

# **Town of Otsego Zoning Board of Appeals**

Minutes – March 15, 2022

(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 (there were no meetings in January or February due to no agenda items). Chairman Greg Crowell called the meeting to order at 7:04 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), Sal Furnari, and Tony Scalici. With Corinne Armstrong and alternate members Dean Robinson and John Tedesco absent, alternate member Mary Anne Whelan joined the meeting table. Also present were Town Supervisor Ben Bauer and Zoning Enforcement Officer Wylie Phillips.

Chairman Crowell asked whether any Board members had an ethical conflict with any of the applications. No one reported any conflict.

The Board reviewed the minutes of December 21, 2021, e-mailed to the members. Scalici moved to approve the minutes as written. Chairman Crowell 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**

### **22.01 – Nettie Jean Scarzafava (Elizabeth Davidson) – Area variances, construction within 500 feet of Otsego Lake in RA1 district – 6771 State Highway 80 (#69.60-1-11.00)**

Architect Elizabeth Davidson represented applicant N. Jean Scarzafava. Davidson said that Scarzafava wants to replace a cottage “in kind.” Zoning Enforcement Officer Phillips said the cottage is 120 feet from Otsego Lake. Chairman Crowell said that if the new cottage will be in the same footprint (including overhangs and projections) as the old, no variances would be needed. Davidson said she would adjust the plans to ensure that the cottage is in the same footprint, and would submit revised drawings. She said she would also be redoing the deck, but it would be the same size. Davidson said she would withdraw this part of her ZBA application. Clerk Bill Deane asked if she wanted to be put on the April 5 Planning Board agenda, and she agreed.

Davidson said another proposed project on the property was to construct a 13’4” x 24’ detached garage. Chairman Crowell said she would have to complete a new application for this and a separate file should be started. The application was tabled while Davidson completed a new form.

Davidson returned with the new application and a 9/9/20 survey map. The Board examined the documents submitted and determined that she would need the following variances: 26 feet on the north side, 17’6” on the west (rear) side, and 1’6” on the south side. Davidson amended the application to include the variances sought. She gave Board members permission to visit the property.

Chairman Crowell moved to deem the application complete and schedule a public hearing for April 19. Mary Ann Whelan seconded the motion and it was approved, 5-0.

**22.02 – Otsego Consulting, LLC (Joe Galati) – Area variance, construction within 100 feet of Otsego Lake in RA1 district – 101 Badger Lane (#69.44-1-24.00)**

Applicant Joe Galati participated via Zoom. He said he wants to erect two 10x16' storage sheds on posts on "The Point," a landlocked area within 100 feet of Otsego Lake. These would be used by guests of Blackbird Hollow across the road. Galati's abutting neighbors agreed not to object to this project, as part of a legal settlement. He also wants to replace a bridge (washed away by a beaver dam) across a stream, and place a deck on an existing concrete pad. Galati said that former Zoning Enforcement Officer Lanza had advised him that the deck would not need a variance. Chairman Crowell said that that was not correct.

The Board examined the documents submitted, labeling the sheds "A" (the northwestern-most one) and "B." Chairman Crowell said that Galati would need variances on the north, south (Lake), and west sides, along with a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of Otsego Lake. Crowell said that, in order to determine the area variances needed, the Board would need exact measurements of the proposed sheds from the boundary lines. He marked up a copy of the site plan to show the measurements needed, and had Zoning Enforcement Officer Phillips scan and e-mail it to Galati. Galati said he would get those measurements to Crowell within a few days, copying Phillips and Clerk Bill Deane.

Chairman Crowell moved to deem the application complete, contingent on the requested measurements to be submitted by April 5, and to schedule a public hearing for April 19. Tony Scalici seconded the motion and it was approved, 5-0.

