

**Town of Otsego Zoning Board of Appeals**  
**Minutes – January 19, 2021**

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

**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 Secretary Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), Dean Robinson, and Mary Anne Whelan. Zoning Enforcement Officer Jess Lanza was also present. Sal Furnari, and alternate members Tony Scalici and Corinne Armstrong were absent.

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

The Board reviewed the minutes of December 15, 2020, e-mailed to the members. Chairman Crowell wanted it clarified that the 2/24/16 survey submitted with the Leatherstocking Association application was of Vince Pyle's Browdy Mountain Road property, with an inset showing the "Common Area" property. Dewey moved to approve the minutes as amended. Crowell seconded the motion and it was approved, 4-0.

There was no correspondence received since the last meeting. The Board moved on to applications.

**APPLICATIONS**

**20.08 – Leatherstocking Association Common Area/Vince Pyle (Chad Whitbeck) – Area variances, stairway & deck within 100 feet of Otsego Lake in RA1 district – 162 Browdy Mountain Road (#84.08-1-29.00)**

Zoning Enforcement Officer Lanza said that he had spoken to representative Chad Whitbeck today. Since the ownership/power to represent issue has not been resolved, Whitbeck will not be attending tonight's meeting.

Chairman Crowell read aloud from 12/15/20 and 1/19/21 e-mails (filed) from Town Attorney Ryan Miosek. Miosek wrote that, "The ZBA does not have the authority to determine how this Association is going to conduct its business. If there is not an operating agreement or some other document memorializing how the Association is to conduct itself and what members have the authority to speak on behalf of the Association, the ZBA can't decide those questions for them. If the other Association members do not wish for Mr. Pyle to speak for them they should take the proper legal steps to enjoin Mr. Pyle from doing so. Failing that, if Mr. Pyle submits the documents and information that the ZBA requires, the ZBA must process his application and make a determination based on the documents and information before it."

Crowell said, based on that, if Pyle or his representative can produce proof of their title to the Common Area, the ZBA should proceed with the application. It will be left on the agenda until further notice.

**21.01 – Inuksuk Farms (N. Jean Scarzafava/Daniel Heinrich) – Area variances, replacement of seawall within 100 feet of Otsego Lake in RA1 district – 6762 State Highway 80 (#69.60-1-10.00)**

Contractor Daniel Heinrich was present, identified in the application as authorized representative for applicant N. Jean Scarzafava. Scarzafava has a 3'10" concrete seawall along Otsego Lake which is in disrepair. Heinrich said they planned to reinforce it by adding a four-foot-high wall, composed of steel and untreated wood, between the existing one and the Lake. He submitted plans showing the proposed addition.

Heinrich said they had applied to the Department of Environmental Conservation, Army Corps of Engineers, and Office of General Services. The Army Corps, concerned about shrinkage of the Lake, wants them to instead take down the existing concrete wall and replace it with the wooden one, in the same footprint. Though he disagrees with that decision, Heinrich thus will be preparing new plans. Chairman Crowell said, in that case, it would be a replacement-in-kind, not requiring a ZBA variance. It could go straight to the Planning Board for site plan review.

After discussion, Heinrich agreed to withdraw his ZBA application, and asked to be put on the March 2 Planning Board agenda.

**OTHER BUSINESS**

Zoning Enforcement Officer Lanza gave a verbal report, discussing various items of interest.

Chairman Crowell said that the Town Board had reappointed him as ZBA member (2021-25) and as chairman for 2021. The ZBA discussed its vice-chairman position, currently held by John Dewey. Dean Robinson moved to reappoint Dewey to that position for 2021. Crowell seconded the motion and it was approved, 3-0, with Dewey abstaining.

With no further business, at 7:33 Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary