

Town of Otsego Zoning Board of Appeals

Minutes – March 15, 2011

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 7:05 PM and roll call was taken by Secretary Bill Deane. All Board members were present: Crowell, Tony Scalici (Vice-Chairman), Sam Hoskins, Bill Kitchen, and Ed Hobbie. Alternate member Christopher Voulo and Zoning Enforcement Officer Hank Schecher were 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 February 15, 2011, mailed to the members. Kitchen moved to approve the minutes as written. Hoskins seconded the motion and it was approved, 5-0.

Correspondence received since the last meeting consisted of the 2010 annual report from the Community Preservation Corporation. The Board moved on to applications.

APPLICATIONS

11.01 – Peter Polus (Charles Walz) – Area variance, construction of dock system within 100 feet of Otsego Lake – 6606 State Highway 80 (#84.08-1-33.00)

After receiving the documents requested from the applicant, Zoning Enforcement Officer Shecher had discussed this application with Chairman Crowell and Vice-Chairman Scalici. They agreed that, since the entire project is within Otsego Lake's high-water line, it is not under the jurisdiction of the ZBA, and no variance is needed. Schecher had relayed this information to representative Charles Walz, who submitted a March 14 letter, requesting withdrawal of the application, along with copies of permits he received. Crowell read the letter aloud and all documents were filed.

11.02 – Vision's Way LLC (Jeff Haggerty/Jon McManus) – Area variance, expansion of hardware store complex – 5390 State Highway 28 (#131.00-1-7.00)

Jeff Haggerty was accompanied by engineer Jon McManus. They submitted a preliminary site plan which the Board examined. Haggerty wants to expand his Ace Hardware store, adding a 40'x80' extension to the current building. Part of the foundation will come within 7.06 feet of the rear property line, and the 18-inch overhang will make it 5.56 feet from the line (short of the ten feet required in the GB-2 district). Haggerty will thus need a variance of 4.44 feet on the east side, rounded up to 4.5 feet.

Sam Hoskins moved to deem the application complete and schedule a public hearing for April 19. Ed Hobbie seconded the motion and it was approved, 5-0.

OTHER BUSINESS

Joe Galati asked to informally discuss a situation with the Board. Galati owns the former Hickory Grove restaurant building in the RA-1 district. He wants to take advantage of the 2008 "heirloom barns and buildings" law (*Land Use Law* Section 3.15), which allows additional special permitted uses for buildings more than 110 years old. Galati said that approximately 85% of the building (6,500 of 7,735 square feet) is more than 110 years old, with the rest added more recently, and wondered if he would need a variance for the building to qualify under this law. The board discussed the clarity and spirit of the law. They agreed that there would be no basis for ZBA action unless Galati was denied by the Planning Board, in which case he could apply for a ZBA interpretation.

With no further business, at 7:35 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary