

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
PUBLIC HEARING: BUDDHA DAMA THUKA TEMPLE
NOVEMBER 27, 2018

Chairman Ronald J. Beach, Jr. called the meeting to order at 6:49 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY. Other ZBA Members present were Chris Proulx, JoAnn Mammone, Robert Wasyleski and Alternate Member David M. Pasick. Also present were Supervisor Anthony J. Lucenti, Codes Officer Philip Green, Administrative Assistant to the Supervisor Jeffrey Dingman, Bette Szesny, who serves as Recording Secretary, Bruce Ward, Mark Rendee, and Town residents Pavel Kislyak, Anna Mazoruk, and Ricky Proulx.

The meeting was scheduled to commence at 6:30 PM; however, due to a clerical error in the notification process, the applicants did not arrive until 6:52 PM. These persons included several members of the Buddha Dama Thuka Temple's congregation, one of whom stepped up to the podium and identified himself as the spokesman acting on behalf of the congregation members, none of whom were familiar with the English language.

RESIDENT COMMENT

Prior to the arrival of the applicants, Chairman Beach called the meeting to order. He asked if there was any public comment. Town resident Anna Nazaruk stated her residential property is located adjacent to the proposed Temple. She asked if the applicants plan to construct any additional buildings on the vacant portion of their property. Mr. Green advised her that any building plans would require at the very least, a building permit, and could require a ZBA Public Hearing, as well.

This application represents the applicants' intent to convert a residential property and buildings into a religious concern. It was noted this public hearing represents the third public hearing for this application. Previous public hearings included the following:

1. **March 16, 2017**: Applicants not present; public hearing was adjourned with no action taken by the ZBA;
2. **June 13, 2017**: Chris Sunderlin who was not a member of the congregation but served in the capacity spokesperson at this public hearing, provided the following information relating to this application:
 - a. **PROPERTY DIMENSIONS**: *The proposed location envelops approximately 100 acres of property on Route 5, north of the NYS Thruway;*
 - b. **USE OF PROPERTY**: *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.

- c. **PARKING:** *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.*
- d. **COMMERCIAL USE REQUIREMENTS:** *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.*
- e. **LIGHTING:** *Former member Judy 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.*
- f. **RENOVATIONS TO EXISTING STRUCTURES:** *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.*
- g. **MEMBERSHIP/LEADERSHIP:** *In response to a question posed by Mrs. Parry, Mr. Sunderlin stated the congregation's religious leaders will include no monks or nuns.*
- h. **INHABITANTS OF RESIDENCIAL STRUCTURE/PROPERTY MAINTENANCE:** *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.*
- i. **PRIOR LOCATIONS:** *Mrs. Proulx 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.*
- j. **IDENTIFYING RELIGIOUS STATUES:** *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.*
- k. **FARMING ACTIVITIES:** *In response to Ms. Mammon's question, Mr. Sunderlin stated there will be no farming undertaken at the property.*
- l. **ANIMAL INHABITANTS ON PROPERTY:** *Mr. Beach asked whether they planned to house any animals on the property. Mr. Sunderlin stated they do not.*
- m. **CODES OFFICER'S RECOMMENDATION:** *Mr. Green informed the applicant that the parking lot specifications will need to be addressed first.*
- n. **ZBA PLAN OF ACTION:** *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.*

CONCLUSION: Mr. Green stated the applicants have not contacted him with regard to the above requirements set forth at the conclusion of the June 13, 2017 Public Hearing, nor for any inspections of work that may have been undertaken in accordance with the above described provisions set forth at the conclusion of this hearing. He reiterated the above listed items that are required to be completed, with a codes inspection to follow, at which time the ZBA will be in a position to consider approval of this application. Mr. Green also stressed the importance of timeliness with respect to the temple's efforts to complete the work; in response to Mrs. Szesny's concerns with regard to when the congregation anticipates they will be ready to come back to the ZBA for final action, the Temple's spokesman stated they will do so "as soon as possible." Mr. Green reminded the applicants' spokesman that the temple is not authorized to operate their business until their application has been approved by the ZBA.

ADJOURNMENT: Chairman Beach adjourned the public hearing at 7:08 PM.

– Bette Szesny, Recording Secretary