

# Town of Otsego Zoning Board of Appeals

Minutes – January 19, 2010

## 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 7:22 PM and roll call was taken by Secretary Bill Deane. Board members present were Crowell, Tony Scalici (Vice-Chairman), Sam Hoskins, and Bill Kitchen. Ed Hobbie was absent. Zoning Enforcement Officer Hank Schecher was also present.

Chairman Crowell asked if anyone had a potential conflict with tonight's applicant. No one reported any conflict.

The Board reviewed the ZBA minutes of December 15, 2009, mailed to the members. Hoskins moved to approve them as written. Scalici seconded the motion and it was approved, 4-0.

Bill Deane reported on the December 1 Planning Board meeting, during which the Laurel O'Brien case (which had come before the ZBA in December) was discussed. Of the ZBA's suggested options, the only viable one was for O'Brien was to do a purchase/lot line adjustment with a neighbor in order to increase her parcel to the necessary acreage. She is looking into that.

With no correspondence received since the last meeting, the Board moved on to applications.

## APPLICATION

### 10.01 – Joe Galati – Area variances, expansion of existing house within 100 feet of Otsego Lake – 6688 State Highway 80 (#69.76-1-9.00)

Applicant Joe Galati wants to add a floor to an existing house near Otsego Lake (also removing an out-building). Because the new, code-compliant pitched roof will overhang the building by 24 inches, unlike the existing flat roof, the footprint will be slightly changed. Thus, he will require variances of 25 feet on the south side, 37 feet on the west (front) side, and 24 feet on the east (rear) side, in addition to a variance from *Land Use Law* 4.04, prohibiting building within 100 feet of Otsego Lake. The Board examined the application documents submitted.

Tony Scalici questioned the height of the proposed building. Galati says it will be 38'5" high, within the 40-foot limit. However, if what Galati calls a partially-submerged basement counts toward the height, it would be 45'5" high. The *Land Use Law* appears to be silent on where the height is measured from, but Galati says, according to County Codes, the basement does not count. Zoning Enforcement Officer Schecher said he would get documentation from County Codes on this subject. In the meantime, it was suggested that Galati amend his application to also ask for a variance on the height restriction. Galati did so, noting that that did not mean that he agrees the building would be in violation of the height restriction.

Scalici asked that Galati provide documentation (such as photos) on the heights of neighboring buildings, showing the proposed building would not be out of character. Chairman Crowell moved to deem the application complete, contingent on receipt of that documentation by February 2, and to schedule a public hearing for February 16. Sam Hoskins seconded the motion and it was approved, 4-0.

## OTHER BUSINESS

The Board discussed 2010 officers. Both Greg Crowell and Tony Scalici said they were agreeable to continuing in their roles. Bill Kitchen moved to reappoint Crowell as Chairman. Sam Hoskins seconded the motion and it was approved, 3-0, with Crowell abstaining. Kitchen then moved to reappoint Scalici as Vice-Chairman. Hoskins seconded the motion and it was approved, 3-0, with Scalici abstaining.

With no further business, at 7:59 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary