

**TOWN OF SCHUYLER ZONING BOARD OF APPEALS
PUBLIC HEARING JUNE 13, 2017 - 5:45 PM
APPLICATION BY BUDDHA DAMA THUKA TEMPLE
SPECIAL USE PERMIT**

Chairman Ronald J. Beach, Jr. called the Public Hearing to order at 5:45 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other ZBA members present were Judy Parry, Christine Proulx and JoAnn Mammone. Absent was Vice Chairman Joseph Aiello, IV. Also present was Codes Officer Philip Green; Town resident Ricky Proulx; Mr. Chris Sunderlin, representing the of the proposed Buddha Dama Thuka Temple congregation; and ten (10) members of the congregation, who are listed on the attachment to these minutes.

MINUTES APPROVAL:

Motion was made by JoAnn Mammone and seconded by Judy Parry to approve the minutes of the March 16, 2017 Public Hearing for the above application, which was adjourned due to the absence of the applicant(s).

APPLICANT STATES CASE:

Chris Sunderlin stepped up to the podium. He stated he is representing the small membership of the temple and will be speaking on their behalf. He stated he is not a member of the temple; he is just assisting them with the application process.

It was stated that the proposed location envelopes approximately 100 acres of property on Route 5, north of the NYS Thruway. The congregation typically holds one meeting per month, with about 50 people in attendance, and there are approximately 5 or 6 festivals per year, mostly held to celebrate the holidays coinciding with the Lunar calendar which start in August and continue into the Fall, with large gatherings when food is served and ceremonies are held. The ceremonies start during the daytime and extend into the evening hours, culminating after dark. The temple's anticipated number of people at some of these special holiday events and celebrations would likely be in the range of 400 people, which includes many who travel long distances from other areas, resulting in approximately 350 cars. Shelter will be provided with tents, and it is also planned to utilize the barn.

It was noted no site map was being presented to define parking spaces.

Noting the property contains 100 acres of undeveloped land, Mr. Beach expressed concern as to whether it is planned to park the cars on the shoulder of the road.

Mr. Sunderlin stated they did not define parking spaces as they planned to park cars on the vacant portion of the property.

Mr. Green stated a plot plan defining parking spaces, as well as egress for entrance & exit from State Route 5, will be needed before a special use permit can be issued, adding that this is a requirement in accordance with NYS Codes.

Mr. Green also stated that this application constitutes commercial use of the property, with battery-backed up exit lights at the entrance/exit, and the parking lot will likely require either gravel or asphalt base to conform with codes which he will verify.

Mrs. Parry asked about lighting. Mr. Sunderlin stated they had been using electric outlets available at their venue on Scott St. in Utica, and they also use candles during certain ceremonies.

Mrs. Parry also asked if any repairs, renovations, or replacement of the structures (house and barn) were planned, noting the garage appears to have collapsed. Mr. Sunderland stated some structural repairs and replacements are being contemplated, including repairs or perhaps total replacement of the roof on the house.

In response to a question posed by Mrs. Parry, Mr. Sunderlin stated the congregation's religious leaders will include no monks or nuns.

In response to Mrs. Proulx's question, Mr. Sunderlin stated 3 families will reside at the existing house year-round and will provide year-round caretaking services of the building and property.

Mrs. Proulx also asked where their services have been held in the past. Mr. Sunderlin stated their location has been in the City of Utica, on Scott Street, and they desire a rural setting.

Mrs. Proulx also asked if they have, or plan to have, any statues on the property. Mr. Sunderlin stated they do not have any at this time, but if this is desired in the future, he will check with the codes officer to verify compliance.

In response to Ms. Mammone's question, Mr. Sunderlin stated there will be no farming undertaken at the property.

Mr. Beach asked whether they planned to house any animals on the property. Mr. Sunderlin stated they do not.

Mr. Green informed the applicant that the parking lot specifications will need to be addressed first.

Mr. Beach stated it therefore appears a plan of action needs to be outlined before the application process can move forward.

Mr. Green agreed.

Motion by Judy Parry, seconded by Christine Proulx to delay action on the application for a Special Use Permit submitted by Buddha Dama Thuka Temple until all compliances have been formalized; all in favor. Motion carried.

The applicants' spokesman (Mr. Sunderlin) will contact Codes Officer Green to address the above requirements and compliances, after which time the ZBA will reconvene to act on the application.

ADJOURNMENT:

Motion by JoAnn Mammone, seconded by Judy Parry to adjourn the Public Hearing; all in favor. Motion carried.

Adjournment commenced at 6:14 PM.

– *Bette Szesny, Recording Secretary*

**TOWN OF SCHUYLER ZONING BOARD OF APPEALS
PUBLIC HEARING MARCH 16, 2017 - 6:00 PM
APPLICATION BY BUDDHA DAMA THUKA TEMPLE
SPECIAL USE PERMIT**

Chairman Ronald J. Beach, Jr. called the Public Hearing to order at 6:05 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other ZBA members present were Judy Parry, Christine Proulx and JoAnn Mammone. Absent was Vice Chairman Joseph Aiello, IV. Also present were the following: was Codes Officer Philip Green; Town residents Pavel Kislyak, Sergey Lashcruk, William Parry, and Ricky Proulx. Bette Szesny served as Recording Secretary. It was noted that the applicant was not present, which resulted in the 5 minute delay in calling the meeting to order, as well as an amendment to the agenda, with approval of the minutes carried out prior to the start of the public hearing and a discussion regarding compliance of a former applicant.

MINUTES APPROVAL:

Motion was made by Judy Parry and seconded by JoAnn Mammone to approve the minutes of the March 2, 2017 Public Hearing (Application for a Use Variance by McLean Kitchen & Hood). All members present voted in favor by voice vote. A brief discussion followed, clarifying the division of the property to Mr. Green, who was not able to attend the hearing. It was noted that the 61.4 acre property was split into two different sized parcels; the parcel on which an existing building is located measures .69 acre, and the vacant parcel which is land-locked has 61+ acres. There will be separate deeds for each section of the property.

DISCUSSION: CHARLES HAYES COMPLIANCE:

It was noted that Mr. Hayes is now in compliance with the ZBA's 11/30/16 ruling that he removed the car port from the driveway of his property.

DISCUSSION: ABSENCE OF APPLICANT AT PUBLIC HEARING:

At 6:25 PM, it was noted that the applicant has not yet appeared before the ZBA at this scheduled public hearing. The Secretary stated she had placed a call to the number recorded on the application earlier in the day, and there was no answer, so she left a detailed message reminding the applicant of the time of the hearing. The applicant's two neighbors, Mr. Kislyak and Mr. Lashcruk, were asked if they had any comments; they stated they had attended to learn more information about the proposed use, and therefore were not able to speak for or against it. The Board members decided to wait 5 more minutes before adjourning the meeting. It was agreed that the applicant will need to follow protocol if another public hearing is desired, which will require submitting another application and paying the filing fee.

ADJOURNMENT:

Due to the applicant's failure to appear, and the members' need to obtain more details with regard to the intended use of the property, i.e.: planned construction/renovation; number of people who will be using the facility; parking; site plan), all of which were not included in the application, Mr. Beach motioned to adjourn the Public Hearing at 6:31 PM, with all members in favor by voice vote. The secretary will convey the above information to the applicant in writing, with the correspondence to be mailed to the address provided on the application.

– Bette Szesny, Recording Secretary

TOWN OF SCHUYLER ZONING BOARD OF APPEALS

PUBLIC HEARING MARCH 2, 2017 - APPLICATION BY MC LEAN KITCHEN & HOOD VARIANCE TO THE ZONING ORDINANCE (AREA VARIANCE)

Chairman Ronald J. Beach, Jr. called the Public Hearing to order at 6:00 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other ZBA members present were Vice Chairman Joseph Aiello, IV, Judy Parry, Christine Proulx and JoAnn Mammone. Also present were the following: Town residents Joseph Serbaniewicz, William "Bear" Parry, Ricky Proulx, Paul McLean (the applicant); and Bette Szesny, who served as Secretary to the ZBA. Absent was Codes Officer Philip Green.

APPLICANT STATES CASE:

Mr. McLean stepped up to the podium to state his case. He said he wants to subdivide his property located at 293 Bull Road, Utica, NY 13502 (Tax I.D. #105-1-1-9.9) into two lots, splitting the frontage of each parcel evenly. This 61.4 acre property is located in a Residential-Agricultural (R-A) zone of the Town. Mr. McLean stated his business would still own the pole barn and .69 acres, and he would be purchasing the remaining 59+ acres for his own use. The map he included reflects the exact locations of each proposed parcel and the property markers. The .69 acre parcel does not meet the minimum lot size (area or width).

Review of the map and discussion between the ZBA members and Mr. McLean ensued. A pond is located in the frontage, and it was noted that this division of the property would "land lock" one of the parcels. Mr. McLean stated he has no intention of selling any of this property, and though he has no definite plans at present, it is likely he will in the future. He said this way, he will be buying the non-business portion from "himself" (as owner of the business) in a private sale, avoiding the extra expense of going through a lending institution. However, discussion between the ZBA Members and Mr. McLean elicited no adverse issues with regard to the proposed application. Therefore, motion was made by Joseph Aiello IV and seconded by Christine Proulx to approve the application. All members voted affirmatively, as follows: JoAnn Mammone: Aye; Christine Proulx: Aye; Judy Parry: Aye; Joseph Aiello, IV: Aye; and Ronald J. Beach, Jr.: Aye. Motion carried. Mr. McLean thanked the Board and left the meeting.

MINUTES APPROVAL

Mr. Beach asked the Board if there were any changes to the minutes of the November 30, 2016 Public Hearing regarding the application for a Variance to the Zoning Ordinance by Charles Hayes. There were none; however, Mrs. Szesny stated when she drove by the applicant's property today on the way to the meeting, she noted the car port has not yet been removed. Mrs. Proulx stated she also noticed it has been removed. Mr. Aiello stated it is useless to hold public hearings if applicants do not comply with the ZBA's decisions. All agreed. Chairman Beach stated he would call the Codes Officer the next day to report the non-compliance of the ZBA's jurisdiction.

Motion by Judy Parry, seconded by Christine Proulx to approve the minutes of the November 30, 2016 Public Hearing; all in favor. Motion carried.

ADJOURNMENT:

Mr. Beach adjourned the Public Hearing at 6:24 PM.

– Bette Szesny, Recording Secretary