

Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – January 17, 2023

(Will be approved with any necessary amendments at the next meeting)

PUBLIC HEARING

22.11 – Brian Pyle (Barb Monroe) – Area variances, replacement of home within 100 feet of Otsego Lake in RA1 district (revised plan) – 6830 State Highway 80 (#69.44-1-36.00)

Chairman Greg Crowell opened the Pyle public hearing at 7:01 PM, briefly described the proposed project, and asked if anyone from the public had questions or comments about the application.

Neighbor Ron Scalise said that the existing house is in poor condition, and needs replacement. He is in favor of the project.

Clerk Bill Deane said he had received a January 16 e-mail from neighbor Teresa Bader, which he was unable to print. Deane said it expressed strong support for the project, and listed perceived benefits it will bring to the neighborhood.

With no other speakers or correspondence, Chairman Crowell closed the hearing.

REGULAR MEETING

The monthly Town of Otsego Zoning Board of Appeals (ZBA) meeting was held on this date at the Town Office Building in Fly Creek, NY. Chairman Greg Crowell called the meeting to order at 7:04 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. All regular Board members were present: Crowell, John Dewey (vice-chairman), Sal Furnari, Tony Scalici, and Corinne Armstrong. Alternate members Mary Anne Whelan, John Tedesco, and Dean Robinson were absent. Also present was Town Zoning Enforcement Officer Wylie Phillips.

Chairman Crowell asked whether any Board members had an ethical or legal conflict with tonight's application. No one reported any conflict.

The Board reviewed the minutes of January 3, 2023, e-mailed to the members. Armstrong moved to approve them as written. Furnari seconded the motion and it was approved, 5-0.

Other than that read during the public hearing, there was no correspondence received since the last meeting. The Board moved on to the application.

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APPLICATION

22.11 – Brian Pyle (Barb Monroe) – Area variances, replacement of home within 100 feet of Otsego Lake in RA1 district (revised plan) – 6830 State Highway 80 (#69.44-1-36.00)

Applicant Brian Pyle and representative Barb Monroe were present. Board members reviewed the plans and asked questions.

The plans showed the new building to be 1,557 square feet, as compared to the existing one's 1,494. Pyle said it would be about one foot higher, and the seasonal camp would become a year-round residence. He said he would be redoing the driveway with a retaining wall at some point in the future, and would return before the Boards if necessary.

Chairman Crowell said he had visited the property and agrees that, due to the condition of the existing house, replacement would be better than renovation. Zoning Enforcement Officer Phillips said that Pyle had gone through the Town's Historic Preservation Advisory Commission and received OK for demolition.

Chairman Crowell moved to grant the variances requested: a 13-foot variance on the south side, a 20'10" variance on the east or Lake side, and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake. Crowell said that demolition and replacement are the most feasible way to achieve the benefit sought; that no undesirable change will be produced in the character of the neighborhood, as the new structure will be nearly in the same footprint, and in keeping with nearby structures; that the requested variance is not substantial, in comparison with the existing structure; that the project will have no adverse effect or impact on the physical or environmental conditions of the neighborhood, in comparison with the existing structure; and that, though the alleged difficulty is self-created, being further from the Lake will effect an improvement to the situation. John Dewey seconded the motion and it was approved, 5-0.

Pyle asked to be put on the February 7 Planning Board agenda. Clerk Bill Deane advised Monroe to be prepared with the site plan requirements listed in Section 8.04 of the *Land Use Law*.

OTHER BUSINESS

Zoning Enforcement Officer Phillips said the ZBA would probably be getting a new application from Emilie Rigby in February. Rigby removed a deck along Canadarago Lake in 2017, and now wants to replace it. Phillips said that he was also dealing with a garbage issue and a potential land use permit application. He said that his proposed amendments to the *Land Use Law* will be going to public hearing at the Town Board meeting on February 8, and possibly voted on that night.

Chairman Crowell noted that the ZBA's decision on the Stolarczyk application had been upheld in the Article 78 lawsuit filed by the Schaers.

The Board discussed 2023 personnel. Clerk Bill Deane said he had communicated with Town Supervisor Ben Bauer, who advised him that the Town Board reappointed Greg Crowell as Chairman, John Dewey as 2023-27 member, John Tedesco as alternate member #2, and Deane as Clerk, effective January 1. Dewey said he was willing to continue as Vice-Chairman, but also willing to turn it over to someone else, if anyone was interested. Chairman Crowell moved to reappoint Dewey as Vice-Chairman. Corinne Armstrong seconded the motion and it was approved, 4-0, with Dewey abstaining.

With no further business, at 7:30 Armstrong moved to adjourn the meeting. Tony Scalici seconded the motion and it was approved, 5-0.

Respectfully submitted,
Bill Deane, Clerk