

Town of Otsego Zoning Board of Appeals

Minutes – February 21, 2012

PUBLIC HEARINGS

12.01 – Joseph Galati & Susanne Adsit – Area variance, addition of porch to existing Hickory Grove building – 6718 State Highway 80 (#69.44-1-5.00)

Chairman Greg Crowell opened the Galati public hearing at 6:58 PM, and asked if anyone had questions or comments about the application.

Scott Barton, a neighbor across the road, expressed concerns about the historic district status. He said that granting the variance would drastically change the look of the building, and increase the traffic in the area.

Kathy Chase, a neighbor, echoed Barton's concerns. She said there had been more than a two-year lapse in the commercial usage of the building, and she was concerned about the scope and architecture of the project.

Chairman Crowell explained that the ZBA is chiefly concerned with the porch, since it is the only part of the project requiring a variance. Secretary Bill Deane suggested that some of the comments would be more appropriate for the Planning Board, which will have a public hearing on March 6 if the variance is granted tonight. Deane gave a brief explanation of the roles of the two boards.

Tom Chase, a neighbor, asked what the purpose of the porch was. Applicant Joe Galati said it was to get a view of Otsego Lake.

Charlotte Hall, a neighbor, asked about the porch's dimensions, which Chairman Crowell answered. She said the project would compromise the historic integrity of the area.

With no further questions or comments, Chairman Crowell closed the hearing at 7:09.

12.02 – Gene Ellis – Area variance, addition of pole barn – 109 Log Cabin Road (#52.11-1-21.00)

Chairman Greg Crowell opened the Ellis public hearing at 7:09 PM, and asked if anyone had questions or comments about the application.

Robert Biviano, a neighbor, asked what the required setback is, and Chairman Crowell answered him. With no further questions or comments, Crowell closed the hearing at 7:11.

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 7:11 PM and roll call was taken by Secretary Bill Deane. All Board members were present: Crowell, Sam Hoskins (vice-chairman), Ed Hobbie, Christopher Voulo, and Carina Franck. Also present were alternate member Michael Pelcer and Zoning Enforcement Officer Hank Schecher.

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

The Board reviewed the minutes of January 17, 2012, mailed to the members. Hoskins moved to approve them as written. Voulo seconded the motion and it was approved, 5-0.

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

APPLICATIONS

12.01 – Joseph Galati & Susanne Adsit – Area variance, addition of porch to existing Hickory Grove building – 6718 State Highway 80 (#69.44-1-5.00)

Applicant Joe Galati, responding to concerns raised during the public hearing, said that the building is considered a "non-contributing structure," according to the State Historic Preservation Office (SHPO). It is not on the Historic Register, and he could demolish it if he wanted to. Galati also said that he could have made the case that the porch is on the side rather than the front, thus not requiring a variance.

After brief review of the application, Ed Hobbie moved to grant the requested 24'6" variance on the east side. Hobbie said that the variance would produce no undesirable change in the character of the neighborhood; that the porch design is in keeping with that of the existing building, and the use of the

porch will not adversely impact the level of privacy currently enjoyed by neighbors, as it faces a well-used highway; that the benefit sought – an outdoor covered space directly accessible from the existing building and facing east, cannot be achieved by any other feasible method; that, while the requested variance is substantial, the total footprint of the porch (180 square feet) will be only 2.25% of the existing building footprint (almost 8,000 square feet), and the existing building is closer to the property line than the proposed porch addition; that there is no reason to expect any physical or environmental harm to the area, provided that proper construction methods are used; and that, though the difficulty is self-created, this fact alone does not suffice as reason to deny the request.

Sam Hoskins seconded the motion, adding that the proposed project represents an improvement to the property. After brief discussion, the motion was approved, 5-0.

12.02 – Gene Ellis – Area variance, addition of pole barn – 109 Log Cabin Road (#52.11-1-21.00)

Chairman Crowell and Christopher Voulo asked applicant Gene Ellis questions about drainage. Ellis said he was working with the Department of Environmental Conservation (DEC), the Army Corps of Engineers, and the Town of Otsego Highway Department.

Crowell and Voulo suggested that Ellis could have proposed a smaller building, thus necessitating a smaller variance. Crowell said that the proposed two-story building would be larger than neighboring sheds. He noted that Ellis could not site the barn closer to the house, due to the location of the spring.

Ellis said the proposed building is 366 feet from Canadarago Lake, thus would need Planning Board approval. Sam Hoskins discussed the question of which side would be considered the front. Several members said they had visited the site, but not seen the stakes Ellis was supposed to lay out, identifying where the building was to be located. Ellis said he had put in the stakes, but someone had removed them.

Chairman Crowell moved to deny the variance sought. Crowell said that there were no nearby two-story barns in such close proximity to the road, making the proposed project visually out of the scale and character of the neighborhood; that the variances sought are substantial; that the possibility exists of change or harm to the environment; that the difficulty is self-created, as Ellis bought the property after the *Land Use Law* was enacted; and that the potential detriment outweighs the potential benefit.

Christopher Voulo seconded the motion and it was approved, 5-0. Chairman Crowell told Ellis that he could reapply, suggesting he propose a smaller building. Back-and-forth between the applicant, Board, and Zoning Enforcement Officer ensued.

With no further business, at 8:00 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary