

Town of Lake Santeetlah

Public Hearing Minutes- Continuation Barnett (Zoom Meeting)

March 19, 2021

Mayor Hager called the hearing to order at 10:00AM. This is a continuation of the hearing that was opened on March 11, 2021. Council members Predmore, Simons, Haag, and Carlton were present for the meeting. Town Administrator Matheson, Town Clerk Postell and Town Attorney Justus were also present.

1. Side Yard Variance for Glenn Barnett at 10:00AM:

Mayor Hager read the disclosure statement.

Town Clerk Postell swore in applicant Glenn Barnett and Town Administrator Matheson.

Mayor Jim Hager read the disclosures and asked if any council members had any information to disclosure regarding the applicant. Council members Carlton and Haag disclosed they had been to the site. The applicant, Barnett reached out to Mayor Hager and stated he would not be including living quarters above the garage as originally stated in the variance application. Mayor Hager also received an unsolicited email from Jeff Crudele. Mayor Hager stated he spoke with Bryan Farley, Zoning Administrator and he confirmed that he was contacted by Barnett and knew about the change.

Councilmember Carlton stated this is a substantial change that has been verbally represented and asked Justus if the town would be okay to proceed with this request since it is a different package than what was originally submitted. Justus stated this would be okay, given that it is less substantial request for variance. The applicant could have made this request to withdraw the living quarters at any point.

Carlton stated he had done a tour with one of his colleagues, going by both site locations. Carlton also stated he had breakfast with the applicant, Barnett and discussed the situation in general. Carlton also met with Mayor Hager and had a brief conversation discussing some of the points more generally. Carlton also spoke with counsel discussing concerns.

Councilmember Haag also stated he had a conversation with Barnett regarding his intentions.

Councilmembers Simons and Predmore had not spoken to Barnett, nor made a site visit.

Predmore made an objection to council members Carlton and Haag's participation in the hearing based on the communications they have had with the applicant. Carlton asked Predmore to be more specific on what he was referring to. Predmore stated it was the fact that it had happened after the applicant had submitted an application.

Predmore made a motion to recuse Carlton and Haag. None seconded. Mayor Hager stated the motion dies and the hearing will continue.

Attorney Justus stated site visits are not encouraged and it is not encouraged to meet with any party outside of the hearing and having any discussion even if those discussions are later

disclosed. Communications with an applicant or with any party withstanding should be discouraged.

Carlton asked Justus if it was discouraged or prohibited. Justus stated as a matter of process and what is due to people in the proceedings it is strongly discouraged to meet with applicants or parties withstanding to discuss their case outside the public hearing.

Mayor Hager asked Barnett if he had anything to present other than what was presented within the application. Barnett did not have anything additional.

Councilmember Carlton asked Barnett if he would be willing to put in writing that he changed his application to avoid any residential component to this project. Barnett asked Carlton how this was related to the variance request. Justus stated this was relevant because he submitted an existing set of plans and is modifying those plans, which was verbally stated, those plans have been modified. For purposes of this variance, a structure that is a garage, not with a living quarters above it. Barnett stated has he no problem submitting the alternate plans that show there will be no second story.

Mayor Hager asked for a motion to close the evidentiary portion of the hearing and to go into the deliberations. Predmore made the motion. Haag seconded. It was approved unanimous.

Councilmember Carlton asked Town Administrator Matheson how we are allowing these applications because they are not notarized. Matheson stated this was just a slip. Carlton stated we could waive any irregularities due to these documents not being notarized.

Carlton commented on compliance of state statutes.

Carlton commented on zoning administrator, Bryan Farley's use of language on the zoning application.

Carlton commented on definitions.

Carlton commented on the zoning application question numbers seven through nine. Matheson clarified this as a printing error for Carlton.

Councilmember Predmore made a motion to close this hearing. Haag seconded. The motion passed unanimously.

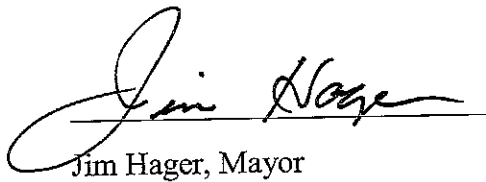
Councilmember Haag stated Barnett would be helping the community and he did not see any reason for objections for Barnett's request.

Mayor Hager asked the necessary questions as follows:

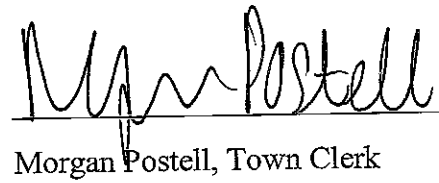
- The unnecessary hardship results from the strict application of the ordinance? The vote passed unanimously.
- The unnecessary hardship results from condition that are peculiar to the applicant's property? The vote passed unanimously.
- The unnecessary hardship is not a self-created hardship? The vote passed unanimously.

- The requested variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved? The vote passed unanimously.

Councilmember Predmore made a motion to approve the request as presented. Haag seconded. The motion passed unanimously.



Jim Hager, Mayor



Morgan Postell, Town Clerk