. BAKER: Set it right up in  
25 front of us.



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## PUBLIC MEETING

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MR. McMANUS: Right up in front?

MS. BAKER: Sure.

MR. McMANUS: And I'll move these  
once I'm done.

MS. BAKER: Is this the same one?

MR. McMANUS: It's -- basically what  
I've done is I've provided some pictures. I  
will set these off to the side of the room.  
What I'll give out right now is a couple  
handouts. I'll give them to the Board now,  
as well, and I'm going to circulate three of  
these to the audience. You can pass these  
around. What's included here is essentially  
the site plan outlining what we're proposing  
to do with the existing buildings and what  
we're proposing for an addition, and then  
we've got some floor plans and some  
elevations here. So if you just want to  
pass these around.

I want to just give a brief  
overview. So essentially the purpose of this  
-- and this will probably be discussed with  
the Board later as far as the logistics  
behind the actual law itself, but the



## PUBLIC MEETING

1  
2 proposed project essentially entails, as far  
3 as infrastructure is concerned, is the  
4 removal of this structure, this rear  
5 structure on the existing building, and that  
6 is actually this structure right here.

7 [Indicating.] So this is the front of the  
8 building as you look at it from the road. We  
9 are also removing a forty-five-and-a-half  
10 square foot shed and an existing playhouse.  
11 And those are seen over here in this  
12 picture. [Indicating.]

13 And again, I'm going to set these up  
14 in the back of the room when I'm done here  
15 so everybody can take a look at them. And  
16 we are going to relocate the shed that is  
17 right here off to the side of the building  
18 over here. [Indicating.] And then the  
19 intent is to put a three-hundred-fifty square  
20 foot addition on this.

21 What we're calling this is a rehab  
22 of the existing structure in the back, but  
23 what I wanted to outline here is the actual  
24 condition of that structure. And you can  
25 see in this picture here, when you get a



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## PUBLIC MEETING

1  
2 chance, the actual construction and the  
3 hurdles that we're running into with actually  
4 having to rebuild that. Part of the project  
5 is to -- and again, this is basically  
6 brewery retail. Part of this project is to  
7 try and reconfigure our pedestrian traffic,  
8 and by doing so, we are going to limit the  
9 traffic that is currently going across the  
10 bridge.

11 If anyone's lived here for a while,  
12 you know the cider mill has had a lot of  
13 pedestrian traffic that crosses that bridge  
14 just to get to the entrance of the building.  
15 So what we're doing here -- this is a  
16 parking lot entrance across the street, and  
17 we are providing a pedestrian path directly  
18 across from that with a pedestrian bridge  
19 that will actually connect to the cider mill  
20 itself. So we're trying to eliminate some  
21 of that traffic flow across that bridge.

22 The septic system, we talked about  
23 that with the Board, and I'm sure we're  
24 going to have some more discussions with the  
25 Board on that, but it's tight on this site



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1  
2 right now to accommodate the septic system.  
3 However, we do have the real estate across  
4 the street, so we may end up having to rely  
5 on that. There is an existing well on the  
6 property.

7 Whether we use that or not, that's  
8 all going to depend on our well tests and  
9 well volume tests. But as far as the  
10 infrastructure, that's about it. This is  
11 obviously a Public Hearing, so it's not  
12 really a question and answer period, but I'd  
13 like to give it up to the public. And  
14 we'll certainly consider any and all comments  
15 you have. And I'm going to set these up in  
16 the back.

17 MR. DEANE: So Jim Howarth is listed  
18 first.

19 MR. HOWARTH: I'm Jim Howarth, 2  
20 Lake Street, Cooperstown, New York, and I'm  
21 here in support of the Michaels' project.  
22 To me, it's a good project. And I think  
23 this area, in my opinion, is really short of  
24 innovative and constructive ideas. It's  
25 really short of local people that want to



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## PUBLIC MEETING

1  
2 invest capital, and it's very short of jobs.  
3 And I see this project as addressing all of  
4 those. It's a creative, adaptive reuse of a  
5 historic structure. Certainly these are  
6 local folks who are going to take capital,  
7 their money, and expand an existing business.

8 We have seen the changes with the  
9 cider mill. It's no longer just a seasonal  
10 job, a seasonal job environment. There are  
11 jobs throughout the year, and more jobs. I  
12 think we need the jobs in the area, and  
13 frankly, I think it's a good use and a good  
14 interpretation of the Heirloom Barn Law in  
15 that we're saving an historic structure. And  
16 we all know how many of these structures  
17 have been lost in town. So to me, you will  
18 get a better-looking structure, we'll get  
19 jobs, and it will be better for the  
20 community. Thank you.

21 MR. DEANE: Next is Donna  
22 Thompson-Hulse.

23 MS. THOMPSON-HULSE: I'm Donna  
24 Thompson, and I live at 9 Pioneer Street in  
25 Cooperstown. I've known the family for many,



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## PUBLIC MEETING

1  
2 many years. Anything they have ever done or  
3 touched, they have done it the right way  
4 with a lot of thought going into it, love  
5 and hard work.

6 I also know the people who owned the  
7 barn and the Christmas Tree Shoppe was in  
8 it. It's a wonderful barn and deserves to  
9 be rehabbed. And I think any time you can  
10 save a building and bring in - you know -  
11 people to work there -- and there will be  
12 people who come.

13 It is a destination, I will tell  
14 you. When people come to Cooperstown, it's  
15 not just to the Hall of Fame. They come  
16 out and they come into your region. And I  
17 know you're thinking "Oh, well the traffic."  
18 However, when they come to town, they spend  
19 money. They spend money in restaurants.  
20 They spend money on our pitiful Main Street.  
21 When they come here, they spend money. And  
22 you know, I've had people buy real estate  
23 who come to town and fall in love with the  
24 cider mill. And we're in a wonderful area,  
25 but there hasn't been a whole lot of - you



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## PUBLIC MEETING

1  
2 know - progress in terms of being built to  
3 -- where people can come and work and enjoy.  
4 And I think anytime you have that opportunity  
5 and you know the people behind it -- it's  
6 not somebody coming in here that wants to  
7 build a water park, okay? It's somebody  
8 who's lived here forever, they've thought it  
9 out, and I think they deserve our support.

10 MR. DEANE: Next is Vera Talevi.

11 MS. TALEVI: I'm Vera Talevi and I  
12 live at 599 State Highway 80 in Cooperstown.  
13 Firstly, I want to say that this business  
14 started in the year 1851, and that goes back  
15 a long time if you're thinking about history  
16 and what historical value it is to our  
17 community.

18 And another point that I want to  
19 bring out is that this barn that's at issue  
20 belonged to uncle -- to Bill's great-uncle  
21 Paul. So if there's going to be anything  
22 that's going to happen to that barn, it's  
23 beautiful. I would also like to read some  
24 of the important things. I definitely  
25 support the Michaels family heirloom



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2 application. And I also -- I'm also here  
3 tonight as a neighbor of the Otsego Sailing  
4 Club. The sailing club wanted to put up a  
5 pavilion. And we are their neighbors, and  
6 we know what happens at the sailing club.  
7 Occasionally they have a party, so it's once  
8 in a lifetime or in a season. And we  
9 tolerate that, just like people in  
10 Cooperstown that tolerate some of the  
11 traffic. And I believe the Michaels to be  
12 good neighbors, too. The proposed plan for  
13 no open windows or doors facing the immediate  
14 neighbor, a proposed screening with a  
15 combination of fencing and planting will  
16 further mitigate noise, and all public access  
17 will be from the western side facing the  
18 mill where the walkway further east will be,  
19 easing pedestrian traffic on Goose Street.

20 Mr. Michaels stated that hours --  
21 that their hours at the barn will be  
22 concurrent with the mill, and only on rare  
23 special occasions will the barn host a  
24 private event, never after 11:00 p.m.. I  
25 have known the Michaels family for three



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## PUBLIC MEETING

1  
2 generations, and I believe and trust their  
3 word. The Michaels have developed the mill  
4 into something all residents can be proud of  
5 and to have in the hamlet. And this  
6 heirloom barn application will further enhance  
7 the family as an amenity to visitors. And I  
8 thank you for listening.

9 MR. DEANE: Brenda Jaeger.

10 MS. JAEGER: Hi. My name's Brenda  
11 Jaeger, and I live at 202 Goose Street, and  
12 I'm here to express my disapproval of the  
13 proposed plans of making the Christmas Barn  
14 into a craft farm beverage manufacturing and  
15 retail business. As it says on the  
16 application for the land use permit, this  
17 land use district is hamlet residential.  
18 From that designation alone, this permit  
19 should be denied.

20 We are the residents that live near  
21 the cider mill and will be greatly affected  
22 if this project is allowed to be approved.  
23 These are not just houses, they're our homes.  
24 We have chosen to live in this beautiful,  
25 quiet, rural area, an area that will be



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## PUBLIC MEETING

1 negatively impacted by this project. I've  
2 lived here for twenty-six years, and when I  
3 first moved here, there were only a few  
4 events at the cider mill, but this year it  
5 has grown to 103 events. With the expansion  
6 project, that number would surely increase.  
7 As we have seen the cider mill grow and  
8 expand, the traffic has also multiplied on  
9 our roads. The streets were not designed  
10 for the volume of traffic that the cider  
11 mill produces. Many residents here walk our  
12 roads for exercise.

14 In addition, people from less rural  
15 areas and neighborhoods drive here and park  
16 their cars on the side of our roads to walk  
17 here. Why do they do that? Because it's a  
18 beautiful, quiet place to walk. The extra  
19 volume of traffic this project will produce  
20 will make walking on the streets dangerous,  
21 as there are no sidewalks. Most of the  
22 traffic going to the cider mill come from  
23 Route 28 and travels down Goose Street or  
24 Route 26 to get to the cider mill. These  
25 two small roads are already congested with



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## PUBLIC MEETING

1 traffic when the cider mill has events. As  
2 I read in the February 6, 2018 minutes, the  
3 Michaels want to hold events until 11:00  
4 p.m..

5  
6 Such events would compromise both our  
7 quality of living and our property values.  
8 Furthermore, we do not have a police force  
9 that will enforce the speed limit and manage  
10 possibly unruly participants at such events.

11 Some of the goals of the Town of  
12 Otsego Comprehensive Plan are to protect  
13 property values, preserve existing patterns of  
14 use in the hamlets and rural areas, protect  
15 the historical, natural, community and rural  
16 areas, maintain the existing network of  
17 roads, and minimize hazards and congestion.

18 The cider mill's proposed project is  
19 not in alignment with the Town of Otsego's  
20 comprehensive plan. I could talk about a  
21 SEQRA Study to evaluate the impact it will  
22 have on the native trout stream and  
23 surrounding wetlands, but it really comes  
24 down to this, that Mr. Michaels' project is  
25 not appropriate for a residential hamlet. We



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2 would all like the trucks that go down our  
3 roads be pickup trucks, not eighteen-wheelers,  
4 the buses that go down our roads be school  
5 buses, not tour buses, and to be able to sit  
6 outside our homes on nice, sunny days or  
7 leave our windows open to get fresh air and  
8 not have to listen to cars speeding down our  
9 road or hear music from the cider mill until  
10 11:00 p.m.. That's what a residential hamlet  
11 is to me.

12 In closing, we are asking you to  
13 deny the zoning change for this project. If  
14 you change the laws or approve a variance  
15 for this project, it will adversely affect  
16 our lives and the quality of living in this  
17 area. Thank you for taking your time to  
18 listen to our concerns.

19 MR. DEANE: Dawn Hage.

20 MS. HAGE: Good evening. I was  
21 asked by Mr. Ken Reitz to read a letter on  
22 his behalf, and I have copies for the Board.  
23 Can I move forward?

24 CHAIRMAN HUNTSMAN: Can you tell us  
25 where Ken Reitz lives?



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2 MS. HAGE: Ken Reitz lives at 272  
3 Goose Street, the property right next door to  
4 the property in question. This is from Mr.  
5 Ken Reitz.

6 April 28, 2018, To those in  
7 attendance and Town of Otsego Planning Board  
8 members regarding application for special  
9 permitted use, craft beverage manufacturing  
10 business, submitted by Bill Michaels, 276  
11 Goose Street, tax map numbers -- My name is  
12 Ken Reitz and I am the owner of 272 Goose  
13 Street, the property adjacent to 276 Goose  
14 Street. I had every intention of attending  
15 this meeting, but I have been called out of  
16 town due to a death in my family.

17 I am writing to express my concerns  
18 regarding Mr. Michaels' proposal to convert  
19 the barn on said property into a craft  
20 beverage manufacturing facility. Before  
21 listing my concerns, I would like to begin  
22 by asking everyone in the room, including Mr.  
23 and Mrs. Michaels, if they would be willing  
24 and unopposed to having a brewery open within  
25 one hundred feet of their home, which



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1  
2 incidentally is zoned residential, as is the  
3 property in question. I truly wish I was in  
4 attendance so I could see your responses.

5 With that said, the following is a  
6 list of my questions and concerns: Increase  
7 in traffic on Goose Street - cars,  
8 motorcycles and trucks. Delivery and pickup  
9 times for product and materials to the barn.  
10 Excessive noise by both employees and  
11 patrons. Proposed hours of operation, 8:00  
12 a.m. to 11:00 p.m., seven days a week.  
13 Odors emitted into the air from the brewery  
14 process. Noise of machinery, pumps,  
15 compressors and any other equipment necessary  
16 to manufacture alcoholic beverages.

17 This equipment doesn't get shut off  
18 when the place is closed to the public.  
19 Patrons leaving the premises after indulging  
20 in drinking. Flights of beer for sale,  
21 etcetera. Potential pollution of the creek  
22 from runoff, faulty septic system, or any  
23 other environmental concerns. I have six  
24 grandchildren ranging in age from one to  
25 eight years old who come to visit me very



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1 frequently. The increased traffic will cause  
2 me to have concerns for their safety. They  
3 go to bed at an early hour, and I will not  
4 have them subjected to the likes of people  
5 hanging out at a brewery. My property and  
6 surrounding property values will be affected  
7 negatively having such an operation right in  
8 our backyards.  
9

10 Why can't the brewery operation be  
11 conducted in the existing cider mill where  
12 the wine is currently? In conclusion, I  
13 have lived in the Cooperstown area for the  
14 last twenty-seven years and have seen many  
15 changes, some good and some not so good.  
16 Allowing a brewery to be opened in a quiet,  
17 residential area because of a, quote,  
18 loophole Heirloom Barn Law is a total  
19 disgrace, shows a lack of consideration for  
20 the neighborhood, and helps only those  
21 benefitting financially from it. Thank you  
22 for your time. Ken Reitz.

23 So I would just like to touch for  
24 one moment on a few of Mr. Reitz's point,  
25 because I did some research on craft brewing,



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## PUBLIC MEETING

1  
2 and there are concerns that probably should  
3 be investigated regarding the very high  
4 amounts of water usage necessary for  
5 production, and also the byproducts of  
6 production, such as high amounts of  
7 wastewater, post-production water treatment and  
8 disposal. Septic disposal is highly  
9 discouraged in everything I've read. Odors,  
10 noise and environmental impact. And with  
11 regard to the wastewater, if it has to be  
12 trucked out, how often is that going to  
13 happen? Are there big tankers? Are there  
14 going to be holding tanks? All those  
15 questions fall in play with regard to this  
16 manufacturing process. Thank you for your  
17 time.

18 MR. DEANE: And next we have  
19 Christopher Hage.

20 MR. HAGE: Hi. My name is Chris  
21 Hage, and I'm happy to report I also live at  
22 the same address as my wife.

23 COURT REPORTER: Could you come up  
24 front so I could hear you?

25 MR. HAGE: I sure can. My name is



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## PUBLIC MEETING

1  
2 Christopher Hage, and I also, like my wife  
3 Dawn, live at 189 Goose Street. We have  
4 been residents for almost twenty years. I'd  
5 first like to ask permission -- I came  
6 bearing handouts. May I hand these out?

7 CHAIRMAN HUNTSMAN: Sure.

8 **(Whereupon, Mr. Hage provided**  
9 **documents to the Board.)**

10 MR. HAGE: I'd first like to say,  
11 you all know a lot of what's in what I  
12 handed off today, so I just wanted you to  
13 have that as part of the record. There are  
14 a few things in here, though, I'm not so  
15 sure you are familiar with, which is why I  
16 enclosed them.

17 I have two trains of thoughts  
18 tonight. One is from the personal side, and  
19 one is more from the land use laws. And  
20 I'm going to reiterate what you've already  
21 heard, because I think it's important. For  
22 the last twenty years, we have witnessed the  
23 Fly Creek Cider Mill expand and expand and  
24 expand. It is to a point now where it's  
25 absolutely absurd the amount of traffic that



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## PUBLIC MEETING

1  
2 we put up with living on Goose Street. If  
3 it's not carloads of tourists, it's buses  
4 full of tourists, motorcycles, you name it.

5 It has gotten to the point that  
6 between June 15th and November 1st where it  
7 is impossible to really enjoy the quality of  
8 life due to the volume of traffic coming in  
9 and out of the cider mill. If you look at  
10 Section 102 or 103 or 104 just real briefly  
11 in terms of what you all know, but I want  
12 to bring it up. The local law guidelines  
13 established by the Town of Otsego  
14 Comprehensive Planning Board regulates the use  
15 of land in the Town of Otsego in order to  
16 provide orderly economic growth while  
17 protecting the health and safety of citizens  
18 and visitors, the quality of the environment,  
19 and the historical nature and character of  
20 the Town.

21 It goes on to say this local law is  
22 intended to protect residential property,  
23 preserve agricultural and wilderness lands, to  
24 encourage commercial development in suitable  
25 areas, and to provide for recreational,



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## PUBLIC MEETING

1  
2 etcetera, etcetera. So there's two parts I  
3 want to focus on. The first part is provide  
4 orderly, economic growth. There is no  
5 questions that your Board and Boards before  
6 you have allowed the Fly Creek Cider Mill  
7 all the economic growth it has ever wanted.  
8 We all know how this thing's transformed from  
9 a small, retail cider mill catering to mostly  
10 local people to the large commercial  
11 operation it is today, which caters mostly to  
12 the tourist industry. And I'm not arguing  
13 against that. I'm a private businessman  
14 myself, but at some point you have to cut  
15 that off. You fulfilled your obligation to  
16 this entity, and I'll remind you, this is a  
17 private, for-profit entity. They have been  
18 allowed to grow and grow and grow. And so  
19 in my opinion, you have fulfilled that part  
20 of your obligation. It's one of the most  
21 successful private businesses in the Town.

22 Now I'm going to ask that you  
23 fulfill the second part of your obligation,  
24 and that is to protect the residential  
25 property, to protect the environment. You no



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## PUBLIC MEETING

1  
2 longer have an obligation to let this  
3 business expand. So I'm asking you now to  
4 say enough is enough, to put people over  
5 profits.

6 Now I'd also like to talk a little  
7 bit about the land use laws, and this is the  
8 same thing I argued three years ago in front  
9 of Chairman Crowell at the ZBA, and I put  
10 the minutes in here. Just to refresh  
11 everybody's memory, three years ago, the Fly  
12 Creek Cider Mill tried to do a massive  
13 expansion, a massive expansion to the  
14 building it's in now, and we fought that,  
15 and the ZBA agreed. And you can read the  
16 minutes. I won't waste your time tonight,  
17 but here's my point.

18 And I think it's getting lost in  
19 this whole argument about the Heirloom Barn  
20 Law, whatever you want to call it. I don't  
21 care whether that's a barn, a shed, whether  
22 it qualifies as an heirloom barn or not.  
23 What I think is being missed here is that  
24 this is a private, for-profit, pre-existing,  
25 non-confirming entity.



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## PUBLIC MEETING

1  
2 In our land use laws, and I put a  
3 tab right in here for you, Section 103  
4 states that a pre-existing, non-conforming  
5 entity cannot increase its non-conformity.  
6 This is exactly the same thing I argued  
7 three years ago, and we won this. And you  
8 can read the minutes from the ZBA. And we  
9 can argue that the ZBA didn't exactly vote  
10 on the original application, and the reason  
11 is that Mr. Michaels pulled it last minute  
12 and submitted a new application. And what  
13 was the difference? The new application  
14 removed all the increase in use, all the  
15 increase in non-conforming use. So I think  
16 -- I just want to make sure we don't lose  
17 sight of what's really important here. I  
18 don't think the barn is the issue.

19 In my humble opinion, this is a  
20 pre-existing, non-conforming entity. It  
21 cannot increase its non-conformity, whether  
22 that's a use non-conformity or an area  
23 non-conformity. The only way it can do this  
24 is to receive a variance. So please, don't  
25 lose sight. I think the whole barn argument



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## PUBLIC MEETING

1  
2 is a smoke screen. It can't happen anyway,  
3 so I don't care whether it's a barn, a shed  
4 or a tent. This is a pre-existing  
5 non-conforming entity, and the land use laws  
6 state that it cannot increase its  
7 non-conformity. In order to do so, it has  
8 to apply for and be granted a variance in  
9 use and a variance in area. This is clearly  
10 a massive increase in use non-conformity.

11 There's no pre-existing microbrewery  
12 at the cider mill. It's also, in my  
13 opinion, a massive increase in the area  
14 variance. It's not doing this in an  
15 existing footprint. It's expanding to a  
16 whole different property it didn't own  
17 before. And if you look in your handout,  
18 Section 903, I believe, under variances, 903,  
19 variance appeals -- and I realize the ZBA is  
20 not this venue, but in order for this to  
21 proceed, in my humble opinion, he's going to  
22 have to get a variance in both use and area.

23 And if you read the qualifications,  
24 what qualifies, and there's five for area  
25 variance, and there's four for use variances.



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## PUBLIC MEETING

1  
2 He's zero for nine. There's no way this  
3 project would qualify for either one of these  
4 two variances. And if you look at the ZBA  
5 minutes from three years ago, exactly what I  
6 argued. And that's exactly how it came  
7 down, and that's why the expansion project  
8 that got approved stripped out about a sixty  
9 percent increase in retail selling space that  
10 he wanted to get done. It can't happen.  
11 So please, the barn is irrelevant in my  
12 opinion. What's relevant is this is a  
13 pre-existing, non-conforming business, and it  
14 can't increase its non-conformity.

15 It's trying to do so again and  
16 there's no way the ZBA is going to give him  
17 a variance for either of those two. So I  
18 really don't see how you can do that either.  
19 Thank you for your time.

20 MR. DEANE: Next is Barbara -- I  
21 can't read the last name, T-O-B-E -- what's  
22 the last name?

23 MS. TOBEY: Tobey.

24 MR. DEANE: T-O-B-E-Y?

25 MS. TOBEY: I'm Barbara Tobey and I



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## PUBLIC MEETING

1  
2 live at 931 County Highway 26 in the dark  
3 brown house that's across from the  
4 intersection where you turn down to the cider  
5 mill. And like many people here, I have  
6 pages of things that I wanted to say in  
7 opposition to the proposed expansion of the  
8 cider mill business, but I feel like the  
9 person who spoke just before me said  
10 everything that I could have dreamt might be  
11 relevant to this particular proposed  
12 undertaking.

13 So I'll just say that personally,  
14 being a neighbor of Barb and Charlie, it's  
15 very difficult for me to say that I don't  
16 think that this is a good idea. However,  
17 when I moved here two years ago, I moved  
18 here because this is exactly the kind of  
19 town that I wanted to retire in - small,  
20 quiet, rural, walking, neighbors, families,  
21 children, old people like me. And I think  
22 that's threatened by this expansion.

23 I think there are going to be people  
24 who, certainly on Goose Street, are not going  
25 to be able to sell their homes or rent their



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## PUBLIC MEETING

1  
2 homes to people who want those qualities of  
3 life. And I think that their property  
4 values, for me even a quarter of a mile,  
5 maybe less away, is also going to be  
6 impacted. So I would urge you strongly to  
7 think twice about expanding an operation that  
8 I think is not just an heirloom barn  
9 application, but an idea and a hope to  
10 expand a business, which Mr. Michaels will be  
11 able to do under the beverage license that  
12 he would have to get to have a brewery  
13 there, to include operations in other parts  
14 of the cider mill and property across the  
15 street. I think it's going to change the  
16 quality of the hamlet that we all love.  
17 Thank you.

18 MR. DEANE: Dale Davidson.

19 MR. DAVIDSON: My name is Dale  
20 Davidson and I have lived at 245 Goose  
21 Street for eighteen years. During this time,  
22 I have seen the Fly Creek Cider Mill change  
23 from a unique, cider-making attraction to  
24 adding a bakery, snack bar, cafe, two-story  
25 retail store, a separate online shopping



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## PUBLIC MEETING

1  
2 building, and a storage area with far too  
3 many metal containers in the back lot.

4 The mill has changed from being open  
5 six months to all year long. I believe the  
6 residents of Goose Street and County Route 26  
7 have been very tolerant of all these changes,  
8 but I feel as others do that this proposed  
9 craft beverage manufacturing plant is more  
10 than we can handle. Bill and Brenda's  
11 application states that this facility will  
12 have minimal to no significant adverse effect  
13 on our neighborhood, but realistically, it  
14 will create more noise, more lights, more  
15 signs, more trucks, more speeding cars and  
16 more people. And it doesn't matter if it  
17 closes at 6:00 p.m., like the mill, or stays  
18 open later into the evening.

19 All these are an annoyance and  
20 detriment to our neighborhood, lessening the  
21 value of our property. We live in the  
22 country to get away from all the  
23 above-mentioned problems, so we can safely  
24 walk, run, bike, walk our dogs, and enjoy  
25 our peace and quiet. I ask everyone at this



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## PUBLIC MEETING

1  
2 meeting who does not live on Goose Street or  
3 the surrounding areas, would you really like  
4 this happening in your backyard? I love my  
5 neighborhood, and I'm going to get emotional.  
6 My friends told me not to. I love my  
7 house, I love my gardens, and it scares me  
8 to see what Bill and Brenda are planning,  
9 because it will only benefit them. And if  
10 this is approved, what will be next - more  
11 events, weddings, concerts going on late into  
12 the evening? Bill and Brenda go home. They  
13 don't live on Goose Street. It doesn't  
14 affect them, but it surely affects our  
15 quality of life. I beg the Planning Board  
16 to vote "no" on this and future proposals,  
17 to keep Goose Street and County Route 26 a  
18 place where families want to buy a house,  
19 live, grow, and enjoy what country life has  
20 to offer. Thank you.

21 MR. DEANE: John Phillips.

22 MR. PHILLIPS: I'm in favor of the  
23 Michaels' project.

24 CHAIRMAN HUNTSMAN: John, could you  
25 come forward just a bit? Thanks.



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## PUBLIC MEETING

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25

MS. BAKER: What's your address?

MR. PHILLIPS: 6761 State Highway  
28, Fly Creek. The main intent of the  
Heirloom Law was to preserve the rural nature  
of our area by allowing a re-purpose and a  
reason to reuse our old buildings so that  
they do not fall down and despair and  
subsequently collapse. This project achieves  
the first goal.

The Michaels have a proven track  
record to both undertake a project and  
complete the same with quality workmanship,  
and by doing so, provide jobs to many local  
residents, both during and after construction.  
The Cooperstown's school superintendent  
addressed the Town Board at last month's  
meeting and tried to explain why school taxes  
are going up again and why the school  
enrollment is at its all-time low. Some of  
the reasons he gave is that young families  
are not moving here because of lack of  
employment and lack of affordable housing.  
The project helps by providing both part-time  
and full-time work, first in construction



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## PUBLIC MEETING

1  
2 trades, and then by store clerks and other  
3 services that service these buildings, jobs  
4 usually held by younger people. As for  
5 affordable housing, we need to address  
6 restricted building codes by state and local,  
7 especially high school taxes, and that  
8 affects the young people moving here.

9 I have three -- everybody knows my  
10 daughters. All three of them left the state  
11 because there's nothing to do here, no  
12 employment. They're highly educated and  
13 doing very well in Vermont, Virginia and  
14 Connecticut. I find this somewhat humorous  
15 that the cider mill was considered an  
16 existing non-conformity -- a pre-existing  
17 non-conformity, when the reason people moved  
18 to the Fly Creek area in the 1840s, '50s and  
19 '60s was because this mill and twelve others,  
20 both in Fly Creek and Oak's Creek - that's  
21 according to a study done by a man named  
22 Harvey - created an economy here that  
23 incentivized [sic] people to. Families are  
24 not moving here.

25 I can also relate to the local



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## PUBLIC MEETING

1  
2 residents and the potential inconveniences  
3 that they will most certainly face. However,  
4 our Land Use Law does provide strict site  
5 plan review for this project, in which  
6 neighbors and applicants can and should work  
7 together through these issues, but without  
8 the allowance for small businesses that are  
9 privately owned to thrive here, we run the  
10 risk of just being a bedroom community with  
11 no work for our youth and no sense of our  
12 community.

13 MR. DEANE: Next is Chuck Newman.

14 MR. NEWMAN: My name is Chuck  
15 Newman, 239 Goose Street, right next door to  
16 Dale, who already spoke, a couple doors down  
17 from the Hage's, who also spoke. I don't  
18 have any prepared remarks. I simply want to  
19 give you an idea of what it has felt like  
20 to me to have the cider mill down the road  
21 from where we live.

22 I am opposed to this project. Let  
23 me start out by saying that. And we've  
24 lived here for about seventeen years. We've  
25 seen the traffic increase almost steadily for



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## PUBLIC MEETING

1 reasons that have already been well  
2 described, without looking like there was any  
3 plan to do anything about the fact that it  
4 was just getting to be more and more. What  
5 we find very annoying is the amount of  
6 pedestrian traffic that goes across the  
7 one-lane bridge. And by the way, a one-lane  
8 bridge means that for cars to go across it,  
9 they have to see each other coming and wait  
10 and take turns going across. And I don't --  
11 I have not looked at what your plan is for  
12 handling the traffic and the pedestrian  
13 walkway across, but it still means that  
14 people are going to be walking across the  
15 bridge.  
16

17 There's a lot of people walking  
18 across that bridge and if -- however they  
19 are going to stop -- you are planning to  
20 stop traffic so that the people can get  
21 across the street, it means that traffic  
22 going on Goose Street in both directions is  
23 going to be sitting there waiting while the  
24 people cross. And then when it's time for  
25 traffic to go, it will be in one direction



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## PUBLIC MEETING

1  
2 or the other. And I can tell you that in  
3 the summertime and in the fall, we avoid  
4 driving down in that direction to go across  
5 the bridge, because we know what it's going  
6 to take -- the amount of time it's going to  
7 take waiting for the pedestrian and vehicular  
8 traffic to negotiate that spot.

9 I have a feeling that the new  
10 project will continue to grow larger as time  
11 goes on, like the current cider mill has,  
12 and I think that the prospects or the  
13 progress of that situation will continue to  
14 grow. The traffic is my main concern. The  
15 effect on property values has already been  
16 mentioned by other people and I don't think  
17 I can improve upon what they've said. So  
18 that's -- I think that's all I came here to  
19 say. Thank you.

20 MR. DEANE: Sheila Ross.

21 MS. ROSS: Good evening. I live on  
22 124 Willow Avenue, which is downtown Fly  
23 Creek. The cider mill is uptown Fly Creek.  
24 I've lived here all my life. Two of my  
25 kids -- both of my kids - I only have two

## PUBLIC MEETING

1  
2 - but they both worked at the cider mill.  
3 My daughter's 50 now, so that's how long --  
4 I won't tell you how old I am, but I worked  
5 there for a while, too, and -- until I got  
6 into golf and there was too much work  
7 involved. Anyway, I'm for it. Number one,  
8 we need jobs for local people. We owned a  
9 restaurant, and most of you people probably  
10 weren't around when I had my restaurant, but  
11 we had a restaurant for fourteen years. And  
12 if you're a business person, you want to  
13 expand. You want to try new things. Now,  
14 when I opened my restaurant, Thursday night  
15 special, \$2.50 for spaghetti. Where are you  
16 going to go? We were packed. You have to  
17 have something to call the people in.

18 Now, all you people who are upset  
19 about Goose Street, when you moved there, the  
20 cider mill was there way before you were.  
21 If I was going to buy a house, I would say,  
22 Gee, do they get a lot of travel? Should I  
23 think about going somewhere else? Apparently  
24 not. So there you are. If I'm going to  
25 buy something, I'm going to look to see



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## PUBLIC MEETING

1  
2 what's going on, especially if there is a  
3 business there. You want to look and see  
4 what's there, and what's the potential? You  
5 have to think ahead. So it's not like  
6 living in a box -- (Indiscernible crosstalk.)

7 CHAIRMAN HUNTSMAN: Please be quiet.

8 MS. ROSS: It's a cider mill. It's  
9 not going to change. Any business person is  
10 going to try to do things to make things  
11 bigger, bring more people in to work. The  
12 Town of Otsego has a real problem with  
13 letting jobs, businesses to come in here  
14 because everything is so restricted. And  
15 with that, I think I've said enough. Thank  
16 you very much. But I am for the cider mill  
17 to do their thing.

18 MR. DEANE: Next is Rob Bohm.

19 MR. BOHM: Hello. Rob Bohm. I am  
20 the neighbor to the cider mill, and I've  
21 been there for thirteen years, 6180 State  
22 Highway 28. We back right up to the cider  
23 mill. The Michaels have always been a great  
24 neighbor. They keep the place flawless.  
25 I've never had to call for any issues with



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## PUBLIC MEETING

1 trespassing or damage or anything like that.  
2 I'm for the project, because I recognize that  
3 you're either green and growing or you're  
4 brown and decaying. There's no status quo.  
5 You don't see a tree that just stays as a  
6 beautiful maple tree for a thousand years.  
7 Maybe it lives a thousand years because it's  
8 fertile soil, but typically two-hundred,  
9 three-hundred years and it starts to get  
10 brown, decayed, dying and a new tree sprouts  
11 up.  
12

13 This is the new cider mill, and we  
14 have to have money in this community if we  
15 want to have good roads, good schools, if we  
16 want to have people who can have employment  
17 to stay here and thrive here. If you have  
18 nothing but old houses and people want peace  
19 and quiet, there's going to be no money, and  
20 your taxes are going to go sky high, and  
21 nobody is going to be able to live here.  
22 So I applaud you, Michaels family, for your  
23 courage to open up a business in New York.

24 It's got to be the hardest climate  
25 that you'll find in the country. And hats



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## PUBLIC MEETING

1  
2 off to you. I appreciate it.

3 MR. DEANE: Next is Jim Foutch.

4 MR. JIM FOUTCH: Hi. My name is  
5 Jim Foutch. I don't have a prepared  
6 statement. I live at 119 Bailey Road, and I  
7 also own property that is adjacent to the  
8 cider mill with my family. I'm adamantly  
9 opposed to this. I've lived here sixty  
10 years and I seen the cider mill start as a  
11 very small operation, and now it's grown to  
12 about as big as I would like to see it.

13 It's very congested for our  
14 neighborhood and I'm just really not for it.  
15 Enough is enough. And I hear people in  
16 here. Most of them that are for it don't  
17 really have any skin in the game. They  
18 don't live right next to the cider mill.  
19 And the other thing I'm hearing is jobs. I  
20 don't see any of Billy's new help sitting in  
21 here.

22 They've been brought in from another  
23 country. We have a whole lot of people that  
24 need work in this area. Why aren't they  
25 helping them? Thank you very much, and good



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## PUBLIC MEETING

1  
2 luck.

3 MR. DEANE: Next is Jeffrey -- is  
4 that also Foutch?

5 MR. JEFFREY FOUTCH: Yeah. My name  
6 is Jeffrey Foutch. I live at 153 Bailey  
7 Road. My brother and I, we're part owners  
8 of the property that's adjacent to Billy's.  
9 There's a couple things. I don't have a  
10 prepared statement. I would like to also  
11 say I'm against this.

12 I worked at the cider mill when I  
13 was a little kid, and I thought it was kind  
14 of nice down there. He's got a nice  
15 business, and I have nothing against Billy,  
16 but I'll tell you, if he puts this in,  
17 you're going to have noise, lights, more  
18 traffic, more people, and everything else  
19 down there. And also, I don't think  
20 anybody's ever thought about this, but I have  
21 quite a few times in my lifetime, in  
22 fifty-six years I've been around here, I have  
23 seen water almost knee-deep where that barn  
24 is there. And so I don't know how he could  
25 build on a place like that. And also, I



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## PUBLIC MEETING

1  
2 would like to see, too, these people that  
3 are -- the same point my brother made.  
4 They're talking about how they want this  
5 place, this business, to go through, and most  
6 of the people that are telling you this  
7 don't live right on top it. They live over  
8 in Cooperstown or way away from it. And the  
9 third thing, too, is I also want to  
10 reiterate, I'd like to see Billy's new help  
11 come down here and talk to you people,  
12 because from what I've heard, they're a bunch  
13 of people from Jamaica. And he's not --  
14 which I have nothing against them.

15 CHAIRMAN HUNTSMAN: That's not  
16 pertinent to the discussion.

17 MR. JEFFREY FOUTCH: No, but that --  
18 they keep talking about jobs, then why don't  
19 you -- (Indiscernible crosstalk.)

20 CHAIRMAN HUNTSMAN: I understand.  
21 It's no --

22 MR. JEFFREY FOUTCH: -- hire people  
23 from around here.

24 CHAIRMAN HUNTSMAN: It's not  
25 pertinent to this discussion, okay?



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## PUBLIC MEETING

1 MR. JEFFREY FOUTCH: Okay.

2 CHAIRMAN HUNTSMAN: Thank you very  
3 much.

4 MR. JEFFREY FOUTCH: Thank you.  
5 I've said all I want to say.

6 MR. DEANE: Ellen Pope.

7 MS. POPE: Ellen Pope, 28 Elm  
8 Street. I'm here for Otsego 2000. I think  
9 I want to say I'm really here to speak about  
10 the Heirloom Barn Law, because I think this  
11 illustrates the issues with this very  
12 ambiguous law. The intentions were golden  
13 for this law. I'm a preservationist. I  
14 want to see these buildings preserved, but to  
15 write it so it allows blanket special use  
16 permits in neighborhoods, regardless of what  
17 the character of the neighborhood is like, I  
18 think is what draws the animosity and the  
19 problems.  
20

21 I can't urge the Board enough to sit  
22 down and rewrite that law so that you do  
23 preserve the buildings in a much more logical  
24 way, while still allowing some special use  
25 permits. For example, this idea -- I know



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## PUBLIC MEETING

1 Bill and Brenda will do an excellent job.  
2  
3 It's clear that they do topnotch work when  
4 they do business. They are tremendous  
5 supporters of the community, and I have no  
6 issues with a year-round business. I think  
7 we need more year-round businesses in this  
8 region than seasonal. We have plenty of  
9 seasonal businesses. They have a hard time  
10 filling their jobs because they don't offer  
11 year-round.

12 The Otesaga operates with a hundred  
13 jobs unfilled every year, because they can't  
14 find a workforce. So year-round is great,  
15 but I'm thinking this is the right project  
16 for the wrong spot. My concerns, on top of  
17 that, is this isn't a special use that's  
18 currently allowed anywhere in the Town. And  
19 I think that's something that nobody's  
20 pointed out yet. Could it be? Absolutely,  
21 if the Town Board decides that it's a  
22 special use or a use that they want to see  
23 in the Town. It could certainly be there,  
24 but I don't think it's in the Town Law right  
25 now as a use. I am one of the biggest



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## PUBLIC MEETING

1  
2 fans of microbreweries, so I'm not against a  
3 brewery, per se. I just think that the  
4 Planning Board needs to look carefully at the  
5 Heirloom Barn Law. You need to be able to  
6 define what is minimal impact on neighbors.  
7 Clearly the barn itself would be preserved  
8 well.

9 I have no qualms about that. And  
10 parking could be masked, all of that, but  
11 it's the impact on neighbors that's not  
12 defined in the law, which makes it really  
13 problematic for any kind of project like this  
14 to be considered, whether it's good for the  
15 neighborhood or not good for the  
16 neighborhood, or good for the Town and the  
17 economy or not good for the Town or the  
18 economy.

19 o I think I would love to see a  
20 craft brewery in the Town of Otsego in a  
21 business district, but I don't know that it's  
22 allowed currently, and I'm not sure it's the  
23 right use for this spot given the minimal  
24 impact on neighbors element. I mean, the  
25 Christmas barn was a business use. That was



## PUBLIC MEETING

1  
2 a minimal impact on neighbors. I think a  
3 brewery is something different. We've all  
4 seen how Brewery Ommegang has grown. That's  
5 great, great for the region, but they had  
6 160 acres to grow on. This is less than  
7 one acre. And so I think these are all  
8 concerns that I think need to be addressed  
9 in the project. And I haven't seen enough  
10 of the detail of the project to know if they  
11 are addressed, but hopefully you guys can  
12 sort all that out.

13 MR. DEANE: What is your position  
14 with Otsego 2000?

15 MS. POPE: Executive Director.

16 MR. DEANE: Next is Kathy Chase.

17 MS. CHASE: Yes, Kathy Chase, 250  
18 Red House Hill Road, Cooperstown, New York.  
19 I am very familiar with the Heirloom Barn  
20 Law and Land Use Laws because I've been  
21 fighting for a project based on that over  
22 the last five years. And when I read the  
23 Michaels application when it came forward --  
24 and again, I agree with what the first few  
25 speakers said about the Michaels and how they



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## PUBLIC MEETING

1  
2 do things, but when I read what they were  
3 doing, which was a craft beverage  
4 manufacturing business, and I looked at what  
5 their attorney said last month, I said, Gee.  
6 I've read these Land Use Laws quite a bit.  
7 I don't think there is a law that provides  
8 for that in Section 104, Application of  
9 Regulations.

10 This is our Town, how our Town Land  
11 Use Laws open up. This law enumerates  
12 allowable uses within the Town of Otsego, and  
13 any use not specifically permitted is  
14 prohibited. There is nothing in every  
15 district -- and I went through, again, over  
16 the past week, that says a craft beverage  
17 manufacturing business is allowed. Yes,  
18 there's eating and drinking establishments,  
19 which covers our restaurants, but I think  
20 this is interesting for the Town Board.

21 Yes, I think maybe we do need craft  
22 beverage -- because they are popular. But  
23 again, people talk about business. We do  
24 have business districts. That's where you  
25 open a business. The Heirloom Barn Law, in



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## PUBLIC MEETING

1  
2 my opinion, is spot zoning. I don't think  
3 you even realize what it is. Any  
4 agricultural building that is sixty years  
5 old, which is younger than me - I don't  
6 consider myself an heirloom yet - or any  
7 building 110 years old, which is just about  
8 everything in this Town. All the camps on  
9 the lake are more than 110 years old, and we  
10 need to be thinking about this, can apply  
11 and get this. You all don't realize this, I  
12 don't think. Any use in any district. So  
13 I can take this little hamlet that's  
14 residential and ask for a business to go in.  
15 That, I agree, is not minimum impact  
16 on neighbors. And there's a lot of problems  
17 with the law. There was a moratorium put on  
18 it, and I fought the Town Board, and I  
19 remember that we let that expire. We didn't  
20 change it. These people shouldn't have to  
21 be dealing with Heirloom Barn Law right now.  
22 It should have been typed up, changed, gotten  
23 rid of, whatever they decided to do, and  
24 they did nothing. They're working on it  
25 now, some people very diligently. We all



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## PUBLIC MEETING

1  
2 need to work on encouraging them to make the  
3 proper changes to this law, because it's  
4 allowing spot zoning.

5 So I think you need to look very  
6 carefully at Section 104 and the specific  
7 use. We do not have a use that I can find  
8 in the Land Use Laws for a craft  
9 manufacturing distillery. So that's the end  
10 of that. Thank you.

11 MR. DEANE: Next is Bob Gernhardt.

12 UNIDENTIFIED SPEAKER: He went out  
13 to take a call.

14 MR. DEANE: We'll skip to Nathan  
15 Sentz.

16 MR. SENTZ: Good evening. I'm  
17 Nathan Sentz, 112 Glimmerhill Lane, Town of  
18 Otsego. I'd like to officially submit a  
19 letter on behalf of supporting the project  
20 from my wife, as well, because she couldn't  
21 attend, but we're basically firm believers  
22 that rules are rules. So if the Michaels  
23 can build this project under the Heirloom  
24 Laws, whether some people agree with it or  
25 disagree with it, we'd like the Board of



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## PUBLIC MEETING

1  
2 Otsego - excuse me - or the Town of Otsego  
3 Planning Board to vote on the current laws  
4 and not make judgment on behalf of emotions.  
5 So we're supporting the Michaels in this  
6 project.

7 MR. DEANE: That's the end of the  
8 list, other than Bob Gernhardt. Is there  
9 anybody --

10 MS. GNYOT: Can somebody else sign  
11 up on this now, or is it too late?

12 MR. DEANE: I see no problem with  
13 that.

14 CHAIRMAN HUNTSMAN: I don't see any  
15 problem with that. Sure.

16 MR. DEANE: I need your name and  
17 address.

18 MS. GNYOT: Lena Gnyot, 165 Goose  
19 Street. And I'm not a lawyer, I'm not a  
20 developer. I was a businesswoman, and we  
21 worked long, hard, through-the-night hours in  
22 our place of business on Goose Street. Can  
23 I write this after?

24 CHAIRMAN HUNTSMAN: Sure.

25 MS. GNYOT: Anyway, this is just



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## PUBLIC MEETING

1  
2 some thoughts. I call it the three E's. I'm  
3 thinking of three E's. Mind you, we came  
4 here forty years ago. And yeah, we saw the  
5 little cider mill. It was cute, and there  
6 was no hint of what was coming. And I  
7 think we were people with great foresight,  
8 but we said -- I'm thinking of three E's.  
9 Over thirty years ago, we enjoyed the cider  
10 mill.

11 It was a charming expression of the  
12 unique character of our Town as an  
13 agricultural business. Even then, however,  
14 our hearts were often in our mouths, seeing  
15 our kids biking on Goose Street at the  
16 height of cider season. Tourists seemed  
17 careless to the 35 mile per hour signs on  
18 the charming twists and turns of Goose  
19 Street. It was always a great relief when  
20 the season ended. The next "E" was the  
21 endurance phase, when the cider mill  
22 metastasized from a quaint attraction to what  
23 some began to call "The Cider Mall." Lots  
24 of goods discovered at gift shows, a clever  
25 businessman who figured out how to have



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## PUBLIC MEETING

1 vending machines to tempt and tease tourists'  
2 kids to obtain duck food to feed his  
3 livestock, and a massive increase in traffic  
4 roaring by our house, a genuine tourist trap.  
5 And believe me, we brought our grandchildren,  
6 and we put the money in the slots so they  
7 could feed the ducks, but we can't walk down  
8 to the cider mill anymore.

9  
10 And the heroic people from Bassett  
11 who walk that loop everyday, I don't know  
12 how they do it, because I've been nearly run  
13 down several times going to get my mail.  
14 I've been nearly hit several times trying to  
15 turn into my driveway. The 35 mile per hour  
16 zone, no, it's more like 55 and I'll go  
17 [Indicating] to slow people down. People  
18 don't give a flying anything. They are  
19 flying.

20 We could no longer make our run to  
21 the post office, via the mill, as its  
22 customers would straggle, sometimes four  
23 abreast, across the bridge from the mill to  
24 its parking lot, oblivious to the fact that  
25 Goose Street was a public road. Now, with



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## PUBLIC MEETING

1  
2 the increasing traffic on 28 waiting to get  
3 out of Goose Street by any other route has  
4 become just another inconvenience, and our  
5 sleepy little hamlet is a thing of the past,  
6 but what isn't a thing of the past is  
7 Section 1.04 and 2.02 of the Town of Otsego  
8 Land Use Laws, that by omission of permitted  
9 use would prohibit a brewery or distillery in  
10 a sensitive residential area. By the way,  
11 I'm not too sure that great big parking lot  
12 is in the zone of the cider mill. I think  
13 it's in the hamlet residential area, and I  
14 have some questions about that.

15 But anyway, this brings me to the  
16 third "E", enough. Not another thin edge of  
17 the wedge in a district that is zoned  
18 residential. No more expending grandfathered  
19 rights of the past into the future. Enough.  
20 This has to stop. The laws are in place to  
21 make this simple. Thank you.

22 MR. DEANE: Bob Gernhardt, did he  
23 return? Is there anybody else that wants to  
24 speak?

25 CHAIRMAN HUNTSMAN: Going once.



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## PUBLIC MEETING

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(Whereupon, No response from attendees.)

CHAIRMAN HUNTSMAN: Alright. Well, thank you, everybody, for your patience. Do we have someone to close the public hearing?

MR. FEURY: So moved.

CHAIRMAN HUNTSMAN: Do you have a second?

MS. HORVATH: Second.

CHAIRMAN HUNTSMAN: Any further discussion?

(Whereupon, Members responded in the Negative.)

CHAIRMAN HUNTSMAN: All in favor of closing the Public Hearing?

(Whereupon, Members responded in the Affirmative.)

CHAIRMAN HUNTSMAN: Any opposed?

(Whereupon, Members responded in the Negative.)

CHAIRMAN HUNTSMAN: Thank you everyone for your patience and your decorum. It's been a long time, and I appreciate everyone's speaking out and maintaining a bit



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## PUBLIC MEETING

1 of -- a tremendous amount of civility.

2 (Whereupon, the Public Hearing portion  
3 of the meeting concluded at 8:36 p.m.)

4 (Whereupon, the Planning Board  
5 discussed other business from 8:36 p.m. until  
6 9:08 p.m.)

7 (Whereupon, the Planning Board resumed  
8 discussions regarding the application of Bill  
9 Michaels' site plan review, special permitted  
10 use, Heirloom Barn craft beverage  
11 manufacturing business at 9:08 p.m.)

12 CHAIRMAN HUNTSMAN: Moving on to  
13 Bill Michaels' application, site plan review,  
14 special permitted use, Heirloom Barn craft  
15 manufacturing business on 276 Goose Street.  
16 And as I mentioned, there was a large amount  
17 of correspondence with this.

18 UNIDENTIFIED SPEAKER: Can I just  
19 say one thing before you start Billy's?

20 CHAIRMAN HUNTSMAN: Sure.

21 (Whereupon, there was an interruption  
22 in the proceedings at 9:08 p.m. while there  
23 was a brief discussion regarding another  
24 matter.)  
25



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## PUBLIC MEETING

1  
2 (Whereupon, the Planning Board resumed  
3 discussions regarding the application of Bill  
4 Michaels' site plan review, special permitted  
5 use, Heirloom Barn craft beverage  
6 manufacturing business at 9:11 p.m.)

7 CHAIRMAN HUNTSMAN: So as I  
8 mentioned, because there's lots of  
9 correspondence, I wanted to reserve them to  
10 the start of this thing. And to simplify  
11 this, what I've done is taken -- and I'll be  
12 happy to read these letters. These are all  
13 letters within a mile of the cider mill. I  
14 have addresses of other people who are  
15 outside of that, which they expressed a  
16 particular perspective which is very similar,  
17 and it's consistent with the letters I'll  
18 read, but I'll write down the names and the  
19 addresses of people who sent letters.

20 There was an Ann O'Connell, who  
21 lives on 270 Madison Avenue, New York, New  
22 York. There was a Susan Green on 24th and  
23 4th Street, Troy, New York; Susan Engerer  
24 [phonetic] on 434 Willlliams Pond Road,  
25 Cooperstown; Dave Butler on 101 Haggerty



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## PUBLIC MEETING

1  
2 Road; Ann Walker on 106 Glimmerhill Lane;  
3 Doug Walker on 90 Lake Street, Cooperstown; a  
4 Janet Welden on 13 Main Street, Cooperstown;  
5 Ann Esposito on 132 Chestnut Street,  
6 Cooperstown. And there was -- these were  
7 all folks that were very much in favor and  
8 spoke very highly of Bill Michaels' proposed  
9 application. So what I was going to do is  
10 read the applications of people that were on  
11 Goose Street and within a mile of Fly Creek.  
12 The first one is by Wayne Mawar [phonetic]  
13 and Amy Cannon. They are -- and who's a  
14 good reader?

15 UNIDENTIFIED SPEAKER: You are.

16 MS. HORVATH: Scottie is.

17 CHAIRMAN HUNTSMAN: Scottie, you're a  
18 good reader.

19 MS. BAKER: Come on, people. It  
20 has recently come to our attention that Bill  
21 and Brenda Michaels have submitted an  
22 application to the Planning Board for an  
23 ill-defined project that will convert the  
24 property adjacent to the Fly Creek Cider Mill  
25 into a brewery/manufacturing/ retail/to be



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## PUBLIC MEETING

1  
2 determined business. While the property has  
3 been vacant and in disrepair, many years ago  
4 it was the location of the Christmas Barn  
5 retail store, as well as a residence of the  
6 owner of the Christmas barn. We believe the  
7 project is not in keeping with the  
8 neighborhood surrounding the mill, nor will  
9 it improve upon the large increase in  
10 traffic, noise, dust, etcetera that we have  
11 endured over the last twenty-five years as  
12 the mill went from a small, seasonal  
13 operation to a significant tourist  
14 destination. We choose to live in Fly Creek  
15 for its small town feel and our perceived  
16 protection from development, as the Town has  
17 a zoning law in place. Our previous  
18 residence was in New Lisbon. New Lisbon did  
19 not have zoning and it was a constant threat  
20 to our property from various types of  
21 development and land use. Unmitigated  
22 commercial development in residential  
23 neighborhoods will eventually have a negative  
24 effect on property values, and that has  
25 become clear with the mill, as the two



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## PUBLIC MEETING

1 adjacent properties, the Shamus [phonetic] and  
2 Saraceno [phonetic] were unsellable [sic] at  
3 a market price and were eventually purchased  
4 at a greatly reduced value by the Michaels.  
5

6 For example, the value for the  
7 Saraceno property fell from \$165,000 in 1997  
8 to \$71,900 in 2017. A third property,  
9 Reitz, next to the Saraceno property, sold in  
10 2017 for \$65,000, which is \$3,000 less than  
11 the house sold for in 1988. It is only a  
12 matter of time until these valuations will  
13 further out to many more properties if the  
14 mill continues to grow, if that hasn't  
15 already happened. It is also noteworthy, the  
16 applicant is also using a loophole in the  
17 Town Land Use Law, namely the Heirloom Barn  
18 Law, to circumvent the normal zoning variance  
19 procedure.

20 The original intent of the Heirloom  
21 Barn Law was not to place a commercial  
22 venture drawing tens of thousands of visitors  
23 into residential neighborhoods, and in fact,  
24 the actual language states that the project  
25 will have a minimal impact on neighbors.



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## PUBLIC MEETING

1  
2 This will hardly be the case with the  
3 expected tourism visitation, especially if the  
4 hours of the new business extend past 5:00  
5 p.m. as has been proposed. Furthermore, the  
6 special permitted uses do not include a  
7 brewery, distillery, or any type of  
8 manufacturing facility.

9 A new couple with toddlers moved in  
10 next door in the fall of 2017 and were  
11 having trouble keeping their dog in the yard.  
12 We told them on several occasions that County  
13 Highway 26 is a very busy road and they  
14 needed to keep a close eye on the dogs so  
15 they do not get hit. One Sunday morning, I  
16 witnessed the dog being loose on the road,  
17 and the three-year-old ran after the dog into  
18 the road, and in less than five seconds,  
19 four cars had stopped. Thankfully, the child  
20 was not hit, but it is strong evidence of  
21 the amount of traffic on our road. The  
22 neighbor stated to me that this really made  
23 a change in how he viewed our road and his  
24 supervision of his dog and children.

25 I did an informal car count on



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## PUBLIC MEETING

1 Sunday during the fall several years ago and  
2 recorded 5,000 cars passing our house in one  
3 day. While not as busy, the summer traffic  
4 is also substantial and a far cry from what  
5 it was when we moved to Fly Creek. I can't  
6 tell you the number of close calls I've had  
7 maintaining flowers, lawn and hedge in front  
8 of our house. You cannot know what it is  
9 like to be out there during the day. We  
10 remember fondly the Fly Creek Cider Mill when  
11 we moved here in '93 when it operated in the  
12 fall and was more integrated into the local  
13 community. It was a source of Fly Creek  
14 pride. Unfortunately, this is not the case  
15 now, because the mill has become much larger  
16 and oriented towards being a major tourist  
17 destination.  
18

19 Bill boasted to me several years ago  
20 that the mill is attracting over 100,000  
21 visitors a year. This is not in keeping  
22 with a residential neighborhood. We are  
23 requesting that the Planning Board deny the  
24 application for the following reasons: One,  
25 the expected further increase in traffic and



## PUBLIC MEETING

1  
2 noise and degradation of the quality of life  
3 in our neighborhood; Two, the likely increase  
4 in surrounding property devaluation; Three,  
5 the safety issue related to that high amount  
6 of traffic on a rural highway; Four, the  
7 application is incomplete in that the exact  
8 use and their plan for the property has not  
9 been communicated, as they are possible uses  
10 as stated by Bill Michaels.

11 The project will not have a minimal  
12 impact, which is required by the Heirloom  
13 Barn Law. One of the possible uses, craft  
14 beverage manufacturing, is not allowed under  
15 the present special uses in the Town Land  
16 Use Law.

17 CHAIRMAN HUNTSMAN: I'm going to  
18 read another application and then another  
19 letter, which -- and then all the letters  
20 are up here for people to read. They're  
21 basically repeating some of the same things.  
22 This is a letter by Gary and Sally Bush,  
23 actually addressed to Meg Kiernan. As owners  
24 of the property at 205 Goose Street, we have  
25 no objections to the Michaels' Heirloom Barn



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## PUBLIC MEETING

1 application at 276 and write in full support  
2 of the proposed craft manufacturing use.

3 We have reviewed the application,  
4 read comments from the Planning Board  
5 minutes, and discussed the application with  
6 neighbors, and we believe it satisfies the  
7 requirements of the Land Use Law and  
8 compliments the comprehensive plan of the  
9 Town of Otsego. We love that this building  
10 was part of the Michaels family, and they  
11 will be saving it from disrepair. It is a  
12 beautiful old building and has its own  
13 historic character value. It has sat  
14 untouched for many years since the Christmas  
15 Barn was closed. It needs love and care to  
16 carry on its legacy.

17 The Michaels are willing to take the  
18 care and repair of this nice old fixture of  
19 Fly Creek. We feel it will not add to any  
20 additional traffic to Goose Street, as it  
21 will not be a new destination, but just an  
22 extension of the cider mill. We encourage  
23 all new local businesses in the community to  
24 flourish. We should encourage all new local  
25



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## PUBLIC MEETING

1  
2 businesses in our community to flourish and  
3 we should support them.

4 When this business is open, it would  
5 also compliment the other craft breweries in  
6 the area, such as Pail Shop Vineyards, Rustic  
7 Ridge Winery, etcetera. Please accept this  
8 letter in support of the Michaels' Heirloom  
9 Barn application at 276 Goose Street in Fly  
10 Creek. Once the rehabilitation of the barn  
11 is complete, it will have a substantial  
12 positive impact on the community, and I hope  
13 -- I/we hope you will approve the  
14 application. Sincerely, Gary and Sally Bush.

15 And there's some other letters here  
16 from a little further out on Bailey Road and  
17 on Williams Road, all in favor, very similar  
18 comments. Again, they're all here. And I  
19 was going to read one other comment that's  
20 particularly poignant, because it's from Paula  
21 Shaeffer -- Paula Michaels Shaeffer. She  
22 said two comments. One was listed at 1:29  
23 a.m. She sent this to my wife, actually:  
24 I won't be around that night, so here's my  
25 two cents -- meaning tonight. I talked to



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## PUBLIC MEETING

1  
2 Bill Michaels about the project and he gave  
3 me a tour last week. Paula Michaels lived  
4 in that house. He showed me around the  
5 house. It looks great inside and it's a  
6 relief to see it all fixed up. It was  
7 getting to be an eyesore. He then showed me  
8 the barn and talked about some plans for it.

9 He's not putting in a bar, as some  
10 rumors have it, and the impact on the  
11 neighborhood seems minimal. So no access to  
12 the barn from Goose Street except for  
13 deliveries. The plans show a path with a  
14 footbridge across the creek from the main  
15 mill area through the mini-orchard, leading  
16 to an entry on the orchard side, not on the  
17 Goose Street side. The hours will be the  
18 same as the mill hours, with the possible  
19 exception of using the upstairs of the barn  
20 for meetings, a gathering place, but even  
21 then not after 11:00 p.m.. As I understand  
22 it, and after looking at the plans, I don't  
23 see it making a huge difference to an  
24 already busy part of the neighborhood.

25 Thanks to you and the Board for your



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## PUBLIC MEETING

1  
2 diligence and all the work you do on their  
3 behalf. She wrote another comment after  
4 that, and this is after reading Wayne  
5 Malure's [phonetic] letter: Can't the  
6 application be changed so the new place is  
7 only open during regular cider mill hours?  
8 And she's answering questions: Yes, it's a  
9 big undertaking.

10 I can't comment on property values,  
11 but I know that the house he bought has been  
12 through two floods and just left to sit. It  
13 was stripped of copper plumbing. The bank  
14 had it on the market forever, and I'm not  
15 sure if that's a good example to use as  
16 property values.

17 UNIDENTIFIED SPEAKER: That's right.

18 CHAIRMAN HUNTSMAN: Yes, the traffic  
19 is horrendous. Up on our end of Goose  
20 Street, cars coming from the mill speed up  
21 as soon as they go around the bend by Pete  
22 Martin's, and by the time they get to the  
23 little hill, before the Guyott's [phonetic]  
24 and Blessing's, they're often up to 55 miles  
25 an hour. We don't let our grandkids ride



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## PUBLIC MEETING

1  
2 roads on the -- bikes on the road, and  
3 walking is sometimes unpleasant on a sunny  
4 Saturday or Sunday. That has already gotten  
5 to be a problem. Would the addition of one  
6 more thing be a difference? We are already  
7 dealing with traffic that won't get better.

8 And lastly, yes, the sound pollution  
9 from the mill in the summer is huge. The  
10 sound travels right up the hill to us. And  
11 I hear buses, music, and traffic noises all  
12 contribute to less than a peaceful -- but  
13 again, I don't think the addition of the  
14 barn business would add anything to that.

15 We're stuck with the noise already.  
16 I'm not lobbying for or against this point,  
17 but I don't really see that it will make  
18 much difference. I would be fed up, too, if  
19 I lived on 26 between Corner Street and  
20 Goose Street, but I don't think we can move  
21 things back to where the mill was only a  
22 seasonal business. It seems like limiting  
23 the hours of the new operation to close at  
24 6:00 p.m.

25 so there's no traffic or noise and



## PUBLIC MEETING

1  
2 other concerns might help. Since you're  
3 welcome to share my comments, but since I  
4 can't be there reading, I would ask you not  
5 to let others edit them or use parts that  
6 only support an account. I'm so fond of Fly  
7 Creek, and I'm sorry this is contentious. I  
8 know it is important to our little hamlet  
9 and I appreciate everyone's point of view.

10 I mentioned Paula's because she is a  
11 direct -- probably a more close comment to  
12 anybody.

13 MR. DEANE: What's the date of that?

14 CHAIRMAN HUNTSMAN: It's from today.  
15 So there is, I guess, around thirty or forty  
16 letters that people are more than willing to  
17 read if they wish. Very good. So could  
18 someone review the minutes from last month's  
19 application? Scottie, since you're the  
20 designated reader, and you do such a grand  
21 job.

22 MS. BAKER: Sure. Alright, people.  
23 Applicant Bill Michaels was present, along  
24 with representatives David Brennan, Jon  
25 McManus, and Hyde Clarke. Scottie Baker read



## PUBLIC MEETING

1  
2 aloud from the March 6th minutes relevant to  
3 the application. The representatives  
4 submitted a forty-page revised site plan  
5 package, including evidence that the barn is  
6 more than sixty years old, and Zoning Officer  
7 Hobbie's written determination that the  
8 proposed project meets the provision of the  
9 Heirloom Barn Law. Chairman Huntsman cited  
10 various thoughts, questions, and concerns he  
11 had about the application after reviewing the  
12 Town's Comprehensive Plan and Land Use Law.

13 Huntsman said that he agrees that  
14 the building fits the definition of "Heirloom  
15 Barn" in Section 3.15. He asked what use is  
16 being proposed; that is, what district's list  
17 of permitted uses is the applicant borrowing  
18 from? Brennan said it would be a farm  
19 distillery, winery and brewery, and that it  
20 would fit with several of the Town's special  
21 permitted uses, including retail sale of food  
22 and beverage. Brennan asked about Pail Shop  
23 Vineyards, an existing winery/brewery  
24 establishment on Goose Street. Board members  
25 advised him that that project had never come



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## PUBLIC MEETING

1  
2 before the Planning Board. Chairman Huntsman  
3 noted the lot is less than one acre, making  
4 it pre-existing, non-conforming. He cited  
5 Section 1.04, which states that  
6 "Non-conformities of lots, buildings or uses  
7 of land or buildings may not be increased,  
8 expanded, or exchanged for other  
9 non-conformities." Brennan disagreed that  
10 this law applies, citing Hobbie's written  
11 determination and saying they are actually  
12 decreasing the non-conformity by removing  
13 buildings from the setback areas. Attorney  
14 Miosek agreed with Brennan. Chairman  
15 Huntsman cited Section 3.04, which says,  
16 "There shall be only one principal building  
17 per lot." With the existing house, and the  
18 barn used for commercial enterprise, there  
19 would be two principal buildings. Brennan  
20 said that most barns are on lots with a  
21 house.

22 How could one use the Heirloom Barn  
23 Law if this law applies? Attorney Miosek  
24 noted that the Kimmerer application, which  
25 the Board approved under the Heirloom Barn



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## PUBLIC MEETING

1  
2 Law in January, also involved a house and  
3 barn on the same lot. Chip Jennings said  
4 that that is not in the hamlet residential  
5 district. Chairman Huntsman expressed concern  
6 about two septic systems on such a small  
7 lot. McManus said he was confident that  
8 they would be able to accommodate a second  
9 system, explaining the requirements and  
10 options. McManus submitted a signed and  
11 sealed survey and a revised site plan dated  
12 1/22/18, Revision 4-A. He explained the  
13 plans and answered questions. He said the  
14 establishment would have to follow New York  
15 State Department of Environmental Conservation  
16 and Health (DEC and DOH) requirements.  
17 Chairman Huntsman cited Section 4.01,  
18 addressing flood plains.

19 Michaels said the property is not in  
20 a designated flood hazard area. McManus said  
21 they would have to comply with FEMA  
22 regulations in order to get a building  
23 permit. Chairman Huntsman asked Danny Lapin,  
24 an environmental planner for the Otsego  
25 County Conservation Association, for input



## PUBLIC MEETING

1  
2 regarding Ag and Markets concerns. Lapin  
3 said that unless a property is in a New York  
4 State Ag District, Town laws apply. Chairman  
5 Huntsman went through the site plan  
6 requirements from Section 8.04 of the Land  
7 Use Law. The consensus of the Board was  
8 that the only missing item was a floor plan.  
9 Scottie Baker remarked that the applicants  
10 are downplaying the potential increase in  
11 customer traffic that they hope for. Walter  
12 Dusenbery again expressed concern about the  
13 proposed hours of operation, 8:00 a.m. to  
14 11:00 p.m..

15 Attorney Miosek said that the Board  
16 needed to decide whether this project  
17 qualifies under the Heirloom Barn Law or else  
18 none of the other discussion is relevant.  
19 After long discussion, Ted Feury moved that  
20 the project qualifies under the Heirloom Barn  
21 Law, Section 3.15. Baker seconded the motion  
22 and it was approved, 4-2, with Jennings and  
23 Dusenbery opposed. The Board discussed SEQR,  
24 and Chairman Huntsman went through the short  
25 EAF submitted by the applicant, again asking



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## PUBLIC MEETING

1  
2 Lapin for input.

3 Ted Feury moved to declare lead  
4 agency status for the Planning Board and deem  
5 this a Type II action per SEQR Section  
6 617.5(c)(2). After long, tangential  
7 discussion, Sharon Kroker seconded the motion  
8 and it was approved, 4-2, with Jennings and  
9 Dusenbery opposed. Baker moved to deem the  
10 application complete, contingent on the floor  
11 plans being received by April 17th.

12 Dusenbery seconded the motion and it was  
13 approved, 6-0. Dusenbery moved to schedule a  
14 Public Hearing for May 1st under the same  
15 contingency. Feury seconded the motion and  
16 it was approved, 6-0.

17 CHAIRMAN HUNTSMAN: Thank you,  
18 Scottie. You're good.

19 MS. BAKER: Thank you.

20 CHAIRMAN HUNTSMAN: Do you folks  
21 have anything to add?

22 MR. BRENNAN: Thank you. Well, we  
23 heard a lot tonight, both in person and in  
24 letters. As I think I said at the outset,  
25 I thought we were going to hear a lot, and



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## PUBLIC MEETING

1  
2 we did. And I assembled a list from my  
3 notes, but I'd like to go through it again,  
4 but I do think that at this point we owe  
5 the Board a response to the comments that  
6 were submitted. And I think the folks that  
7 submitted the comments deserve a response and  
8 some deliberation and consideration of those  
9 comments that comes with letting those sink  
10 in, and letting me read all the letters,  
11 which I haven't seen.

12 So at this point, everyone's had a  
13 long night and I wouldn't suggest that we  
14 prolong this evening anymore. I would ask  
15 that we be put on for the next meeting, and  
16 supply something by your deadline, and see  
17 where that takes us.

18 CHAIRMAN HUNTSMAN: That's sixty-two  
19 days, so that would take --

20 MR. BRENNAN: Not to interrupt, but  
21 we can work with you on the sixty-two days,  
22 if we get into that.

23 CHAIRMAN HUNTSMAN: I understand. I  
24 think it does fit in with the sixty-two  
25 days. Okay.



## PUBLIC MEETING

1  
2 MR. BRENNAN: I would say when you  
3 close the Public Hearing tonight, it would  
4 trigger the sixty-two days and --

5 CHAIRMAN HUNTSMAN: Correct.

6 MR. BRENNAN: -- I don't know if  
7 the Town has a default provision.

8 CHAIRMAN HUNTSMAN: It does,  
9 actually, but --

10 MR. BRENNAN: Okay. It's one of  
11 the few ones that -- but anyway, I think at  
12 this point, the best course of action -- I  
13 would never tell my Board to vote on  
14 something after a Hearing, and I wouldn't  
15 expect that you would either.

16 You've been down this road before on  
17 other things, so I just respectfully request  
18 that you carry it over to the next meeting.

19 CHAIRMAN HUNTSMAN: I would have no  
20 problem with that.

21 MS. BAKER: Bless you, my child.

22 CHAIRMAN HUNTSMAN: Does anybody have  
23 any problems with that -- deferring this to  
24 the next meeting?

25 MS. BAKER: No, no one has any



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## PUBLIC MEETING

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problem.

CHAIRMAN HUNTSMAN: I would be very gracious.

MR. McMANUS: I was just concerned about the sixty-two days.

CHAIRMAN HUNTSMAN: Can we get Jon to wear another tie?

MR. McMANUS: A different color tie?

CHAIRMAN HUNTSMAN: Any further other comments?

**(Whereupon, Members responded in the Negative.)**

CHAIRMAN HUNTSMAN: Does anybody have concerns about that.

**(Whereupon, Members responded in the Negative.)**

CHAIRMAN HUNTSMAN: I think that would be grand. There is a lot of information.

MS. BAKER: There is a lot of information.

CHAIRMAN HUNTSMAN: Very well.

MR. BRENNAN: Thank you.

CHAIRMAN HUNTSMAN: Thank you,



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PUBLIC MEETING

1  
2 everyone, very much.

3 (Whereupon, the Proceedings concluded  
4 at 9:32 p.m.)  
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PUBLIC MEETING

**CERTIFICATE**

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I, NORA B. LAMICA, a Shorthand Reporter and Notary Public in the State of New York, do hereby certify that the foregoing record taken by me at the time and place as noted in the heading hereof, is a true and accurate transcript of same, to the best of my knowledge and belief.

*Nora B. Lamica*

NORA B. LAMICA  
Shorthand Reporter  
Notary Public

DATED: May 9, 2018



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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TOWN OF OTSEGO PLANNING BOARD

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HEIRLOOM BARN CRAFT BEVERAGE MANUFACTURING BUSINESS

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PUBLIC MEETING

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Held on Tuesday, May 1, 2017, taken at the  
 Otsego Town Court, 811 County Highway 26, Fly Creek, New  
 York 13337, commencing at 7:36 p.m., before Nora B.  
 Lamica, a Shorthand Reporter and Notary Public in and for  
 the State of New York.

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APPEARANCES: (CONT'D.)

Also Present:

Jon McManus McMANUS ENGINEERING GROUP  
 189 Cemetery Road  
 Fly Creek, New York 13337

Members of the public requesting to speak:

Rob Bohm, 6120 State Highway 28, Fly Creek  
 Kathy Chase, 250 Red House Hill Road,  
 Cooperstown  
 Dale Davidson, 245 Goose Street, Fly Creek  
 Jeffrey Foutch, 123 Bailey Road (Goose  
 Street), Fly Creek  
 Jeffrey Foutch, 123 Bailey Road (Goose  
 Street), Fly Creek  
 Bob Gernherdt, 206 Goose Street, Fly Creek  
 Lena Gnyst, 165 Goose Street, Cooperstown  
 Christopher Hage, 189 Goose Street, Fly Creek  
 Dawn Hage, 189 Goose Street, Fly Creek  
 for Ken Reitz, 272 Goose Street  
 Jim Howarth, 2 Lake Street, Cooperstown  
 Brenda Jaeger, 202 Goose Street, Fly Creek  
 Chuck Newman, 239 Goose Street, Fly Creek

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APPEARANCES:

Members Present:

Tom Huntsman, Chairman  
 M.J. "Scottie" Baker  
 Walter Dusenbery  
 Ted Feury  
 Elizabeth Horvath  
 Chip Jennings

Others Present:

Ryan Miosek, Planning Board Attorney  
 Ed Hobbie, Zoning Enforcement Officer  
 Bill Deane, Clerk  
 Sharon Kroker, 1st Alternate

Present Representing Heirloom Barn Craft  
 Beverage:

DAVID C. BRENNAN, ESQ.  
 YOUNG SOMMER, LLC  
 Executive Woods Five Palisades Drive  
 Albany, New York 12205  
 Phone: (518) 438-9907  
 Email: [dbrennan@youngsommer.com](mailto:dbrennan@youngsommer.com)

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APPEARANCES: (CONT'D.)

Members of the public requesting to speak:

John Phillips, 6761 State Highway 28, Fly  
 Creek  
 Ellen Pope, 28 Elm Street, Cooperstown  
 Sheila Ross, 124 Willow Ave, Fly Creek  
 Nathan Sentz, 112 Glimmerhill Lane,  
 Cooperstown  
 Vera Talevi, 5928 State Highway 80,  
 Cooperstown  
 Donna Thomson-Hulse, 9 Pioneer, Cooperstown  
 Barbara Tobey, 931 County Highway 26, Fly  
 Creek



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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1  
2 HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING  
3 MAY 1, 2018  
4 (Whereupon, the Planning Board Meeting  
5 began at 7:30 p.m. and other business was  
6 discussed.)  
7 (Whereupon, the Public Hearing  
8 regarding Bill Michaels' site plan review,  
9 special permitted use, Heirloom Barn craft  
10 beverage manufacturing business began at 7:36  
11 p.m.)  
12 CHAIRMAN HUNTSMAN: We will now go  
13 to the matter of Bill Michaels' site plan  
14 review, special permitted use, Heirloom Barn  
15 Manufacturing business, 276 Goose Street, Fly  
16 Creek, New York 13337.  
17 I guess what we'll do is I'll do it  
18 by the first person that signed here. It  
19 will make it easier to keep track of for  
20 Bill's purposes. Will you read them off for  
21 me?  
22 MR. DEANE: The first one is Jim  
23 Howarth.  
24 MR. MIOSEK: Do you want to present  
25 first?

6

1  
2 MR. BRENNAN: That's normally what  
3 I'd like to do, is make a presentation about  
4 what the project's about and answer any  
5 questions.  
6 CHAIRMAN HUNTSMAN: Sure. That  
7 sounds reasonable.  
8 MR. BRENNAN: Thank you. Good  
9 evening Ladies and Gentlemen. My name is  
10 Dave Brennan with the law firm of Young  
11 Sommer. With me tonight is Bill Michaels,  
12 the owner, and Jon McManus, the engineer.  
13 There's a lot of people here tonight. I  
14 don't want to monopolize -- as much as we  
15 all like listening to lawyers, I won't stand  
16 up here and speak.  
17 I'm going to turn it over to Mr.  
18 McManus to give an overview of the project,  
19 so that people can get information from Mr.  
20 McManus as to what the project is proposed  
21 as and what it entails, and hopefully that  
22 will answer some of the questions up front  
23 and dispel some questions.  
24 Obviously, by the number of people  
25 here tonight and the sign-up sheet that I

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1  
2 can see from across the room, there's a long  
3 list of people. We're going to be here for  
4 the purpose tonight of listening to those  
5 comments, and my expectation is taking them  
6 back with us so we can provide some  
7 additional information.  
8 I've been doing this a long time.  
9 I try to gauge the room, and I've sat on  
10 the other side of the table. And this is  
11 not one where I would expect we'd be in a  
12 position to ask for any decision tonight,  
13 until we have a chance to respond, and  
14 reflect on those comments, sleep on those  
15 comments and provide a response. And with  
16 that, I'll turn it over to Mr. McManus to  
17 provide the details.  
18 MR. McMANUS: Good evening. I know  
19 it's quite packed tonight, but I did bring  
20 some information here. I want to give a  
21 brief overview of the project. It's fairly  
22 simple as far as the site is involved. I  
23 don't know where I should set these up.  
24 MS. BAKER: Set it right up in  
25 front of us.

8

1  
2 MR. McMANUS: Right up in front?  
3 MS. BAKER: Sure.  
4 MR. McMANUS: And I'll move these  
5 once I'm done.  
6 MS. BAKER: Is this the same one?  
7 MR. McMANUS: It's -- basically what  
8 I've done is I've provided some pictures. I  
9 will set these off to the side of the room.  
10 What I'll give out right now is a couple  
11 handouts. I'll give them to the Board now,  
12 as well, and I'm going to circulate three of  
13 these to the audience. You can pass these  
14 around. What's included here is essentially  
15 the site plan outlining what we're proposing  
16 to do with the existing buildings and what  
17 we're proposing for an addition, and then  
18 we've got some floor plans and some  
19 elevations here. So if you just want to  
20 pass these around.  
21 I want to just give a brief  
22 overview. So essentially the purpose of this  
23 -- and this will probably be discussed with  
24 the Board later as far as the logistics  
25 behind the actual law itself, but the



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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1  
2 proposed project essentially entails, as far  
3 as infrastructure is concerned, is the  
4 removal of this structure, this rear  
5 structure on the existing building, and that  
6 is actually this structure right here.  
7 [Indicating.] So this is the front of the  
8 building as you look at it from the road. We  
9 are also removing a forty-five-and-a-half  
10 square foot shed and an existing playhouse.  
11 And those are seen over here in this  
12 picture. [Indicating.]  
13 And again, I'm going to set these up  
14 in the back of the room when I'm done here  
15 so everybody can take a look at them. And  
16 we are going to relocate the shed that is  
17 right here off to the side of the building  
18 over here. [Indicating.] And then the  
19 intent is to put a three-hundred-fifty square  
20 foot addition on this.  
21 What we're calling this is a rehab  
22 of the existing structure in the back, but  
23 what I wanted to outline here is the actual  
24 condition of that structure. And you can  
25 see in this picture here, when you get a

10

1  
2 chance, the actual construction and the  
3 hurdles that we're running into with actually  
4 having to rebuild that. Part of the project  
5 is to -- and again, this is basically  
6 brewery retail. Part of this project is to  
7 try and reconfigure our pedestrian traffic,  
8 and by doing so, we are going to limit the  
9 traffic that is currently going across the  
10 bridge.  
11 If anyone's lived here for a while,  
12 you know the cider mill has had a lot of  
13 pedestrian traffic that crosses that bridge  
14 just to get to the entrance of the building.  
15 So what we're doing here -- this is a  
16 parking lot entrance across the street, and  
17 we are providing a pedestrian path directly  
18 across from that with a pedestrian bridge  
19 that will actually connect to the cider mill  
20 itself. So we're trying to eliminate some  
21 of that traffic flow across that bridge.  
22 The septic system, we talked about  
23 that with the Board, and I'm sure we're  
24 going to have some more discussions with the  
25 Board on that, but it's tight on this site

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1  
2 right now to accommodate the septic system.  
3 However, we do have the real estate across  
4 the street, so we may end up having to rely  
5 on that. There is an existing well on the  
6 property.  
7 Whether we use that or not, that's  
8 all going to depend on our well tests and  
9 well volume tests. But as far as the  
10 infrastructure, that's about it. This is  
11 obviously a Public Hearing, so it's not  
12 really a question and answer period, but I'd  
13 like to give it up to the public. And  
14 we'll certainly consider any and all comments  
15 you have. And I'm going to set these up in  
16 the back.  
17 MR. DEANE: So Jim Howarth is listed  
18 first.  
19 MR. HOWARTH: I'm Jim Howarth, 2  
20 Lake Street, Cooperstown, New York, and I'm  
21 here in support of the Michaels' project.  
22 To me, it's a good project. And I think  
23 this area, in my opinion, is really short of  
24 innovative and constructive ideas. It's  
25 really short of local people that want to

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1  
2 invest capital, and it's very short of jobs.  
3 And I see this project as addressing all of  
4 those. It's a creative, adaptive reuse of a  
5 historic structure. Certainly these are  
6 local folks who are going to take capital,  
7 their money, and expand an existing business.  
8 We have seen the changes with the  
9 cider mill. It's no longer just a seasonal  
10 job, a seasonal job environment. There are  
11 jobs throughout the year, and more jobs. I  
12 think we need the jobs in the area, and  
13 frankly, I think it's a good use and a good  
14 interpretation of the Heirloom Barn Law in  
15 that we're saving an historic structure. And  
16 we all know how many of these structures  
17 have been lost in town. So to me, you will  
18 get a better-looking structure, we'll get  
19 jobs, and it will be better for the  
20 community. Thank you.  
21 MR. DEANE: Next is Donna  
22 Thompson-Hulse.  
23 MS. THOMPSON-HULSE: I'm Donna  
24 Thompson, and I live at 9 Pioneer Street in  
25 Cooperstown. I've known the family for many,



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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1  
2 many years. Anything they have ever done or  
3 touched, they have done it the right way  
4 with a lot of thought going into it, love  
5 and hard work.

6 I also know the people who owned the  
7 barn and the Christmas Tree Shoppe was in  
8 it. It's a wonderful barn and deserves to  
9 be rehabbed. And I think any time you can  
10 save a building and bring in - you know -  
11 people to work there -- and there will be  
12 people who come.

13 It is a destination, I will tell  
14 you. When people come to Cooperstown, it's  
15 not just to the Hall of Fame. They come  
16 out and they come into your region. And I  
17 know you're thinking "Oh, well the traffic."  
18 However, when they come to town, they spend  
19 money. They spend money in restaurants.  
20 They spend money on our pitiful Main Street.  
21 When they come here, they spend money. And  
22 you know, I've had people buy real estate  
23 who come to town and fall in love with the  
24 cider mill. And we're in a wonderful area,  
25 but there hasn't been a whole lot of - you

14

1  
2 know - progress in terms of being built to  
3 -- where people can come and work and enjoy.  
4 And I think anytime you have that opportunity  
5 and you know the people behind it -- it's  
6 not somebody coming in here that wants to  
7 build a water park, okay? It's somebody  
8 who's lived here forever, they've thought it  
9 out, and I think they deserve our support.

10 MR. DEANE: Next is Vera Talevi.  
11 MS. TALEVI: I'm Vera Talevi and I  
12 live at 599 State Highway 80 in Cooperstown.  
13 Firstly, I want to say that this business  
14 started in the year 1851, and that goes back  
15 a long time if you're thinking about history  
16 and what historical value it is to our  
17 community.

18 And another point that I want to  
19 bring out is that this barn that's at issue  
20 belonged to uncle -- to Bill's great-uncle  
21 Paul. So if there's going to be anything  
22 that's going to happen to that barn, it's  
23 beautiful. I would also like to read some  
24 of the important things. I definitely  
25 support the Michaels family heirloom

15

1  
2 application. And I also -- I'm also here  
3 tonight as a neighbor of the Otsego Sailing  
4 Club. The sailing club wanted to put up a  
5 pavilion. And we are their neighbors, and  
6 we know what happens at the sailing club.  
7 Occasionally they have a party, so it's once  
8 in a lifetime or in a season. And we  
9 tolerate that, just like people in  
10 Cooperstown that tolerate some of the  
11 traffic. And I believe the Michaels to be  
12 good neighbors, too. The proposed plan for  
13 no open windows or doors facing the immediate  
14 neighbor, a proposed screening with a  
15 combination of fencing and planting will  
16 further mitigate noise, and all public access  
17 will be from the western side facing the  
18 mill where the walkway further east will be,  
19 easing pedestrian traffic on Goose Street.

20 Mr. Michaels stated that hours --  
21 that their hours at the barn will be  
22 concurrent with the mill, and only on rare  
23 special occasions will the barn host a  
24 private event, never after 11:00 p.m.. I  
25 have known the Michaels family for three

16

1  
2 generations, and I believe and trust their  
3 word. The Michaels have developed the mill  
4 into something all residents can be proud of  
5 and to have in the hamlet. And this  
6 heirloom barn application will further enhance  
7 the family as an amenity to visitors. And I  
8 thank you for listening.

9 MR. DEANE: Brenda Jaeger.  
10 MS. JAEGER: Hi. My name's Brenda  
11 Jaeger, and I live at 202 Goose Street, and  
12 I'm here to express my disapproval of the  
13 proposed plans of making the Christmas Barn  
14 into a craft farm beverage manufacturing and  
15 retail business. As it says on the  
16 application for the land use permit, this  
17 land use district is hamlet residential.  
18 From that designation alone, this permit  
19 should be denied.

20 We are the residents that live near  
21 the cider mill and will be greatly affected  
22 if this project is allowed to be approved.  
23 These are not just houses, they're our homes.  
24 We have chosen to live in this beautiful,  
25 quiet, rural area, an area that will be



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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1  
2 negatively impacted by this project. I've  
3 lived here for twenty-six years, and when I  
4 first moved here, there were only a few  
5 events at the cider mill, but this year it  
6 has grown to 103 events. With the expansion  
7 project, that number would surely increase.  
8 As we have seen the cider mill grow and  
9 expand, the traffic has also multiplied on  
10 our roads. The streets were not designed  
11 for the volume of traffic that the cider  
12 mill produces. Many residents here walk our  
13 roads for exercise.

14 In addition, people from less rural  
15 areas and neighborhoods drive here and park  
16 their cars on the side of our roads to walk  
17 here. Why do they do that? Because it's a  
18 beautiful, quiet place to walk. The extra  
19 volume of traffic this project will produce  
20 will make walking on the streets dangerous,  
21 as there are no sidewalks. Most of the  
22 traffic going to the cider mill come from  
23 Route 28 and travels down Goose Street or  
24 Route 26 to get to the cider mill. These  
25 two small roads are already congested with

18

1  
2 traffic when the cider mill has events. As  
3 I read in the February 6, 2018 minutes, the  
4 Michaels want to hold events until 11:00  
5 p.m..

6 Such events would compromise both our  
7 quality of living and our property values.  
8 Furthermore, we do not have a police force  
9 that will enforce the speed limit and manage  
10 possibly unruly participants at such events.

11 Some of the goals of the Town of  
12 Otsego Comprehensive Plan are to protect  
13 property values, preserve existing patterns of  
14 use in the hamlets and rural areas, protect  
15 the historical, natural, community and rural  
16 areas, maintain the existing network of  
17 roads, and minimize hazards and congestion.

18 The cider mill's proposed project is  
19 not in alignment with the Town of Otsego's  
20 comprehensive plan. I could talk about a  
21 SEQRA Study to evaluate the impact it will  
22 have on the native trout stream and  
23 surrounding wetlands, but it really comes  
24 down to this, that Mr. Michaels' project is  
25 not appropriate for a residential hamlet. We

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1  
2 would all like the trucks that go down our  
3 roads be pickup trucks, not eighteen-wheelers,  
4 the buses that go down our roads be school  
5 buses, not tour buses, and to be able to sit  
6 outside our homes on nice, sunny days or  
7 leave our windows open to get fresh air and  
8 not have to listen to cars speeding down our  
9 road or hear music from the cider mill until  
10 11:00 p.m.. That's what a residential hamlet  
11 is to me.

12 In closing, we are asking you to  
13 deny the zoning change for this project. If  
14 you change the laws or approve a variance  
15 for this project, it will adversely affect  
16 our lives and the quality of living in this  
17 area. Thank you for taking your time to  
18 listen to our concerns.

19 MR. DEANE: Dawn Hage.  
20 MS. HAGE: Good evening. I was  
21 asked by Mr. Ken Reitz to read a letter on  
22 his behalf, and I have copies for the Board.  
23 Can I move forward?  
24 CHAIRMAN HUNTSMAN: Can you tell us  
25 where Ken Reitz lives?

20

1  
2 MS. HAGE: Ken Reitz lives at 272  
3 Goose Street, the property right next door to  
4 the property in question. This is from Mr.  
5 Ken Reitz.

6 April 28, 2018, To those in  
7 attendance and Town of Otsego Planning Board  
8 members regarding application for special  
9 permitted use, craft beverage manufacturing  
10 business, submitted by Bill Michaels, 276  
11 Goose Street, tax map numbers -- My name is  
12 Ken Reitz and I am the owner of 272 Goose  
13 Street, the property adjacent to 276 Goose  
14 Street. I had every intention of attending  
15 this meeting, but I have been called out of  
16 town due to a death in my family.

17 I am writing to express my concerns  
18 regarding Mr. Michaels' proposal to convert  
19 the barn on said property into a craft  
20 beverage manufacturing facility. Before  
21 listing my concerns, I would like to begin  
22 by asking everyone in the room, including Mr.  
23 and Mrs. Michaels, if they would be willing  
24 and unopposed to having a brewery open within  
25 one hundred feet of their home, which



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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2 incidentally is zoned residential, as is the  
3 property in question. I truly wish I was in  
4 attendance so I could see your responses.  
5 With that said, the following is a  
6 list of my questions and concerns: Increase  
7 in traffic on Goose Street - cars,  
8 motorcycles and trucks. Delivery and pickup  
9 times for product and materials to the barn.  
10 Excessive noise by both employees and  
11 patrons. Proposed hours of operation, 8:00  
12 a.m. to 11:00 p.m., seven days a week.  
13 Odors emitted into the air from the brewery  
14 process. Noise of machinery, pumps,  
15 compressors and any other equipment necessary  
16 to manufacture alcoholic beverages.  
17 This equipment doesn't get shut off  
18 when the place is closed to the public.  
19 Patrons leaving the premises after indulging  
20 in drinking. Flights of beer for sale,  
21 etcetera. Potential pollution of the creek  
22 from runoff, faulty septic system, or any  
23 other environmental concerns. I have six  
24 grandchildren ranging in age from one to  
25 eight years old who come to visit me very

22

1  
2 frequently. The increased traffic will cause  
3 me to have concerns for their safety. They  
4 go to bed at an early hour, and I will not  
5 have them subjected to the likes of people  
6 hanging out at a brewery. My property and  
7 surrounding property values will be affected  
8 negatively having such an operation right in  
9 our backyards.  
10 Why can't the brewery operation be  
11 conducted in the existing cider mill where  
12 the wine is currently? In conclusion, I  
13 have lived in the Cooperstown area for the  
14 last twenty-seven years and have seen many  
15 changes, some good and some not so good.  
16 Allowing a brewery to be opened in a quiet,  
17 residential area because of a, quote,  
18 loophole Heirloom Barn Law is a total  
19 disgrace, shows a lack of consideration for  
20 the neighborhood, and helps only those  
21 benefitting financially from it. Thank you  
22 for your time. Ken Reitz.  
23 So I would just like to touch for  
24 one moment on a few of Mr. Reitz's point,  
25 because I did some research on craft brewing,

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1  
2 and there are concerns that probably should  
3 be investigated regarding the very high  
4 amounts of water usage necessary for  
5 production, and also the byproducts of  
6 production, such as high amounts of  
7 wastewater, post-production water treatment and  
8 disposal. Septic disposal is highly  
9 discouraged in everything I've read. Odors,  
10 noise and environmental impact. And with  
11 regard to the wastewater, if it has to be  
12 trucked out, how often is that going to  
13 happen? Are there big tankers? Are there  
14 going to be holding tanks? All those  
15 questions fall in play with regard to this  
16 manufacturing process. Thank you for your  
17 time.  
18 MR. DEANE: And next we have  
19 Christopher Hage.  
20 MR. HAGE: Hi. My name is Chris  
21 Hage, and I'm happy to report I also live at  
22 the same address as my wife.  
23 COURT REPORTER: Could you come up  
24 front so I could hear you?  
25 MR. HAGE: I sure can. My name is

24

1  
2 Christopher Hage, and I also, like my wife  
3 Dawn, live at 189 Goose Street. We have  
4 been residents for almost twenty years. I'd  
5 first like to ask permission -- I came  
6 bearing handouts. May I hand these out?  
7 CHAIRMAN HUNTSMAN: Sure.  
8 (Whereupon, Mr. Hage provided  
9 documents to the Board.)  
10 MR. HAGE: I'd first like to say,  
11 you all know a lot of what's in what I  
12 handed off today, so I just wanted you to  
13 have that as part of the record. There are  
14 a few things in here, though, I'm not so  
15 sure you are familiar with, which is why I  
16 enclosed them.  
17 I have two trains of thoughts  
18 tonight. One is from the personal side, and  
19 one is more from the land use laws. And  
20 I'm going to reiterate what you've already  
21 heard, because I think it's important. For  
22 the last twenty years, we have witnessed the  
23 Fly Creek Cider Mill expand and expand and  
24 expand. It is to a point now where it's  
25 absolutely absurd the amount of traffic that



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

25

1  
2 we put up with living on Goose Street. If  
3 it's not carloads of tourists, it's buses  
4 full of tourists, motorcycles, you name it.  
5 It has gotten to the point that  
6 between June 15th and November 1st where it  
7 is impossible to really enjoy the quality of  
8 life due to the volume of traffic coming in  
9 and out of the cider mill. If you look at  
10 Section 102 or 103 or 104 just real briefly  
11 in terms of what you all know, but I want  
12 to bring it up. The local law guidelines  
13 established by the Town of Otsego  
14 Comprehensive Planning Board regulates the use  
15 of land in the Town of Otsego in order to  
16 provide orderly economic growth while  
17 protecting the health and safety of citizens  
18 and visitors, the quality of the environment,  
19 and the historical nature and character of  
20 the Town.  
21 It goes on to say this local law is  
22 intended to protect residential property,  
23 preserve agricultural and wilderness lands, to  
24 encourage commercial development in suitable  
25 areas, and to provide for recreational,

26

1  
2 etcetera, etcetera. So there's two parts I  
3 want to focus on. The first part is provide  
4 orderly, economic growth. There is no  
5 questions that your Board and Boards before  
6 you have allowed the Fly Creek Cider Mill  
7 all the economic growth it has ever wanted.  
8 We all know how this thing's transformed from  
9 a small, retail cider mill catering to mostly  
10 local people to the large commercial  
11 operation it is today, which caters mostly to  
12 the tourist industry. And I'm not arguing  
13 against that. I'm a private businessman  
14 myself, but at some point you have to cut  
15 that off. You fulfilled your obligation to  
16 this entity, and I'll remind you, this is a  
17 private, for-profit entity. They have been  
18 allowed to grow and grow and grow. And so  
19 in my opinion, you have fulfilled that part  
20 of your obligation. It's one of the most  
21 successful private businesses in the Town.  
22 Now I'm going to ask that you  
23 fulfill the second part of your obligation,  
24 and that is to protect the residential  
25 property, to protect the environment. You no

27

1  
2 longer have an obligation to let this  
3 business expand. So I'm asking you now to  
4 say enough is enough, to put people over  
5 profits.  
6 Now I'd also like to talk a little  
7 bit about the land use laws, and this is the  
8 same thing I argued three years ago in front  
9 of Chairman Crowell at the ZBA, and I put  
10 the minutes in here. Just to refresh  
11 everybody's memory, three years ago, the Fly  
12 Creek Cider Mill tried to do a massive  
13 expansion, a massive expansion to the  
14 building it's in now, and we fought that,  
15 and the ZBA agreed. And you can read the  
16 minutes. I won't waste your time tonight,  
17 but here's my point.  
18 And I think it's getting lost in  
19 this whole argument about the Heirloom Barn  
20 Law, whatever you want to call it. I don't  
21 care whether that's a barn, a shed, whether  
22 it qualifies as an heirloom barn or not.  
23 What I think is being missed here is that  
24 this is a private, for-profit, pre-existing,  
25 non-confirming entity.

28

1  
2 In our land use laws, and I put a  
3 tab right in here for you, Section 103  
4 states that a pre-existing, non-conforming  
5 entity cannot increase its non-conformity.  
6 This is exactly the same thing I argued  
7 three years ago, and we won this. And you  
8 can read the minutes from the ZBA. And we  
9 can argue that the ZBA didn't exactly vote  
10 on the original application, and the reason  
11 is that Mr. Michaels pulled it last minute  
12 and submitted a new application. And what  
13 was the difference? The new application  
14 removed all the increase in use, all the  
15 increase in non-conforming use. So I think  
16 -- I just want to make sure we don't lose  
17 sight of what's really important here. I  
18 don't think the barn is the issue.  
19 In my humble opinion, this is a  
20 pre-existing, non-conforming entity. It  
21 cannot increase its non-conformity, whether  
22 that's a use non-conformity or an area  
23 non-conformity. The only way it can do this  
24 is to receive a variance. So please, don't  
25 lose sight. I think the whole barn argument



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29

1  
2 is a smoke screen. It can't happen anyway,  
3 so I don't care whether it's a barn, a shed  
4 or a tent. This is a pre-existing  
5 non-conforming entity, and the land use laws  
6 state that it cannot increase its  
7 non-conformity. In order to do so, it has  
8 to apply for and be granted a variance in  
9 use and a variance in area. This is clearly  
10 a massive increase in use non-conformity.  
11 There's no pre-existing microbrewery  
12 at the cider mill. It's also, in my  
13 opinion, a massive increase in the area  
14 variance. It's not doing this in an  
15 existing footprint. It's expanding to a  
16 whole different property it didn't own  
17 before. And if you look in your handout,  
18 Section 903, I believe, under variances, 903,  
19 variance appeals -- and I realize the ZBA is  
20 not this venue, but in order for this to  
21 proceed, in my humble opinion, he's going to  
22 have to get a variance in both use and area.  
23 And if you read the qualifications,  
24 what qualifies, and there's five for area  
25 variance, and there's four for use variances.

30

1  
2 He's zero for nine. There's no way this  
3 project would qualify for either one of these  
4 two variances. And if you look at the ZBA  
5 minutes from three years ago, exactly what I  
6 argued. And that's exactly how it came  
7 down, and that's why the expansion project  
8 that got approved stripped out about a sixty  
9 percent increase in retail selling space that  
10 he wanted to get done. It can't happen.  
11 So please, the barn is irrelevant in my  
12 opinion. What's relevant is this is a  
13 pre-existing, non-conforming business, and it  
14 can't increase its non-conformity.  
15 It's trying to do so again and  
16 there's no way the ZBA is going to give him  
17 a variance for either of those two. So I  
18 really don't see how you can do that either.  
19 Thank you for your time.  
20 MR. DEANE: Next is Barbara -- I  
21 can't read the last name, T-O-B-E -- what's  
22 the last name?  
23 MS. TOBEY: Tobey.  
24 MR. DEANE: T-O-B-E-Y?  
25 MS. TOBEY: I'm Barbara Tobey and I

31

1  
2 live at 931 County Highway 26 in the dark  
3 brown house that's across from the  
4 intersection where you turn down to the cider  
5 mill. And like many people here, I have  
6 pages of things that I wanted to say in  
7 opposition to the proposed expansion of the  
8 cider mill business, but I feel like the  
9 person who spoke just before me said  
10 everything that I could have dreamt might be  
11 relevant to this particular proposed  
12 undertaking.  
13 So I'll just say that personally,  
14 being a neighbor of Barb and Charlie, it's  
15 very difficult for me to say that I don't  
16 think that this is a good idea. However,  
17 when I moved here two years ago, I moved  
18 here because this is exactly the kind of  
19 town that I wanted to retire in - small,  
20 quiet, rural, walking, neighbors, families,  
21 children, old people like me. And I think  
22 that's threatened by this expansion.  
23 I think there are going to be people  
24 who, certainly on Goose Street, are not going  
25 to be able to sell their homes or rent their

32

1  
2 homes to people who want those qualities of  
3 life. And I think that their property  
4 values, for me even a quarter of a mile,  
5 maybe less away, is also going to be  
6 impacted. So I would urge you strongly to  
7 think twice about expanding an operation that  
8 I think is not just an heirloom barn  
9 application, but an idea and a hope to  
10 expand a business, which Mr. Michaels will be  
11 able to do under the beverage license that  
12 he would have to get to have a brewery  
13 there, to include operations in other parts  
14 of the cider mill and property across the  
15 street. I think it's going to change the  
16 quality of the hamlet that we all love.  
17 Thank you.  
18 MR. DEANE: Dale Davidson.  
19 MR. DAVIDSON: My name is Dale  
20 Davidson and I have lived at 245 Goose  
21 Street for eighteen years. During this time,  
22 I have seen the Fly Creek Cider Mill change  
23 from a unique, cider-making attraction to  
24 adding a bakery, snack bar, cafe, two-story  
25 retail store, a separate online shopping



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1  
2 building, and a storage area with far too  
3 many metal containers in the back lot.  
4 The mill has changed from being open  
5 six months to all year long. I believe the  
6 residents of Goose Street and County Route 26  
7 have been very tolerant of all these changes,  
8 but I feel as others do that this proposed  
9 craft beverage manufacturing plant is more  
10 than we can handle. Bill and Brenda's  
11 application states that this facility will  
12 have minimal to no significant adverse effect  
13 on our neighborhood, but realistically, it  
14 will create more noise, more lights, more  
15 signs, more trucks, more speeding cars and  
16 more people. And it doesn't matter if it  
17 closes at 6:00 p.m., like the mill, or stays  
18 open later into the evening.  
19 All these are an annoyance and  
20 detriment to our neighborhood, lessening the  
21 value of our property. We live in the  
22 country to get away from all the  
23 above-mentioned problems, so we can safely  
24 walk, run, bike, walk our dogs, and enjoy  
25 our peace and quiet. I ask everyone at this

34

1  
2 meeting who does not live on Goose Street or  
3 the surrounding areas, would you really like  
4 this happening in your backyard? I love my  
5 neighborhood, and I'm going to get emotional.  
6 My friends told me not to. I love my  
7 house, I love my gardens, and it scares me  
8 to see what Bill and Brenda are planning,  
9 because it will only benefit them. And if  
10 this is approved, what will be next - more  
11 events, weddings, concerts going on late into  
12 the evening? Bill and Brenda go home. They  
13 don't live on Goose Street. It doesn't  
14 affect them, but it surely affects our  
15 quality of life. I beg the Planning Board  
16 to vote "no" on this and future proposals,  
17 to keep Goose Street and County Route 26 a  
18 place where families want to buy a house,  
19 live, grow, and enjoy what country life has  
20 to offer. Thank you.  
21 MR. DEANE: John Phillips.  
22 MR. PHILLIPS: I'm in favor of the  
23 Michaels' project.  
24 CHAIRMAN HUNTSMAN: John, could you  
25 come forward just a bit? Thanks.

35

1  
2 MS. BAKER: What's your address?  
3 MR. PHILLIPS: 6761 State Highway  
4 28, Fly Creek. The main intent of the  
5 Heirloom Law was to preserve the rural nature  
6 of our area by allowing a re-purpose and a  
7 reason to reuse our old buildings so that  
8 they do not fall down and despair and  
9 subsequently collapse. This project achieves  
10 the first goal.  
11 The Michaels have a proven track  
12 record to both undertake a project and  
13 complete the same with quality workmanship,  
14 and by doing so, provide jobs to many local  
15 residents, both during and after construction.  
16 The Cooperstown's school superintendent  
17 addressed the Town Board at last month's  
18 meeting and tried to explain why school taxes  
19 are going up again and why the school  
20 enrollment is at its all-time low. Some of  
21 the reasons he gave is that young families  
22 are not moving here because of lack of  
23 employment and lack of affordable housing.  
24 The project helps by providing both part-time  
25 and full-time work, first in construction

36

1  
2 trades, and then by store clerks and other  
3 services that service these buildings, jobs  
4 usually held by younger people. As for  
5 affordable housing, we need to address  
6 restricted building codes by state and local,  
7 especially high school taxes, and that  
8 affects the young people moving here.  
9 I have three -- everybody knows my  
10 daughters. All three of them left the state  
11 because there's nothing to do here, no  
12 employment. They're highly educated and  
13 doing very well in Vermont, Virginia and  
14 Connecticut. I find this somewhat humorous  
15 that the cider mill was considered an  
16 existing non-conformity -- a pre-existing  
17 non-conformity, when the reason people moved  
18 to the Fly Creek area in the 1840s, '50s and  
19 '60s was because this mill and twelve others,  
20 both in Fly Creek and Oak's Creek - that's  
21 according to a study done by a man named  
22 Harvey - created an economy here that  
23 incentivized [sic] people to. Families are  
24 not moving here.  
25 I can also relate to the local



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1  
2 residents and the potential inconveniences  
3 that they will most certainly face. However,  
4 our Land Use Law does provide strict site  
5 plan review for this project, in which  
6 neighbors and applicants can and should work  
7 together through these issues, but without  
8 the allowance for small businesses that are  
9 privately owned to thrive here, we run the  
10 risk of just being a bedroom community with  
11 no work for our youth and no sense of our  
12 community.

13 MR. DEANE: Next is Chuck Newman.  
14 MR. NEWMAN: My name is Chuck  
15 Newman, 239 Goose Street, right next door to  
16 Dale, who already spoke, a couple doors down  
17 from the Hage's, who also spoke. I don't  
18 have any prepared remarks. I simply want to  
19 give you an idea of what it has felt like  
20 to me to have the cider mill down the road  
21 from where we live.

22 I am opposed to this project. Let  
23 me start out by saying that. And we've  
24 lived here for about seventeen years. We've  
25 seen the traffic increase almost steadily for

38

1  
2 reasons that have already been well  
3 described, without looking like there was any  
4 plan to do anything about the fact that it  
5 was just getting to be more and more. What  
6 we find very annoying is the amount of  
7 pedestrian traffic that goes across the  
8 one-lane bridge. And by the way, a one-lane  
9 bridge means that for cars to go across it,  
10 they have to see each other coming and wait  
11 and take turns going across. And I don't --  
12 I have not looked at what your plan is for  
13 handling the traffic and the pedestrian  
14 walkway across, but it still means that  
15 people are going to be walking across the  
16 bridge.

17 There's a lot of people walking  
18 across that bridge and if -- however they  
19 are going to stop -- you are planning to  
20 stop traffic so that the people can get  
21 across the street, it means that traffic  
22 going on Goose Street in both directions is  
23 going to be sitting there waiting while the  
24 people cross. And then when it's time for  
25 traffic to go, it will be in one direction

39

1  
2 or the other. And I can tell you that in  
3 the summertime and in the fall, we avoid  
4 driving down in that direction to go across  
5 the bridge, because we know what it's going  
6 to take -- the amount of time it's going to  
7 take waiting for the pedestrian and vehicular  
8 traffic to negotiate that spot.

9 I have a feeling that the new  
10 project will continue to grow larger as time  
11 goes on, like the current cider mill has,  
12 and I think that the prospects or the  
13 progress of that situation will continue to  
14 grow. The traffic is my main concern. The  
15 effect on property values has already been  
16 mentioned by other people and I don't think  
17 I can improve upon what they've said. So  
18 that's -- I think that's all I came here to  
19 say. Thank you.

20 MR. DEANE: Sheila Ross.  
21 MS. ROSS: Good evening. I live on  
22 124 Willow Avenue, which is downtown Fly  
23 Creek. The cider mill is uptown Fly Creek.  
24 I've lived here all my life. Two of my  
25 kids -- both of my kids - I only have two

40

1  
2 - but they both worked at the cider mill.  
3 My daughter's 50 now, so that's how long --  
4 I won't tell you how old I am, but I worked  
5 there for a while, too, and -- until I got  
6 into golf and there was too much work  
7 involved. Anyway, I'm for it. Number one,  
8 we need jobs for local people. We owned a  
9 restaurant, and most of you people probably  
10 weren't around when I had my restaurant, but  
11 we had a restaurant for fourteen years. And  
12 if you're a business person, you want to  
13 expand. You want to try new things. Now,  
14 when I opened my restaurant, Thursday night  
15 special, \$2.50 for spaghetti. Where are you  
16 going to go? We were packed. You have to  
17 have something to call the people in.

18 Now, all you people who are upset  
19 about Goose Street, when you moved there, the  
20 cider mill was there way before you were.  
21 If I was going to buy a house, I would say,  
22 Gee, do they get a lot of travel? Should I  
23 think about going somewhere else? Apparently  
24 not. So there you are. If I'm going to  
25 buy something, I'm going to look to see



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1  
2 what's going on, especially if there is a  
3 business there. You want to look and see  
4 what's there, and what's the potential? You  
5 have to think ahead. So it's not like  
6 living in a box -- (Indiscernible crosstalk.)  
7 CHAIRMAN HUNTSMAN: Please be quiet.  
8 MS. ROSS: It's a cider mill. It's  
9 not going to change. Any business person is  
10 going to try to do things to make things  
11 bigger, bring more people in to work. The  
12 Town of Otsego has a real problem with  
13 letting jobs, businesses to come in here  
14 because everything is so restricted. And  
15 with that, I think I've said enough. Thank  
16 you very much. But I am for the cider mill  
17 to do their thing.  
18 MR. DEANE: Next is Rob Bohm.  
19 MR. BOHM: Hello. Rob Bohm. I am  
20 the neighbor to the cider mill, and I've  
21 been there for thirteen years, 6180 State  
22 Highway 28. We back right up to the cider  
23 mill. The Michaels have always been a great  
24 neighbor. They keep the place flawless.  
25 I've never had to call for any issues with

42

1  
2 trespassing or damage or anything like that.  
3 I'm for the project, because I recognize that  
4 you're either green and growing or you're  
5 brown and decaying. There's no status quo.  
6 You don't see a tree that just stays as a  
7 beautiful maple tree for a thousand years.  
8 Maybe it lives a thousand years because it's  
9 fertile soil, but typically two-hundred,  
10 three-hundred years and it starts to get  
11 brown, decayed, dying and a new tree sprouts  
12 up.  
13 This is the new cider mill, and we  
14 have to have money in this community if we  
15 want to have good roads, good schools, if we  
16 want to have people who can have employment  
17 to stay here and thrive here. If you have  
18 nothing but old houses and people want peace  
19 and quiet, there's going to be no money, and  
20 your taxes are going to go sky high, and  
21 nobody is going to be able to live here.  
22 So I applaud you, Michaels family, for your  
23 courage to open up a business in New York.  
24 It's got to be the hardest climate  
25 that you'll find in the country. And hats

43

1  
2 off to you. I appreciate it.  
3 MR. DEANE: Next is Jim Foutch.  
4 MR. JIM FOUTCH: Hi. My name is  
5 Jim Foutch. I don't have a prepared  
6 statement. I live at 119 Bailey Road, and I  
7 also own property that is adjacent to the  
8 cider mill with my family. I'm adamantly  
9 opposed to this. I've lived here sixty  
10 years and I seen the cider mill start as a  
11 very small operation, and now it's grown to  
12 about as big as I would like to see it.  
13 It's very congested for our  
14 neighborhood and I'm just really not for it.  
15 Enough is enough. And I hear people in  
16 here. Most of them that are for it don't  
17 really have any skin in the game. They  
18 don't live right next to the cider mill.  
19 And the other thing I'm hearing is jobs. I  
20 don't see any of Billy's new help sitting in  
21 here.  
22 They've been brought in from another  
23 country. We have a whole lot of people that  
24 need work in this area. Why aren't they  
25 helping them? Thank you very much, and good

44

1  
2 luck.  
3 MR. DEANE: Next is Jeffrey -- is  
4 that also Foutch?  
5 MR. JEFFREY FOUTCH: Yeah. My name  
6 is Jeffrey Foutch. I live at 153 Bailey  
7 Road. My brother and I, we're part owners  
8 of the property that's adjacent to Billy's.  
9 There's a couple things. I don't have a  
10 prepared statement. I would like to also  
11 say I'm against this.  
12 I worked at the cider mill when I  
13 was a little kid, and I thought it was kind  
14 of nice down there. He's got a nice  
15 business, and I have nothing against Billy,  
16 but I'll tell you, if he puts this in,  
17 you're going to have noise, lights, more  
18 traffic, more people, and everything else  
19 down there. And also, I don't think  
20 anybody's ever thought about this, but I have  
21 quite a few times in my lifetime, in  
22 fifty-six years I've been around here, I have  
23 seen water almost knee-deep where that barn  
24 is there. And so I don't know how he could  
25 build on a place like that. And also, I



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1  
2 would like to see, too, these people that  
3 are -- the same point my brother made.  
4 They're talking about how they want this  
5 place, this business, to go through, and most  
6 of the people that are telling you this  
7 don't live right on top it. They live over  
8 in Cooperstown or way away from it. And the  
9 third thing, too, is I also want to  
10 reiterate, I'd like to see Billy's new help  
11 come down here and talk to you people,  
12 because from what I've heard, they're a bunch  
13 of people from Jamaica. And he's not --  
14 which I have nothing against them.  
15 CHAIRMAN HUNTSMAN: That's not  
16 pertinent to the discussion.  
17 MR. JEFFREY FOUTCH: No, but that --  
18 they keep talking about jobs, then why don't  
19 you -- (Indiscernible crosstalk.)  
20 CHAIRMAN HUNTSMAN: I understand.  
21 It's no --  
22 MR. JEFFREY FOUTCH: -- hire people  
23 from around here.  
24 CHAIRMAN HUNTSMAN: It's not  
25 pertinent to this discussion, okay?

46

1  
2 MR. JEFFREY FOUTCH: Okay.  
3 CHAIRMAN HUNTSMAN: Thank you very  
4 much.  
5 MR. JEFFREY FOUTCH: Thank you.  
6 I've said all I want to say.  
7 MR. DEANE: Ellen Pope.  
8 MS. POPE: Ellen Pope, 28 Elm  
9 Street. I'm here for Otsego 2000. I think  
10 I want to say I'm really here to speak about  
11 the Heirloom Barn Law, because I think this  
12 illustrates the issues with this very  
13 ambiguous law. The intentions were golden  
14 for this law. I'm a preservationist. I  
15 want to see these buildings preserved, but to  
16 write it so it allows blanket special use  
17 permits in neighborhoods, regardless of what  
18 the character of the neighborhood is like, I  
19 think is what draws the animosity and the  
20 problems.  
21 I can't urge the Board enough to sit  
22 down and rewrite that law so that you do  
23 preserve the buildings in a much more logical  
24 way, while still allowing some special use  
25 permits. For example, this idea -- I know

47

1  
2 Bill and Brenda will do an excellent job.  
3 It's clear that they do topnotch work when  
4 they do business. They are tremendous  
5 supporters of the community, and I have no  
6 issues with a year-round business. I think  
7 we need more year-round businesses in this  
8 region than seasonal. We have plenty of  
9 seasonal businesses. They have a hard time  
10 filling their jobs because they don't offer  
11 year-round.  
12 The Otsego operates with a hundred  
13 jobs unfilled every year, because they can't  
14 find a workforce. So year-round is great,  
15 but I'm thinking this is the right project  
16 for the wrong spot. My concerns, on top of  
17 that, is this isn't a special use that's  
18 currently allowed anywhere in the Town. And  
19 I think that's something that nobody's  
20 pointed out yet. Could it be? Absolutely,  
21 if the Town Board decides that it's a  
22 special use or a use that they want to see  
23 in the Town. It could certainly be there,  
24 but I don't think it's in the Town Law right  
25 now as a use. I am one of the biggest

48

1  
2 fans of microbreweries, so I'm not against a  
3 brewery, per se. I just think that the  
4 Planning Board needs to look carefully at the  
5 Heirloom Barn Law. You need to be able to  
6 define what is minimal impact on neighbors.  
7 Clearly the barn itself would be preserved  
8 well.  
9 I have no qualms about that. And  
10 parking could be masked, all of that, but  
11 it's the impact on neighbors that's not  
12 defined in the law, which makes it really  
13 problematic for any kind of project like this  
14 to be considered, whether it's good for the  
15 neighborhood or not good for the  
16 neighborhood, or good for the Town and the  
17 economy or not good for the Town or the  
18 economy.  
19 o I think I would love to see a  
20 craft brewery in the Town of Otsego in a  
21 business district, but I don't know that it's  
22 allowed currently, and I'm not sure it's the  
23 right use for this spot given the minimal  
24 impact on neighbors element. I mean, the  
25 Christmas barn was a business use. That was



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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1  
2 a minimal impact on neighbors. I think a  
3 brewery is something different. We've all  
4 seen how Brewery Ommegang has grown. That's  
5 great, great for the region, but they had  
6 160 acres to grow on. This is less than  
7 one acre. And so I think these are all  
8 concerns that I think need to be addressed  
9 in the project. And I haven't seen enough  
10 of the detail of the project to know if they  
11 are addressed, but hopefully you guys can  
12 sort all that out.

13 MR. DEANE: What is your position  
14 with Otsego 2000?

15 MS. POPE: Executive Director.

16 MR. DEANE: Next is Kathy Chase.

17 MS. CHASE: Yes, Kathy Chase, 250  
18 Red House Hill Road, Cooperstown, New York.  
19 I am very familiar with the Heirloom Barn  
20 Law and Land Use Laws because I've been  
21 fighting for a project based on that over  
22 the last five years. And when I read the  
23 Michaels application when it came forward --  
24 and again, I agree with what the first few  
25 speakers said about the Michaels and how they

50

1  
2 do things, but when I read what they were  
3 doing, which was a craft beverage  
4 manufacturing business, and I looked at what  
5 their attorney said last month, I said, Gee.  
6 I've read these Land Use Laws quite a bit.  
7 I don't think there is a law that provides  
8 for that in Section 104, Application of  
9 Regulations.

10 This is our Town, how our Town Land  
11 Use Laws open up. This law enumerates  
12 allowable uses within the Town of Otsego, and  
13 any use not specifically permitted is  
14 prohibited. There is nothing in every  
15 district -- and I went through, again, over  
16 the past week, that says a craft beverage  
17 manufacturing business is allowed. Yes,  
18 there's eating and drinking establishments,  
19 which covers our restaurants, but I think  
20 this is interesting for the Town Board.

21 Yes, I think maybe we do need craft  
22 beverage -- because they are popular. But  
23 again, people talk about business. We do  
24 have business districts. That's where you  
25 open a business. The Heirloom Barn Law, in

51

1  
2 my opinion, is spot zoning. I don't think  
3 you even realize what it is. Any  
4 agricultural building that is sixty years  
5 old, which is younger than me - I don't  
6 consider myself an heirloom yet - or any  
7 building 110 years old, which is just about  
8 everything in this Town. All the camps on  
9 the lake are more than 110 years old, and we  
10 need to be thinking about this, can apply  
11 and get this. You all don't realize this, I  
12 don't think. Any use in any district. So  
13 I can take this little hamlet that's  
14 residential and ask for a business to go in.  
15 That, I agree, is not minimum impact  
16 on neighbors. And there's a lot of problems  
17 with the law. There was a moratorium put on  
18 it, and I fought the Town Board, and I  
19 remember that we let that expire. We didn't  
20 change it. These people shouldn't have to  
21 be dealing with Heirloom Barn Law right now.  
22 It should have been typed up, changed, gotten  
23 rid of, whatever they decided to do, and  
24 they did nothing. They're working on it  
25 now, some people very diligently. We all

52

1  
2 need to work on encouraging them to make the  
3 proper changes to this law, because it's  
4 allowing spot zoning.

5 So I think you need to look very  
6 carefully at Section 104 and the specific  
7 use. We do not have a use that I can find  
8 in the Land Use Laws for a craft  
9 manufacturing distillery. So that's the end  
10 of that. Thank you.

11 MR. DEANE: Next is Bob Gernhardt.

12 UNIDENTIFIED SPEAKER: He went out  
13 to take a call.

14 MR. DEANE: We'll skip to Nathan  
15 Sentz.

16 MR. SENTZ: Good evening. I'm  
17 Nathan Sentz, 112 Glimmerhill Lane, Town of  
18 Otsego. I'd like to officially submit a  
19 letter on behalf of supporting the project  
20 from my wife, as well, because she couldn't  
21 attend, but we're basically firm believers  
22 that rules are rules. So if the Michaels  
23 can build this project under the Heirloom  
24 Laws, whether some people agree with it or  
25 disagree with it, we'd like the Board of



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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1  
2 Otsego - excuse me - or the Town of Otsego  
3 Planning Board to vote on the current laws  
4 and not make judgment on behalf of emotions.  
5 So we're supporting the Michaels in this  
6 project.  
7 MR. DEANE: That's the end of the  
8 list, other than Bob Gernhardt. Is there  
9 anybody --  
10 MS. GNYOT: Can somebody else sign  
11 up on this now, or is it too late?  
12 MR. DEANE: I see no problem with  
13 that.  
14 CHAIRMAN HUNTSMAN: I don't see any  
15 problem with that. Sure.  
16 MR. DEANE: I need your name and  
17 address.  
18 MS. GNYOT: Lena Gnyot, 165 Goose  
19 Street. And I'm not a lawyer, I'm not a  
20 developer. I was a businesswoman, and we  
21 worked long, hard, through-the-night hours in  
22 our place of business on Goose Street. Can  
23 I write this after?  
24 CHAIRMAN HUNTSMAN: Sure.  
25 MS. GNYOT: Anyway, this is just

54

1  
2 some thoughts. I call it the three E's. I'm  
3 thinking of three E's. Mind you, we came  
4 here forty years ago. And yeah, we saw the  
5 little cider mill. It was cute, and there  
6 was no hint of what was coming. And I  
7 think we were people with great foresight,  
8 but we said -- I'm thinking of three E's.  
9 Over thirty years ago, we enjoyed the cider  
10 mill.  
11 It was a charming expression of the  
12 unique character of our Town as an  
13 agricultural business. Even then, however,  
14 our hearts were often in our mouths, seeing  
15 our kids biking on Goose Street at the  
16 height of cider season. Tourists seemed  
17 careless to the 35 mile per hour signs on  
18 the charming twists and turns of Goose  
19 Street. It was always a great relief when  
20 the season ended. The next "E" was the  
21 endurance phase, when the cider mill  
22 metastasized from a quaint attraction to what  
23 some began to call "The Cider Mall." Lots  
24 of goods discovered at gift shows, a clever  
25 businessman who figured out how to have

55

1  
2 vending machines to tempt and tease tourists'  
3 kids to obtain duck food to feed his  
4 livestock, and a massive increase in traffic  
5 roaring by our house, a genuine tourist trap.  
6 And believe me, we brought our grandchildren,  
7 and we put the money in the slots so they  
8 could feed the ducks, but we can't walk down  
9 to the cider mill anymore.  
10 And the heroic people from Bassett  
11 who walk that loop everyday, I don't know  
12 how they do it, because I've been nearly run  
13 down several times going to get my mail.  
14 I've been nearly hit several times trying to  
15 turn into my driveway. The 35 mile per hour  
16 zone, no, it's more like 55 and I'll go  
17 [Indicating] to slow people down. People  
18 don't give a flying anything. They are  
19 flying.  
20 We could no longer make our run to  
21 the post office, via the mill, as its  
22 customers would straggle, sometimes four  
23 abreast, across the bridge from the mill to  
24 its parking lot, oblivious to the fact that  
25 Goose Street was a public road. Now, with

56

1  
2 the increasing traffic on 28 waiting to get  
3 out of Goose Street by any other route has  
4 become just another inconvenience, and our  
5 sleepy little hamlet is a thing of the past,  
6 but what isn't a thing of the past is  
7 Section 1.04 and 2.02 of the Town of Otsego  
8 Land Use Laws, that by omission of permitted  
9 use would prohibit a brewery or distillery in  
10 a sensitive residential area. By the way,  
11 I'm not too sure that great big parking lot  
12 is in the zone of the cider mill. I think  
13 it's in the hamlet residential area, and I  
14 have some questions about that.  
15 But anyway, this brings me to the  
16 third "E", enough. Not another thin edge of  
17 the wedge in a district that is zoned  
18 residential. No more expending grandfathered  
19 rights of the past into the future. Enough.  
20 This has to stop. The laws are in place to  
21 make this simple. Thank you.  
22 MR. DEANE: Bob Gernhardt, did he  
23 return? Is there anybody else that wants to  
24 speak?  
25 CHAIRMAN HUNTSMAN: Going once.



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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1  
2 (Whereupon, No response from  
3 attendees.)  
4 CHAIRMAN HUNTSMAN: Alright. Well,  
5 thank you, everybody, for your patience. Do  
6 we have someone to close the public hearing?  
7 MR. FEURY: So moved.  
8 CHAIRMAN HUNTSMAN: Do you have a  
9 second?  
10 MS. HORVATH: Second.  
11 CHAIRMAN HUNTSMAN: Any further  
12 discussion?  
13 (Whereupon, Members responded in the  
14 Negative.)  
15 CHAIRMAN HUNTSMAN: All in favor of  
16 closing the Public Hearing?  
17 (Whereupon, Members responded in the  
18 Affirmative.)  
19 CHAIRMAN HUNTSMAN: Any opposed?  
20 (Whereupon, Members responded in the  
21 Negative.)  
22 CHAIRMAN HUNTSMAN: Thank you  
23 everyone for your patience and your decorum.  
24 It's been a long time, and I appreciate  
25 everyone's speaking out and maintaining a bit

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1  
2 of -- a tremendous amount of civility.  
3 (Whereupon, the Public Hearing portion  
4 of the meeting concluded at 8:36 p.m.)  
5 (Whereupon, the Planning Board  
6 discussed other business from 8:36 p.m. until  
7 9:08 p.m.)  
8 (Whereupon, the Planning Board resumed  
9 discussions regarding the application of Bill  
10 Michaels' site plan review, special permitted  
11 use, Heirloom Barn craft beverage  
12 manufacturing business at 9:08 p.m.)  
13 CHAIRMAN HUNTSMAN: Moving on to  
14 Bill Michaels' application, site plan review,  
15 special permitted use, Heirloom Barn craft  
16 manufacturing business on 276 Goose Street.  
17 And as I mentioned, there was a large amount  
18 of correspondence with this.  
19 UNIDENTIFIED SPEAKER: Can I just  
20 say one thing before you start Billy's?  
21 CHAIRMAN HUNTSMAN: Sure.  
22 (Whereupon, there was an interruption  
23 in the proceedings at 9:08 p.m. while there  
24 was a brief discussion regarding another  
25 matter.)

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1  
2 (Whereupon, the Planning Board resumed  
3 discussions regarding the application of Bill  
4 Michaels' site plan review, special permitted  
5 use, Heirloom Barn craft beverage  
6 manufacturing business at 9:11 p.m.)  
7 CHAIRMAN HUNTSMAN: So as I  
8 mentioned, because there's lots of  
9 correspondence, I wanted to reserve them to  
10 the start of this thing. And to simplify  
11 this, what I've done is taken -- and I'll be  
12 happy to read these letters. These are all  
13 letters within a mile of the cider mill. I  
14 have addresses of other people who are  
15 outside of that, which they expressed a  
16 particular perspective which is very similar,  
17 and it's consistent with the letters I'll  
18 read, but I'll write down the names and the  
19 addresses of people who sent letters.  
20 There was an Ann O'Connell, who  
21 lives on 270 Madison Avenue, New York, New  
22 York. There was a Susan Green on 24th and  
23 4th Street, Troy, New York; Susan Engerer  
24 [phonetic] on 434 Williams Pond Road,  
25 Cooperstown; Dave Butler on 101 Haggerty

60

1  
2 Road; Ann Walker on 106 Glimmerhill Lane;  
3 Doug Walker on 90 Lake Street, Cooperstown; a  
4 Janet Welden on 13 Main Street, Cooperstown;  
5 Ann Esposito on 132 Chestnut Street,  
6 Cooperstown. And there was -- these were  
7 all folks that were very much in favor and  
8 spoke very highly of Bill Michaels' proposed  
9 application. So what I was going to do is  
10 read the applications of people that were on  
11 Goose Street and within a mile of Fly Creek.  
12 The first one is by Wayne Mawar [phonetic]  
13 and Amy Cannon. They are -- and who's a  
14 good reader?  
15 UNIDENTIFIED SPEAKER: You are.  
16 MS. HORVATH: Scottie is.  
17 CHAIRMAN HUNTSMAN: Scottie, you're a  
18 good reader.  
19 MS. BAKER: Come on, people. It  
20 has recently come to our attention that Bill  
21 and Brenda Michaels have submitted an  
22 application to the Planning Board for an  
23 ill-defined project that will convert the  
24 property adjacent to the Fly Creek Cider Mill  
25 into a brewery/manufacturing/ retail/to be



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1  
2 determined business. While the property has  
3 been vacant and in disrepair, many years ago  
4 it was the location of the Christmas Barn  
5 retail store, as well as a residence of the  
6 owner of the Christmas barn. We believe the  
7 project is not in keeping with the  
8 neighborhood surrounding the mill, nor will  
9 it improve upon the large increase in  
10 traffic, noise, dust, etcetera that we have  
11 endured over the last twenty-five years as  
12 the mill went from a small, seasonal  
13 operation to a significant tourist  
14 destination. We choose to live in Fly Creek  
15 for its small town feel and our perceived  
16 protection from development, as the Town has  
17 a zoning law in place. Our previous  
18 residence was in New Lisbon. New Lisbon did  
19 not have zoning and it was a constant threat  
20 to our property from various types of  
21 development and land use. Unmitigated  
22 commercial development in residential  
23 neighborhoods will eventually have a negative  
24 effect on property values, and that has  
25 become clear with the mill, as the two

62

1  
2 adjacent properties, the Shamus [phonetic] and  
3 Saraceno [phonetic] were unsellable [sic] at  
4 a market price and were eventually purchased  
5 at a greatly reduced value by the Michaels.  
6 For example, the value for the  
7 Saraceno property fell from \$165,000 in 1997  
8 to \$71,900 in 2017. A third property,  
9 Reitz, next to the Saraceno property, sold in  
10 2017 for \$65,000, which is \$3,000 less than  
11 the house sold for in 1988. It is only a  
12 matter of time until these valuations will  
13 further out to many more properties if the  
14 mill continues to grow, if that hasn't  
15 already happened. It is also noteworthy, the  
16 applicant is also using a loophole in the  
17 Town Land Use Law, namely the Heirloom Barn  
18 Law, to circumvent the normal zoning variance  
19 procedure.  
20 The original intent of the Heirloom  
21 Barn Law was not to place a commercial  
22 venture drawing tens of thousands of visitors  
23 into residential neighborhoods, and in fact,  
24 the actual language states that the project  
25 will have a minimal impact on neighbors.

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1  
2 This will hardly be the case with the  
3 expected tourism visitation, especially if the  
4 hours of the new business extend past 5:00  
5 p.m. as has been proposed. Furthermore, the  
6 special permitted uses do not include a  
7 brewery, distillery, or any type of  
8 manufacturing facility.  
9 A new couple with toddlers moved in  
10 next door in the fall of 2017 and were  
11 having trouble keeping their dog in the yard.  
12 We told them on several occasions that County  
13 Highway 26 is a very busy road and they  
14 needed to keep a close eye on the dogs so  
15 they do not get hit. One Sunday morning, I  
16 witnessed the dog being loose on the road,  
17 and the three-year-old ran after the dog into  
18 the road, and in less than five seconds,  
19 four cars had stopped. Thankfully, the child  
20 was not hit, but it is strong evidence of  
21 the amount of traffic on our road. The  
22 neighbor stated to me that this really made  
23 a change in how he viewed our road and his  
24 supervision of his dog and children.  
25 I did an informal car count on

64

1  
2 Sunday during the fall several years ago and  
3 recorded 5,000 cars passing our house in one  
4 day. While not as busy, the summer traffic  
5 is also substantial and a far cry from what  
6 it was when we moved to Fly Creek. I can't  
7 tell you the number of close calls I've had  
8 maintaining flowers, lawn and hedge in front  
9 of our house. You cannot know what it is  
10 like to be out there during the day. We  
11 remember fondly the Fly Creek Cider Mill when  
12 we moved here in '93 when it operated in the  
13 fall and was more integrated into the local  
14 community. It was a source of Fly Creek  
15 pride. Unfortunately, this is not the case  
16 now, because the mill has become much larger  
17 and oriented towards being a major tourist  
18 destination.  
19 Bill boasted to me several years ago  
20 that the mill is attracting over 100,000  
21 visitors a year. This is not in keeping  
22 with a residential neighborhood. We are  
23 requesting that the Planning Board deny the  
24 application for the following reasons: One,  
25 the expected further increase in traffic and



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1  
2 noise and degradation of the quality of life  
3 in our neighborhood; Two, the likely increase  
4 in surrounding property devaluation; Three,  
5 the safety issue related to that high amount  
6 of traffic on a rural highway; Four, the  
7 application is incomplete in that the exact  
8 use and their plan for the property has not  
9 been communicated, as they are possible uses  
10 as stated by Bill Michaels.  
11 The project will not have a minimal  
12 impact, which is required by the Heirloom  
13 Barn Law. One of the possible uses, craft  
14 beverage manufacturing, is not allowed under  
15 the present special uses in the Town Land  
16 Use Law.  
17 CHAIRMAN HUNTSMAN: I'm going to  
18 read another application and then another  
19 letter, which -- and then all the letters  
20 are up here for people to read. They're  
21 basically repeating some of the same things.  
22 This is a letter by Gary and Sally Bush,  
23 actually addressed to Meg Kiernan. As owners  
24 of the property at 205 Goose Street, we have  
25 no objections to the Michaels' Heirloom Barn

66

1  
2 application at 276 and write in full support  
3 of the proposed craft manufacturing use.  
4 We have reviewed the application,  
5 read comments from the Planning Board  
6 minutes, and discussed the application with  
7 neighbors, and we believe it satisfies the  
8 requirements of the Land Use Law and  
9 compliments the comprehensive plan of the  
10 Town of Otsego. We love that this building  
11 was part of the Michaels family, and they  
12 will be saving it from disrepair. It is a  
13 beautiful old building and has its own  
14 historic character value. It has sat  
15 untouched for many years since the Christmas  
16 Barn was closed. It needs love and care to  
17 carry on its legacy.  
18 The Michaels are willing to take the  
19 care and repair of this nice old fixture of  
20 Fly Creek. We feel it will not add to any  
21 additional traffic to Goose Street, as it  
22 will not be a new destination, but just an  
23 extension of the cider mill. We encourage  
24 all new local businesses in the community to  
25 flourish. We should encourage all new local

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1  
2 businesses in our community to flourish and  
3 we should support them.  
4 When this business is open, it would  
5 also compliment the other craft breweries in  
6 the area, such as Pail Shop Vineyards, Rustic  
7 Ridge Winery, etcetera. Please accept this  
8 letter in support of the Michaels' Heirloom  
9 Barn application at 276 Goose Street in Fly  
10 Creek. Once the rehabilitation of the barn  
11 is complete, it will have a substantial  
12 positive impact on the community, and I hope  
13 -- I/we hope you will approve the  
14 application. Sincerely, Gary and Sally Bush.  
15 And there's some other letters here  
16 from a little further out on Bailey Road and  
17 on Williams Road, all in favor, very similar  
18 comments. Again, they're all here. And I  
19 was going to read one other comment that's  
20 particularly poignant, because it's from Paula  
21 Shaeffer -- Paula Michaels Shaeffer. She  
22 said two comments. One was listed at 1:29  
23 a.m. She sent this to my wife, actually:  
24 I won't be around that night, so here's my  
25 two cents -- meaning tonight. I talked to

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1  
2 Bill Michaels about the project and he gave  
3 me a tour last week. Paula Michaels lived  
4 in that house. He showed me around the  
5 house. It looks great inside and it's a  
6 relief to see it all fixed up. It was  
7 getting to be an eyesore. He then showed me  
8 the barn and talked about some plans for it.  
9 He's not putting in a bar, as some  
10 rumors have it, and the impact on the  
11 neighborhood seems minimal. So no access to  
12 the barn from Goose Street except for  
13 deliveries. The plans show a path with a  
14 footbridge across the creek from the main  
15 mill area through the mini-orchard, leading  
16 to an entry on the orchard side, not on the  
17 Goose Street side. The hours will be the  
18 same as the mill hours, with the possible  
19 exception of using the upstairs of the barn  
20 for meetings, a gathering place, but even  
21 then not after 11:00 p.m.. As I understand  
22 it, and after looking at the plans, I don't  
23 see it making a huge difference to an  
24 already busy part of the neighborhood.  
25 Thanks to you and the Board for your



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1  
2 diligence and all the work you do on their  
3 behalf. She wrote another comment after  
4 that, and this is after reading Wayne  
5 Malure's [phonetic] letter: Can't the  
6 application be changed so the new place is  
7 only open during regular cider mill hours?  
8 And she's answering questions: Yes, it's a  
9 big undertaking.

10 I can't comment on property values,  
11 but I know that the house he bought has been  
12 through two floods and just left to sit. It  
13 was stripped of copper plumbing. The bank  
14 had it on the market forever, and I'm not  
15 sure if that's a good example to use as  
16 property values.

17 UNIDENTIFIED SPEAKER: That's right.

18 CHAIRMAN HUNTSMAN: Yes, the traffic  
19 is horrendous. Up on our end of Goose  
20 Street, cars coming from the mill speed up  
21 as soon as they go around the bend by Pete  
22 Martin's, and by the time they get to the  
23 little hill, before the Guyott's [phonetic]  
24 and Blessing's, they're often up to 55 miles  
25 an hour. We don't let our grandkids ride

70

1  
2 roads on the -- bikes on the road, and  
3 walking is sometimes unpleasant on a sunny  
4 Saturday or Sunday. That has already gotten  
5 to be a problem. Would the addition of one  
6 more thing be a difference? We are already  
7 dealing with traffic that won't get better.

8 And lastly, yes, the sound pollution  
9 from the mill in the summer is huge. The  
10 sound travels right up the hill to us. And  
11 I hear buses, music, and traffic noises all  
12 contribute to less than a peaceful -- but  
13 again, I don't think the addition of the  
14 barn business would add anything to that.

15 We're stuck with the noise already.  
16 I'm not lobbying for or against this point,  
17 but I don't really see that it will make  
18 much difference. I would be fed up, too, if  
19 I lived on 26 between Corner Street and  
20 Goose Street, but I don't think we can move  
21 things back to where the mill was only a  
22 seasonal business. It seems like limiting  
23 the hours of the new operation to close at  
24 6:00 p.m.  
25 so there's no traffic or noise and

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1  
2 other concerns might help. Since you're  
3 welcome to share my comments, but since I  
4 can't be there reading, I would ask you not  
5 to let others edit them or use parts that  
6 only support an account. I'm so fond of Fly  
7 Creek, and I'm sorry this is contentious. I  
8 know it is important to our little hamlet  
9 and I appreciate everyone's point of view.

10 I mentioned Paula's because she is a  
11 direct -- probably a more close comment to  
12 anybody.

13 MR. DEANE: What's the date of that?

14 CHAIRMAN HUNTSMAN: It's from today.  
15 So there is, I guess, around thirty or forty  
16 letters that people are more than willing to  
17 read if they wish. Very good. So could  
18 someone review the minutes from last month's  
19 application? Scottie, since you're the  
20 designated reader, and you do such a grand  
21 job.

22 MS. BAKER: Sure. Alright, people.  
23 Applicant Bill Michaels was present, along  
24 with representatives David Brennan, Jon  
25 McManus, and Hyde Clarke. Scottie Baker read

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1  
2 aloud from the March 6th minutes relevant to  
3 the application. The representatives  
4 submitted a forty-page revised site plan  
5 package, including evidence that the barn is  
6 more than sixty years old, and Zoning Officer  
7 Hobbie's written determination that the  
8 proposed project meets the provision of the  
9 Heirloom Barn Law. Chairman Huntsman cited  
10 various thoughts, questions, and concerns he  
11 had about the application after reviewing the  
12 Town's Comprehensive Plan and Land Use Law.

13 Huntsman said that he agrees that  
14 the building fits the definition of "Heirloom  
15 Barn" in Section 3.15. He asked what use is  
16 being proposed; that is, what district's list  
17 of permitted uses is the applicant borrowing  
18 from? Brennan said it would be a farm  
19 distillery, winery and brewery, and that it  
20 would fit with several of the Town's special  
21 permitted uses, including retail sale of food  
22 and beverage. Brennan asked about Pail Shop  
23 Vineyards, an existing winery/brewery  
24 establishment on Goose Street. Board members  
25 advised him that that project had never come



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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2 before the Planning Board. Chairman Huntsman  
3 noted the lot is less than one acre, making  
4 it pre-existing, non-conforming. He cited  
5 Section 1.04, which states that  
6 "Non-conformities of lots, buildings or uses  
7 of land or buildings may not be increased,  
8 expanded, or exchanged for other  
9 non-conformities." Brennan disagreed that  
10 this law applies, citing Hobbie's written  
11 determination and saying they are actually  
12 decreasing the non-conformity by removing  
13 buildings from the setback areas. Attorney  
14 Miosek agreed with Brennan. Chairman  
15 Huntsman cited Section 3.04, which says,  
16 "There shall be only one principal building  
17 per lot." With the existing house, and the  
18 barn used for commercial enterprise, there  
19 would be two principal buildings. Brennan  
20 said that most barns are on lots with a  
21 house.  
22 How could one use the Heirloom Barn  
23 Law if this law applies? Attorney Miosek  
24 noted that the Kimmerer application, which  
25 the Board approved under the Heirloom Barn

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2 Law in January, also involved a house and  
3 barn on the same lot. Chip Jennings said  
4 that that is not in the hamlet residential  
5 district. Chairman Huntsman expressed concern  
6 about two septic systems on such a small  
7 lot. McManus said he was confident that  
8 they would be able to accommodate a second  
9 system, explaining the requirements and  
10 options. McManus submitted a signed and  
11 sealed survey and a revised site plan dated  
12 1/22/18, Revision 4-A. He explained the  
13 plans and answered questions. He said the  
14 establishment would have to follow New York  
15 State Department of Environmental Conservation  
16 and Health (DEC and DOH) requirements.  
17 Chairman Huntsman cited Section 4.01,  
18 addressing flood plains.  
19 Michaels said the property is not in  
20 a designated flood hazard area. McManus said  
21 they would have to comply with FEMA  
22 regulations in order to get a building  
23 permit. Chairman Huntsman asked Danny Lapin,  
24 an environmental planner for the Otsego  
25 County Conservation Association, for input

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2 regarding Ag and Markets concerns. Lapin  
3 said that unless a property is in a New York  
4 State Ag District, Town laws apply. Chairman  
5 Huntsman went through the site plan  
6 requirements from Section 8.04 of the Land  
7 Use Law. The consensus of the Board was  
8 that the only missing item was a floor plan.  
9 Scottie Baker remarked that the applicants  
10 are downplaying the potential increase in  
11 customer traffic that they hope for. Walter  
12 Dusenbery again expressed concern about the  
13 proposed hours of operation, 8:00 a.m. to  
14 11:00 p.m..  
15 Attorney Miosek said that the Board  
16 needed to decide whether this project  
17 qualifies under the Heirloom Barn Law or else  
18 none of the other discussion is relevant.  
19 After long discussion, Ted Feury moved that  
20 the project qualifies under the Heirloom Barn  
21 Law, Section 3.15. Baker seconded the motion  
22 and it was approved, 4-2, with Jennings and  
23 Dusenbery opposed. The Board discussed SEQR,  
24 and Chairman Huntsman went through the short  
25 EAF submitted by the applicant, again asking

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2 Lapin for input.  
3 Ted Feury moved to declare lead  
4 agency status for the Planning Board and deem  
5 this a Type II action per SEQR Section  
6 617.5(c)(2). After long, tangential  
7 discussion, Sharon Kroker seconded the motion  
8 and it was approved, 4-2, with Jennings and  
9 Dusenbery opposed. Baker moved to deem the  
10 application complete, contingent on the floor  
11 plans being received by April 17th.  
12 Dusenbery seconded the motion and it was  
13 approved, 6-0. Dusenbery moved to schedule a  
14 Public Hearing for May 1st under the same  
15 contingency. Feury seconded the motion and  
16 it was approved, 6-0.  
17 CHAIRMAN HUNTSMAN: Thank you,  
18 Scottie. You're good.  
19 MS. BAKER: Thank you.  
20 CHAIRMAN HUNTSMAN: Do you folks  
21 have anything to add?  
22 MR. BRENNAN: Thank you. Well, we  
23 heard a lot tonight, both in person and in  
24 letters. As I think I said at the outset,  
25 I thought we were going to hear a lot, and



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HEIRLOOM BARN CRAFT BEVERAGE PUBLIC MEETING, MAY 1, 2018

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1  
2 we did. And I assembled a list from my  
3 notes, but I'd like to go through it again,  
4 but I do think that at this point we owe  
5 the Board a response to the comments that  
6 were submitted. And I think the folks that  
7 submitted the comments deserve a response and  
8 some deliberation and consideration of those  
9 comments that comes with letting those sink  
10 in, and letting me read all the letters,  
11 which I haven't seen.  
12 So at this point, everyone's had a  
13 long night and I wouldn't suggest that we  
14 prolong this evening anymore. I would ask  
15 that we be put on for the next meeting, and  
16 supply something by your deadline, and see  
17 where that takes us.  
18 CHAIRMAN HUNTSMAN: That's sixty-two  
19 days, so that would take --  
20 MR. BRENNAN: Not to interrupt, but  
21 we can work with you on the sixty-two days,  
22 if we get into that.  
23 CHAIRMAN HUNTSMAN: I understand. I  
24 think it does fit in with the sixty-two  
25 days. Okay.

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2 MR. BRENNAN: I would say when you  
3 close the Public Hearing tonight, it would  
4 trigger the sixty-two days and --  
5 CHAIRMAN HUNTSMAN: Correct.  
6 MR. BRENNAN: -- I don't know if  
7 the Town has a default provision.  
8 CHAIRMAN HUNTSMAN: It does,  
9 actually, but --  
10 MR. BRENNAN: Okay. It's one of  
11 the few ones that -- but anyway, I think at  
12 this point, the best course of action -- I  
13 would never tell my Board to vote on  
14 something after a Hearing, and I wouldn't  
15 expect that you would either.  
16 You've been down this road before on  
17 other things, so I just respectfully request  
18 that you carry it over to the next meeting.  
19 CHAIRMAN HUNTSMAN: I would have no  
20 problem with that.  
21 MS. BAKER: Bless you, my child.  
22 CHAIRMAN HUNTSMAN: Does anybody have  
23 any problems with that -- deferring this to  
24 the next meeting?  
25 MS. BAKER: No, no one has any

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1  
2 problem.  
3 CHAIRMAN HUNTSMAN: I would be very  
4 gracious.  
5 MR. McMANUS: I was just concerned  
6 about the sixty-two days.  
7 CHAIRMAN HUNTSMAN: Can we get Jon  
8 to wear another tie?  
9 MR. McMANUS: A different color tie?  
10 CHAIRMAN HUNTSMAN: Any further other  
11 comments?  
12 (Whereupon, Members responded in the  
13 Negative.)  
14 CHAIRMAN HUNTSMAN: Does anybody have  
15 concerns about that.  
16 (Whereupon, Members responded in the  
17 Negative.)  
18 CHAIRMAN HUNTSMAN: I think that  
19 would be grand. There is a lot of  
20 information.  
21 MS. BAKER: There is a lot of  
22 information.  
23 CHAIRMAN HUNTSMAN: Very well.  
24 MR. BRENNAN: Thank you.  
25 CHAIRMAN HUNTSMAN: Thank you,

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1  
2 everyone, very much.  
3 (Whereupon, the Proceedings concluded  
4 at 9:32 p.m.)  
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CERTIFICATE

I, NORA B. LAMICA, a Shorthand Reporter and Notary Public in the State of New York, do hereby certify that the foregoing record taken by me at the time and place as noted in the heading hereof, is a true and accurate transcript of same, to the best of my knowledge and belief.

NORA B.LAMICA  
Shorthand Reporter  
Notary Public

DATED: May 9, 2018



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