

## Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – April 16, 2024

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

### **PUBLIC HEARINGS**

#### **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)**

Acting Chairman John Dewey opened the Otsego Land Trust (OLT) public hearing at 7:00 PM, and noted that the Town does not have jurisdiction over construction on Otsego Lake, only on the land surrounding it. He asked if anyone from the public had comments or questions about the application.

Steve Talevi, sole Trustee of the Serendipity Trust, spoke at length, reading from a four-page April 16 letter (filed) he had distributed to the members. He claimed he had not received a hearing notice, thus that this was an unlawful hearing. Talevi said that his mother shares a driveway with the OLT, and they are concerned about a potential increase in traffic. He said that the situation is self-created and the proposed construction will have adverse impacts on the environment. Talevi listed 19 conditions he wanted the Board to impose on the granting of any variances.

Craig Williams said he is a youth rower who has used the OLT property for the past seven years, and he supports the proposed project.

Isabel Dudek said she is also a long-time user of the OLT property, and supports the proposed project.

Karen Chardoul said she is familiar with the OLT property, and supports the proposed project.

Diane Mosemaa said she uses the OLT property, and supports the proposed project, particularly its handicap-accessibility.

Brent Basinger said he uses the OLT property for kayak sales and rentals in the summer months, and supports the proposed project.

Dewey read aloud an April 15 e-mail (filed) from Serena Black Martin of 6056 State Highway 80, expressing concerns about the size of the proposed floating dock. He also read aloud an e-mailed response from OLT Executive Director Gregory Farmer.

Clerk Bill Deane noted that a hearing noticed addressed to Frank Maloney was returned to sender as “attempted – not known.” Deane also said that hearing notices, including one to Serendipity Trust at the address of record, were mailed on March 26, and no others were returned to the Town. The hearing was also advertised in the *Daily Star*, and Talevi was present at the March 19 meeting, when it was scheduled.

With no further speakers or correspondence, Dewey closed the hearing.

#### **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)**

Acting Chairman John Dewey opened the Nygren public hearing at 7:20 PM, and asked if anyone from the public had comments or questions about the application. No one responded. Dewey 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, N. Y. Acting Chairman John Dewey called the meeting to order at 7:22 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. Board members present were Dewey (vice-chairman), Sal Furnari, Corrine Armstrong, and Tony Scalici. With Chairman Greg Crowell and second alternate member Antoinette Kuzminski absent, Dewey took over as chairman and first alternate member Mary Anne Whelan joined the meeting table. Town Zoning Enforcement Officer Wylie Phillips was also present.

Deane said that, other than that addressed during the OLT public hearing, there was no correspondence received since the last meeting.

Acting Chairman John Dewey 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 March 19, e-mailed to the members. Furnari moved to approve the minutes as written. Whelan seconded the motion and it was approved, 5-0.

The Board moved on to the applications.

## **APPLICATIONS**

### **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)**

Clerk Bill Deane read aloud from the minutes of March 19 relevant to the Otsego Land Trust (OLT) application. The Board had 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.

OLT Executive Director Gregory Farmer explained the project and responded to concerns brought up during the public hearing. He said there would be no change to the property's use or capacity, just a relocation and improvement of facilities. Farmer submitted a copy of the OLT's property usage rules and guidelines, which address most of the concerns. Neighbor Steve Talevi interjected that those rules are not enforceable by the Town. He and other neighbors chimed in and answered questions throughout the meeting.

Zoning Enforcement Officer Phillips noted that the OLT had received a special permit for a "recreational facility" from the Planning Board in August, 2015. Deane said he would e-mail the relevant Planning Board minutes to the ZBA members. Phillips said that, if the ZBA granted variances, site plan review by the Planning Board would be required; they might better address some of Talevi's suggested conditions.

Sal Furnari suggested that moving Talevi's driveway might resolve his concerns.

Acting Chairman Dewey read from the Town's Comprehensive Plan, and said that he thinks this project conforms to it. He said he wanted more time to consider Talevi's concerns, however. Dewey moved to table the application until May. Corrinne Armstrong seconded the motion and it was approved, 4-0 (Mary Ann Whelan did not vote). Having held the public hearing tonight, the Board has 62 days to act on the application, or by June 17.

### **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)**

Clerk Bill Deane read aloud from the minutes of March 19 relevant to the Nygren application. Applicant Arlene Nygren and representative Barb Monroe were present.

The Board briefly discussed the proposed project. Acting Chairman Dewey said he thought it was reasonable, noting that the building would be only 912 square feet, not including the decks. Monroe said there would be no changes to the well or septic system.

Tony Scalici moved to grant the requested variances, specific to the proposed project: an 18-foot variance on the north side, and a 16-foot variance on the south side. Scalici said 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; and that the project will have no adverse effect or impact on the physical or environmental conditions of the neighborhood. Dewey seconded the motion and it was approved, 5-0.

Monroe asked to be put on the May 7 Planning Board agenda.

**24.04 – Ken Marx – Area variances, privacy fence & retaining wall within 100 feet of Otsego Lake in RA1 district – 6600 State Highway 80 (#84.08-1-32.00)**

Applicant Ken Marx said that he wants to erect a set of wooden stairs, a six-foot-high wooden privacy fence, and a four-foot-high, 40-foot-long retaining wall on his property within 100 feet of Otsego Lake. Zoning Enforcement Officer Phillips said the stairs would be within the 42-inch-wide limit, thus require no variance; however, the fence, being more than four feet high, would. Marx gave Phillips a \$150 check in payment of the application fee. Clerk Bill Deane noted that the *Land Use Law* definition of “structure” excludes boundary fences or walls.

The Board determined that the following variances would be needed: a 28-foot variance on the south side, a 15-foot variance on the east (rear or Lake side), and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake.

Acting Chairman Dewey moved to deem the application complete and schedule a public hearing for May 21. Corrinne Armstrong seconded the motion and it was approved, 5-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips said he had nothing new to report.

Bill Deane announced that he had now served as ZBA Clerk for 20 years.

With no further business, at 8:22 Acting Chairman Dewey adjourned the meeting.

Respectfully submitted,  
Bill Deane, Clerk