

Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – March 21, 2023

(Will be approved with any necessary amendments at the next meeting)

PUBLIC HEARING

23.01 – Emilie Rigby – Area variances, reconstruction of porch within 100 feet of Canadarago Lake in RA2 district – 139 Marble Road (#52.11-1-11.01)

Chairman Greg Crowell opened the Rigby public hearing at 7:02 PM, and noted that no one from the public was present. Crowell closed the hearing.

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 7:03 PM and led the Pledge of Allegiance.

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

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

The Board reviewed the minutes of February 21, 2023, e-mailed to the members. Whelan moved to approve them as written. Tedesco 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

23.01 – Emilie Rigby – Area variances, reconstruction of porch within 100 feet of Canadarago Lake in RA2 district – 139 Marble Road (#52.11-1-11.01)

Applicant Emilie Rigby was present. Clerk Bill Deane read aloud from the February 21 minutes relevant to her application.

Members briefly reviewed the application. Chairman Crowell said he had visited the site; he thinks the project will improve the property, and that this is no other way to achieve the goal sought. John Dewey and John Tedesco agreed.

Dewey moved to approve the variances sought, specific to the proposed project: a 15-foot variance on the south side; a 10-foot variance on the north side; and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Canadarago Lake. Dewey said that there is no other feasible way to achieve the benefit sought; that the proposed porch will improve aesthetics, and no undesirable change will be produced in the character of the neighborhood; that the requested variance is not substantial; that 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, there was a porch there previously. Chairman Crowell seconded the motion and it was approved, 5-0.

Rigby asked to be put on the April 4 Planning Board agenda.

23.02 – Peter Kapsales (Tim Yerdon) – Area variances, replacement of shed & deck within 100 feet of Otsego Lake in RA1 district – 6447 State Highway 80 (#84.00-1-17.02)

Contractor Tim Yerdon represented applicant Peter Kapsales. Yerdon said that Kapsales wants to raze an existing shed within 100 feet of Otsego Lake, replacing it with a larger one. He also wants to put in a 54” wide deck connecting the shed to the Lake, replacing a stone walkway.

Yerdon submitted a site plan. It showed that the current shed measures 10’9” x 14’6.” It would be expanded by a 4’ x 7’4” increase to the footprint on the south side, and also raised in height from 9’5” to 13’5”. Yerdon said that the shed would have no bedrooms or bathrooms. Chairman Crowell said that the Board would want a sketch showing the elevations of the shed, and could condition any approval by limiting the height.

The Board determined that the project would need the following variances, specific to the proposed project: a 35-foot variance on the east or Lake side; a 9-foot variance on the south side; a 36-foot variance on the west or State Highway 80 side; and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake.

Yerdon gave members permission to visit the property. Zoning Enforcement Officer Phillips said that the \$150 ZBA application fee had not yet been paid.

Chairman Crowell moved to deem the application complete, contingent on the elevation sketch and application fee being delivered to Phillips by April 4, and to schedule a public hearing for April 18 with the same contingency. John Tedesco seconded the motion and it was approved, 5-0.

OTHER BUSINESS

Zoning Enforcement Officer Phillips reported on an ongoing garbage violation. He also asked the Board about the Mary Alyce Peterson application which they approved in 2022. Peterson now wants to change the roof from flat to gabled, making it about two feet higher than proposed. This will require another site plan review, but Phillips wondered whether it would need another variance first.

Clerk Bill Deane read aloud from the May 17, 2022 minutes relevant to the application. The Board noted that the roof would still within the 40-foot height limit, and may actually be smaller in overall volume due to the different style. The consensus of the Board was that this particular situation would not require a variance.

With no further business, at 7:43 Chairman Crowell moved to adjourn the meeting. Sal Furnari seconded the motion and it was approved, 5-0.

Respectfully submitted,
Bill Deane, Clerk