

## Town of Otsego Zoning Board of Appeals

Minutes – April 20, 2021

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

### **PUBLIC HEARINGS**

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

Chairman Crowell opened the Leatherstocking public hearing at 7:03 PM, and read aloud an April 18 letter (filed) from neighbor and shareholder Bill Michaels, questioning the validity of representation and completeness of the application, among other things. It included photos and documents in support of his claims. Crowell noted that the Board does have a letter of representation and a survey, and that Town Attorney Ryan Miosek had opined that Vince Pyle does have standing to apply to the ZBA.

Clerk Bill Deane noted that a public hearing notice addressed to neighbor Giles Hamlin was returned to sender due to “no such street.”

Chairman Crowell asked if anyone from the public had comments or questions about the application.

- Philip Holz of 111 Browdy Mountain Road handed out copies of his letter of April 20 (filed) and accompanying photos. Holz said that the plan is poorly-conceived, and questioned whether Pyle is authorized to represent shareholder Danians Corporation. Holz said that the size of the deck is in question, that it is closer to the Lake than represented, and violates *Land Use Law* Section 4.02, which prohibits construction on a steep slope. Deane corrected Holz on that point, saying that construction on a steep slope requires site plan review by the Planning Board. If the ZBA were to approve the variances, the application would next go before the Planning Board.
- Tracy Killian of 119 Parshall Road said that she consulted three attorneys about the ownership/representation issue.
- Tim Killian of 119 Parshall Road said that he and Tracy own three of the 13 shares of the Association, and do not approve of the project. Pyle owns only one share, or 7.7%. Without unanimous consent of the Association, the project should not be considered. Killian said the project devalues his nearby property, and urged the Board to deny the application and fine Pyle.
- Joan Hopkins of 165 Browdy Mountain Road asked who was notified about the hearing. Crowell and Deane answered that all shareholders and all owners of property within 200 feet of the Common Area were notified.
- Rich Polgar of 6584 State Highway 80 participated via Zoom. He cited potential safety and traffic concerns, exposing the whole Association to liability. He asked the Board to deny the application.

With no further comments or questions, Crowell closed the hearing at 7:48.

#### **21.03 – Constantine Gavalas (Jon McManus) – Area variance, upgrading of restaurant in hamlet business district – 6208 State Highway 28 (#114.05-1-37.00)**

Chairman Crowell opened the Gavalas public hearing at 7:34 PM and asked if anyone from the public had comments or questions about the application. No one responded.

Clerk Bill Deane noted that a public hearing notice addressed to neighbor Adlor Fly Creek, Inc. was returned to sender due to “not deliverable as addressed.”

Crowell closed the hearing at 7:48.

**21.04 – Paul Kehoe (Josh Edmonds/Simple Integrity) – Area variance, garage renovation – 201 Buck Road (#83.00-1-24.02)**

Chairman Crowell opened the Kehoe public hearing at 7:35 PM and asked if anyone from the public had comments or questions about the application.

Karen Ubner of 214 Buck Road discussed the man-made pond, which she said was not located correctly on the site map. She said underground pipes are designed to control the depth of the pond, but are faulty, and the overflowing pond is eroding her land. She believes construction activity will make it even worse. Ubner questioned the boundary line location. Representative Josh Edmonds said he would put her in touch with Kehoe, and promised to replace or improve the drainage pipes if disturbed.

Clerk Bill Deane noted that public hearing notices addressed to owner Paul Kehoe and neighbor Jim Atwell were returned to sender.

With no further comments or questions, Crowell closed the hearing at 7:48.

**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 7:49 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), and Mary Anne Whelan. With Dean Robinson, Sal Furnari, and first alternate member Tony Scalici absent, second alternate member Corinne Armstrong joined the meeting table. Town Supervisor Meg Kiernan was also present.

Chairman Crowell asked if anyone had a potential conflict with any of tonight’s applicants. No one reported any conflict.

The Board reviewed the minutes of March 16, 2021, e-mailed to the members. Dewey moved to approve the minutes as written. Chairman Crowell seconded the motion and it was approved, 4-0.

Other than the e-mail read during the public hearing, there was no correspondence received since the last meeting. The Board moved on to applications.

**APPLICATIONS**

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

Chairman Crowell said he had visited the Leatherstocking Association site, and acknowledged the legitimacy of issues raised during the public hearing. He noted that no applicant or representative was present, and that the setback distances are in question.

Two neighbors showed their deeds, which were photocopied. John Dewey said that those, along with those submitted by Michaels, should be reviewed by Attorney Miosek. Dewey also noted that no one had offered any justification for the deck’s existence, size, or location.

Crowell noted that the Board has 62 days from today (or until June 21) to make a decision on the application. He said the Board and Attorney needed time to review everything. Crowell moved to table the application until the May 18 meeting. Mary Anne Whelan seconded the motion and it was approved, 4-0.

**21.04 – Paul Kehoe (Josh Edmonds/Simple Integrity) – Area variance, garage renovation – 201 Buck Road (#83.00-1-24.02)**

Clerk Bill Deane read aloud from the ZBA minutes of March 16 relevant to the Kehoe application. Representative Josh Edmonds was present.

Chairman Crowell said he had visited the site, and moved to approve the variance sought: a 23-foot variance on the southeast side. Crowell said that the benefit sought cannot be achieved by any other feasible method, due to the slope of the property; 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, in view of the existing garage; that the project will have no adverse effect or impact on the physical or environmental conditions of the neighborhood, given the representative's promise to replace or improve the drainage pipes if disturbed; and that, though the alleged difficulty is self-created, the project is reasonable and not significant. John Dewey seconded the motion and it was approved, 4-0.

**21.03 – Constantine Gavalas (Jon McManus) – Area variance, upgrading of restaurant in hamlet business district – 6208 State Highway 28 (#114.05-1-37.00)**

Clerk Bill Deane read aloud from the ZBA minutes of March 16 relevant to the Gavalas application. Representative Jon McManus was present via Zoom.

John Dewey said he had visited the site, and moved to approve the variance sought: a seven-foot variance on the rear (north) side. Dewey said that the benefit sought cannot be achieved by any other feasible method, due to the existing features of the property; 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; 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, the project is reasonable and desirable. Chairman Crowell seconded the motion and it was approved, 4-0.

Deane advised McManus that the project may need site plan review, due to the change in the site plan approved by the Planning Board in 2005.

**21.05 – Raymond & Teresa Bader (Jon McManus) – Area variances, construction of deck within 100 feet of Otsego Lake in RA1 district – 6834 State Highway 80 (#69.44-1-35.00)**

Representative Jon McManus was present via Zoom. He had submitted a letter authorizing him to represent applicants Raymond & Teresa Bader; a check for \$50; a site plan; and a list of neighbors (with addresses) within 200 feet of the property lines.

McManus said that the Baders want to construct a 20x22' deck on their property within 100 feet of Otsego Lake. He said that it would be one foot from the property line (no closer than the existing boathouse), thus would need a 29-foot variance on the north side, along with a variance from *Land Use Law* Section 4.04, which prohibits new construction within 100 feet of the Lake.

John Dewey moved to deem the application complete and schedule a public hearing for May 18. Corinne Armstrong seconded the motion and it was approved, 4-0.

**21.06 – Jeff Dudley (Jon McManus) – Area variances, erection of Amish shed within 100 feet of Otsego Lake in RA1 district – 6471 State Highway 80 (#84.12-1-9.01)**

Representative Jon McManus was present via Zoom. He had submitted a letter authorizing him to represent applicant Jeff Dudley; a check for \$50; a site plan and photos; and a list of neighbors (with addresses) within 200 feet of the property lines.

McManus said that Dudley wants to erect a 10x16' Amish shed on his property within 100 feet of Otsego Lake, for storage of water sports and boating equipment. He said it would be on wooden skids and not a permanent building. Chairman Crowell said it meets the definition of "structure," thus needs a variance.

McManus said the building would be about 33 feet from the center of State Highway 80 on the west side, and 15 feet from the mean high-water mark of the Lake on the east side. Based on that, the Board said it would need variances of 27 feet on the west side, 20 feet on the east side, along with a variance from *Land Use Law* Section 4.04, which prohibits new construction within 100 feet of the Lake. McManus said he would submit more exact setback measurements to Zoning Enforcement Officer Jess Lanza and/or Clerk Bill Deane.

Chairman Crowell moved to deem the application complete, contingent on McManus submitting exact setback measurements by May 4, and schedule a public hearing for May 18. John Dewey seconded the motion and it was approved, 4-0.

**21.07 – Christina Pidhorecky (Ed Hobbie) – Area variances, construction within 100 feet of Canadarago Lake in RA2 district – 2093 County Highway 22 (#52.08-1-5.00)**

Representative Ed Hobbie was present. He had submitted a check for \$175, a 3/20/21 site plan showing the existing and proposed buildings and features, and a list of neighbors (with addresses) within 200 feet of the property lines.

Hobbie said that applicant Christina Pidhorecky (Pid-HOAR-itch) wants to do demolition and construction on her property within 100 feet of Canadarago Lake. She owns two buildings on the property, both of which will be torn down. She hopes to relocate the existing utility pole (toward the northern property boundary), septic system, and underground drainpipe, and replace only the building closest to the Lake, centering it between the neighboring property lines. Hobbie said it would be about 45 feet from the Lake and well over 60 feet from the center of County Highway 22. As the property is only 54'9" feet wide, and the house will be 30'6" wide, it would be only about 12 feet from the north and south property lines. It would thus need 18-foot variances on both sides, along with a variance from *Land Use Law* Section 4.04, which prohibits new construction within 100 feet of the Lake.

Corinne Armstrong moved to deem the application complete and schedule a public hearing for May 18. Mary Anne Whelan seconded the motion and it was approved, 4-0.

**OTHER BUSINESS**

Jess Lanza was absent, and there was no Zoning Enforcement Officer report. With no further business, at 8:50 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary