

TOWN OF OTEGO PLANNING BOARD

Public Hearing

May 16, 2023

The Public Hearing opened at 7:00 pm for a Special Use Permit requested by Joshua Long and Lisa Garza on property located at 3883 State Highway 7 with tax # 308.00-1-50.00. The Special Use Permit is for a Farm Brewery, Farm Market, and Food Trailer on that property.

Mr. Long provided receipts from certified letters sent to all required adjacent property owners. One receipt has not been returned from a vacant piece of property. He states he did not receive any comments from Mr. Harrison who is the property owner

There were no concerns in writing or verbally voiced regarding this Special Use Permit.

Motion made by Mark Dye, seconded by Kathy Leahy, to declare the Public Hearing closed at 7:03 pm. No discussion.

Vote: Yes: 5 No: 0 Motion Carried.

TOWN OF OTEGO PLANNING BOARD

Minutes of Regular Meeting

May 16, 2023

Planning Board Members Present:	Lois Chernin, Mark Dye, Kathy Leahy, Harry Martin, Lonnie Ridgway
Planning Board Members Absent:	None
Planning Board Member Excused:	None
Planning Board Alternate Present:	David Sheldon
Planning Board Recording Secretary Present:	Colleen Bushnell
Codes Officer - Dan Wilber:	Present
Town Board Liaison - Jimmy Hamm:	Excused
Members of the Public:	8

The regular meeting of the Town of Otego Planning Board opened at 7:04 pm.

The minutes from the April 18, 2023 regular meeting were reviewed by members.

Motion made by Harry Martin, seconded by Kathy Leahy, to accept the minutes as written. No discussion.

Vote: Yes: 5 No: 0 Motion Carried.

Reports: Lois states the Otego Town maps will be official as soon as the Town Board approves it. Once they approve it the maps will be placed in the appropriate areas.

Old Business:

- Robert Lesperence is present regarding the New York Land and Lake Subdivision for property at 555 County Highway 7 with tax # 307.00-1-29.01. Otsego County Planning has reviewed the 239 and approved it. Their only comment was regarding the possible parcels that may have water which has been addressed.
- The Planning Board made themselves Lead Agency, did the SEQR form, and accepted the application as complete at the April 2023 meeting.

Motion made by Mark Dye, seconded by Kathy Leahy, to approve the Major Subdivision for Creek Side Farm with tax # 307.00-1-29.01 owned by New York Land and Lakes Development, LLC. No discussion.

Vote: Yes: 5 No: 0 Motion Carried.

- The mylar map was signed and dated by Lois.
- A letter of this action will be sent to New York Land and Lakes Development, LLC and to the county.

Old Business: (continued)

- Joshua Long and Lisa Garza are present regarding their request for a Special Use Permit for a Farm Brewery with a Tasting Room, Farm Market, and Food Trailer on property at 3883 State Highway 7 with tax # 308.00-1-50.00.
- Dan states the food trailer is satisfactory as is. The trailer was made prior to May 2020 and does not require a sprinkler system. He will need to complete an inspection and Mr. Long must provide the required fee for that.
- Mr. Long and Ms. Garza are responsible for completing issues required to comply with applicable codes.
- It was suggested the addition of "Membrane Structures" be included in the Special Use Permit. That will be added.
- All required licenses are in progress.

Motion made by Mark Dye, seconded by Harry Martin, to declare the Planning Board of Otego lead agency in the matter of the Special Use Permit for tax # 308.00-1-50.00 made by J.E.L. Transport, LLC, DBA, Red Barn Farm Brewery and Tap Room owned by Joshua Long and Lisa Garza. No discussion.

Vote: Yes: 5 No: 0 Motion Carried.

- Lois read the questions from the EAF form. This Special Use Permit results in no adverse environmental impact and can be given a negative declaration. No further SQER action is required.

Motion made by Mark Dye, seconded by Lonnie Ridgway, to declare this a negative declaration under SEQR needing no further action. No discussion.

Vote: Yes: 5 No: 0 Motion Carried.

Motion made by Mark Dye, seconded by Lonnie Ridgway, to accept this application as complete. No discussion.

Vote: Yes: 5 No: 0 Motion Carried.

Motion made by Mark Dye, seconded by Lonnie Ridgway, to approve the Special Use Permit for a Farm Brewery, Farm Market, Food Trailer, and Membrane Structures for tax # 308.00-1-50.00 located at 3883 State Highway 7 made by J.E.L. Transport, LLC, DBA Red Barn Farm Brewery and Tap Room owned by Joshua Long and Lisa Garza. No discussion.

Vote: Yes: 5 No: 0 Motion Carried.

- A letter of this action will be sent to Mr. Long.

New Business

- Tom and Terrisah Robertson are present regarding their request for a Special Use Permit for an Air BnB at 138 Beilby Road with tax # 318.00-1-20.08.
- They are requesting to rent a 1971 motor home as an AirBnB on their property during the summer and fall months.
- The motor home has a deck attached which has been inspected and approved by Dan Wilber.
- Lois states she will need a site plan as what she received was not sufficient.
- Dan noted since the motor home has license plates and is considered a motor vehicle the Planning Board does not have any jurisdiction. There are currently no regulations in the Town of Otego regulating an Air BnB.
- Dan states as Code Enforcement Officer he will need to complete electrical, plumbing, etc. inspections. Mr. and Mrs. Robertson should call him to set up an appointment for those inspections.
- As a Special Use Permit is not required Lois will ask the Town Clerk to refund the fee paid by Mr. and Mrs. Robertson.
- Mr. and Mrs. Robertson were informed they also need to contact Otsego County to register for a bed tax. The number for the Otsego County Treasurer's Office was provided to them.
- Michael Knowlton is present regarding an application for a Special Use Permit for a continuing yard sale at 2675 State Highway 7 with tax # 324.00-1-15.02 to include a 20x20 canopy.
- Mr. Knowlton stated he would like to open the sale from May 15th through October 15th. Dan states that would be less than 6 months and so would not be considered a permanent structure. Mr. Knowlton states he removes the canopies prior to winter.

New Business: (continued)

- Mr. Knowlton states all proceeds are donated to the area Youth for Christ organization. He provided information regarding this group which included the tax exemption information.
- There was discussion regarding the area used for the yard sale. It must be 10' from the property line.
- A suggestion was made for updated signage explaining the function and improving the look of the yard sale area or perhaps a privacy fence.
- The Planning Board reviewed the distance between Mr. Knowlton's property to adjacent homes.
- Discussion was had whether this would be considered retail trade or a roadside stand. Lois states she would like it to be considered a retail trade rather than a roadside stand due to other concerns.
- Mr. Knowlton states there is appropriate parking available in the driveway.
- A Public Hearing was scheduled for June 20th at 7:00 pm prior to the Planning Board Regular meeting. The process for Public Hearings were explained to Mr. Knowlton including the requirement to notify adjoining property owners within 500' of his property. Lois will e-mail a form letter to him. He can mail them certified receipt required or personally take them to the property owners to sign.
- Lois provided temporary approval for Mr. Knowlton to conduct business pending the outcome of the Public Hearing and Planning Board meeting on June 20th.
- Mr. Knowlton will provide the necessary fee of \$40 to the Town Clerk for the Special Use Permit.
- Dan states he is rescinding the order for Cease and Desist given to Mr. Knowlton until action is taken on June 20th.

- Planning Board By-Laws reviewed. There was discussion regarding the following changes:
 - Article 1: Meetings, Section 1.1: The Annual Meeting will be changed from the month of January to December so as to better coordinate information with the Town Board meeting. Lois will review this with Beth.
 - Article 1: Meetings, Section 1.3: A Special Meeting may be requested by any member of the Planning Board. The Chairperson will call the meeting.
 - Article 2: Officers, Section 2.1: The Town Board will designate a Chairperson. The Vice Chairperson will be elected by the Planning Board.
 - Article 2: Officers: The inclusion of an alternate will be added. Lois will review this with Beth.
 - Article 2: Officers, Section 2.3: remove "Secretary". There will only be a "Recording Secretary" rather than a Secretary and a Recording Secretary.
 - Article 5: Application Procedures, Section 5.1: All applications will be given only to the Otego Town Clerk. No one else will receive them.
- The Planning Board needs to vote on these changes prior to presenting the By-Laws to the Town Board.

Motion made by Mark Dye, seconded by Harry Martin, to accept the changes in the Planning Board By-Laws with reservations until Lois reviews with Beth the change in Annual Meeting and the inclusion of an alternate. No discussion.

Vote: Yes: 5 No: 0 Motion carried.

Privilege of the Floor:

- Harry questioned whether notification made to adjoining property owners of 500' is from the property owners house of property line. Lois states it is from the property line.

Next meeting: June 20, 2023 at 7:00 pm. **Note: Public Hearing at 7:00 followed by Regular Meeting.**

Motion made by Kathy Leahy, seconded by Lonnie Ridgway, to adjourn the meeting.

Vote: Yes: 5 No: 0 Motion carried.

Meeting adjourned at 8:25 pm.

Respectfully Submitted:

Colleen Bushnell, Secretary