

Town of Otsego Zoning Board of Appeals

Minutes – February 16, 2010

PUBLIC HEARING

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)

Chairman Greg Crowell called the Galati public hearing to order at 7:14 PM, and asked if anyone from the public had any comments about the application. David Brenner, who owns the property across the road from Galati at 6687 State Highway 80, said he was there to speak against the application. Brenner distributed a four-page handout (filed), itemizing and illustrating his concerns about the impact on the viewshed of the Lake, the congestion created by expansion, the height of the proposed building, and the reasonableness of the application. Brenner concluded that his main objection was to the proposed top story of the building; he has no problems with the side-yard setbacks sought. With no one else present to comment, Crowell closed the public hearing at 7:34.

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 7:35 PM and roll call was taken by Secretary Bill Deane. Board members present were Crowell, Tony Scalici (Vice-Chairman), Sam Hoskins, and Ed Hobbie. Bill Kitchen 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 January 19, 2010, mailed to the members. Hoskins moved to approve them as written. Hobbie seconded the motion and it was approved, 4-0.

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)

The Board discussed the question as to whether the proposed building will exceed the 40-foot height restriction; i.e., whether the floor labeled "basement" counts toward the height. Zoning Enforcement Officer Schecher said that he had spoken to county codes officer Neal McManus, who said the codes were unclear on that question, but seemed to point toward the average height of the building above the ground level. Tony Scalici said that he thinks the height refers to anything visible above the ground; thus, that Galati's proposed building would be 45'5" tall. Chairman Crowell reminded the Board about the N. Jean Scarzafava application which came before them in April, 2004. The Board had convinced Scarzafava to reduce the height of her proposed building to 40 feet. Crowell said that the Board must consider the viewshed of neighbors and from the Lake, and in the past had required lakeshore buildings to adhere to the 40-foot restriction in the *Land Use Law*. Galati asked for separate votes on the height and

setback variances.

Scalici noted the Board's requirement to grant the minimum necessary variances. He asked Galati what he was trying to accomplish with his proposed project. Galati said he wanted to add a garage and living space for family (not renters), rather than using the bottom level, which sometimes is flooded. Sam Hoskins asked whether Galati could use the flat roof of the top story for parking, rather than putting a garage above it. Neighbor David Brenner said he would have no problem with that. Galati pointed out that, if he were using a flat roof, he wouldn't need variances, since the expansion would all be within the existing building footprint.

Scalici moved to deny the variance sought on exceeding the height restriction. With input from Chairman Crowell, Scalici said the proposed height would be out of character in the neighborhood; that there would be a negative impact to the view of the Lake for neighbors; and that there was no compelling reason to approve the variance. Hoskins seconded the motion and it was approved, 4-0.

Hoskins moved to grant the side-yard variances sought: 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. Hoskins said that, while the project will produce a change, overall it will not be an undesirable change; that the benefits sought (increasing living space and improving the property) cannot be achieved by any other feasible method; that the project is in character with the neighborhood; that the variances sought are minimal, only slightly exceeding the existing building footprint; and that the project will provide an overall positive effect. Scalici seconded the motion and it was approved, 4-0.

With no further business, at 8:15 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary