

Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – March 19, 2024

(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, N. Y. Chairman Greg Crowell called the meeting to order at 7:03 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 Corrine Armstrong and first alternate member Mary Anne Whelan absent, second alternate member Antoinette Kuzminski joined the meeting table. Town Zoning Enforcement Officer Wylie Phillips was also present.

Chairman Crowell asked whether any Board members had an ethical or legal conflict with any of tonight's applications. No one reported any conflict.

The Board reviewed the minutes of February 20, e-mailed to the members. Dewey moved to approve the minutes as written. Scalici seconded the motion and it was approved, 5-0.

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

APPLICATIONS

23.15 – Peter Kapsales (Tim Yerdon) – Area variance, addition to residence within 500 feet of Otsego Lake in RA1 district – 6447 State Highway 80 (#84.00-1-17.02)

Clerk Bill Deane read aloud from the minutes of December 21, 2023 and February 20, 2024 relevant to the Kapsales application. Representative Tim Yerdon was present, and had submitted written responses to the Board's questions from the February meeting. The Board agreed that they answered the questions satisfactorily.

John Dewey said the proposed addition is significant, but reasonable, and that trees would buffer the neighbors' views. Chairman Crowell said it would not be feasible to put the addition on the south side (thus not requiring a variance), due to the architecture, but wondered why it could not be narrower, also not requiring a variance. Yerdon said it would not be wide enough for a bedroom in that case. Antoinette Kuzminski said she was concerned about protecting the Lakeshore from overdevelopment.

Chairman Crowell moved to grant the variance requested (a five-foot variance on the north side), specific to the proposed project, with the following conditions: (1) Watershed Supervisory Committee approval of the septic system; (2) a gutter, downspout, or similar system to be installed on the addition to mitigate water runoff; (3) a siltation system to be installed down-slope from the building to mitigate silt/debris runoff. Crowell said that there is no other feasible way to achieve the benefit sought, due to the layout of the residence; that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that the requested variance is not substantial, representing only one-sixth of the required setback; that, with the stipulated conditions, the project will have no adverse effect or impact on the physical or environmental conditions of the neighborhood; and that, though the alleged difficulty is self-created, it is reasonable when weighing the benefit to the applicant against the lack of detriment to the public. Tony Scalici seconded the motion and it was approved, 4-1, with Kuzminski opposed.

Yerdon asked to be put on the April 2 Planning Board agenda.

24.02 – Otsego Land Trust – Area variances, addition of boardwalk within 100 feet of Otsego Lake in RA1 district – 6000 State Highway 80 (#99.00-1-32.01)

Executive Director Gregory Farmer represented the Otsego Land Trust, accompanied by Property Manager Justin Williams and Daniel O’Neill of Delta Engineers. Farmer said the Trust owns a 22-acre parcel along Otsego Lake. They want to install a trail and 86’8” boardwalk connecting an existing bridge to the Lake, also relocating existing boat storage racks. O’Neill displayed a detailed site plan on an easel. Farmer submitted a 15-page application package, which the Board examined. He said the plan would make the existing layout safer, more convenient, and handicap-accessible, essentially moving it from the south side of the creek to the north side. Farmer said they would need Department of Environmental Conservation approval.

The Board agreed that it had everything it needed, except for the \$150 application fee. They determined that the variances needed would be a 35-foot variance on the east (rear or Lake side), and variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake.

Farmer gave members permission to visit the site. He said the proposed trail/boardwalk area had been marked with flags,

John Dewey moved to deem the application complete, contingent on the application fee being paid by April 2, and to schedule a public hearing for April 16 with the same contingency. Chairman Crowell seconded the motion and it was approved, 5-0.

24.03 – Arlene Nygren (Barb Monroe) – Area variances, replacement of existing camp within 500’ of Otsego Lake in RA1 district – 6769 State Highway 80 (#69.60-1-12.00)

Representative Barb Monroe explained that applicant Arlene Nygren wants to replace an existing camp located 116 feet of Otsego Lake, 12 feet from the north boundary line, and 14 feet from the south boundary line. It would essentially be in the same footprint, except for the “squaring off” of the section replacing a porch. Monroe submitted photos and plans, which the Board examined. She completed the application to answer the questions from Section 9.03 of the *Land Use Law*.

Clerk Bill Deane read aloud from the Planning Board minutes (not yet approved) of March 5 relevant to the project. Deane had noted that, though the c. 3x8’ squared-off sections would be no closer to the property lines than the existing camp, they would represent increases in non-conformity, possibly requiring ZBA variances. Deane later discussed it with ZBA Chairman Greg Crowell, who agreed the ZBA should review it.

The consensus of the Board was that the project would need an 18-foot variance on the north side, and a 16-foot variance on the south side. Zoning Enforcement Officer Phillips said the \$150 ZBA application fee had not been paid. Monroe gave members permission to visit the property, which she said was vacant.

Chairman Crowell moved to deem the application complete, contingent on the application fee being paid by April 2, and to schedule a public hearing for April 16 with the same contingency. Tony Scalici seconded the motion and it was approved, 4-0 (Antoinette Kuzminski had temporarily left the room).

OTHER BUSINESS

Zoning Enforcement Officer Phillips reported on two junkyard law issues. He said he was working on a Town committee to rewrite the *Land Use Law*.

With no further business, at 8:01 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Clerk