Galati later submitted the requested information, which was examined by Chairman Crowell. Crowell reported the following:

- o Shed "A" is seven inches from the west (front) property line side, 11 inches from the south (Lake) side, and 10'6" from the north side. It will thus need variances of 29'1" on the south side and 19'6" on the north side, along with a variance from *Land Use Law* 4.04. The Board will have to discuss the variance needed on the west side, as the *Land Use Law* measures from the center of the road; however, there is no road frontage on the property.
- o Shed "B" is 17 feet from the west (front) property line side, five inches from the south (Lake) side, and 18'1" from the north side. It will thus need variances of 29'7" on the south side and 11'11" on the north side, along with a variance from *Land Use Law* 4.04. The Board will have to discuss the variance needed on the west side, as the *Land Use Law* measures from the center of the road; however, there is no road frontage on the property.
- o The deck will need variances of 29'8" on the south side and 24'11" on the east (rear) side, along with a variance from *Land Use Law* 4.04.

Galati gave members permission to visit the property, as long as they arrange with him via e-mail beforehand.

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

Clerk Bill Deane read aloud from the ZBA's minutes of October 19, 2021, related to the previous Leatherstocking Association application. On that date, the ZBA held a public hearing with considerable opposition to the project. The Board later passed a resolution "to deny the variances sought, requiring the applicant to remove (at ground level) the four concrete pilings closest to the Lake immediately, and the remaining pilings by April 30, 2022, unless a new ZBA application is submitted by that date. Crowell said that the benefit sought could be achieved with a smaller deck further from the shoreline; that an undesirable change will be produced in the character of the neighborhood, as the deck is too imposing vertically, and closer to the water's edge than any nearby deck; that the requested variances are substantial; that the project will have an adverse effect or impact on the physical or environmental conditions of the neighborhood, with the steepness of the slope and the proximity to the Lake making runoff a concern, and with inadequate mitigation shown on the plan; and that the alleged difficulty is self-created, as no deck existed on this property before."

Representative Chad Whitbeck submitted a new plan, dating it 3/15/22. The Board examined it and determined that the proposed construction would need the following variances: 15 feet on the west (State Highway 80) side; 20 feet on the east side; 21 feet on the north side; and a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of Otsego Lake. Chairman Crowell said that Whitbeck should show proposed erosion control measures and plantings on the plan.

John Dewey moved to deem the application complete, with a strong recommendation to include erosion control measures and plantings on the plan, and to schedule a public hearing for April 19. Crowell seconded the motion and it was approved, 5-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips said that both the Planning and Zoning Boards are getting busier. He has been busy with a junk law violation. Tony Scalici asked Phillips to keep the Board apprised of zoning compliances.

The Board discussed the appointment of the 2022 ZBA Vice-Chairman. John Dewey said he was willing to continue in the role, and also willing to step down. Tony Scalici moved to reappoint Dewey as Vice-Chairman. Chairman Crowell seconded the motion and it was approved, 4-0, with Dewey abstaining.

Sal Furnari said he probably would not be available for the June, July, or August meetings.

Chairman Crowell discussed a situation involving Charlton Jones. The Planning Board approved a site plan for replacement of a camp in the lakeshore protection area for Jones in 2018; it was supposed to be a replacement-in-kind with no porch. Former Zoning Enforcement Officer Jess Lanza subsequently gave Jones permission to add a porch, then issued a "stop-work" order when he learned of his mistake. Jones now wants to apply for a variance to complete the porch. The Board normally cannot entertain an application while a property is in violation, but Crowell said he would allow a ZBA application here due to the circumstances.

The Board discussed the Schaer application from October 19, 2021, and Clerk Bill Deane read aloud from the relevant minutes. The Schaers requested an interpretation for their neighbors' (the

Stolarczyks') location of horses on their property next-door. The ZBA did not issue a formal decision or resolution on the matter, but instructed former Zoning Enforcement Officer Lanza to apply the correct zoning map in advising the Stolarczyks to keep the horses at least 250 feet from Goose Street. However, Zoning Enforcement Officer Phillips said that the Stolarczyks still have their horses within 250 feet of the road, contrary to the ZBA's and Lanza's instruction.

With no further business, at 8:47 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Clerk