

**Town of Otsego Zoning Board of Appeals**  
Minutes – April 17, 2012

**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 was no meeting in March, due to no agenda items). Chairman Greg Crowell called the meeting to order at 7:02 PM and roll call was taken by Secretary Bill Deane. All Board members were present: Crowell, Sam Hoskins (vice-chairman), Ed Hobbie, Christopher Voulo, and Carina Franck. Also present were alternate member Michael Pelcer and Zoning Enforcement Officer Hank Schecher.

Chairman Crowell asked if anyone had a potential conflict with tonight's applicant. Sam Hoskins said that he was an adjoining property owner and would abstain from voting on the application.

The Board reviewed the minutes of February 21, 2012, mailed to the members. Chairman Crowell asked that the minutes be amended to add the following to his motion to deny the Gene Ellis application: "The site is neither level nor dry, and would requiring filling a deep gully." Crowell moved to approve the minutes as amended. Voulo seconded the motion and it was approved, 5-0.

Chairman Crowell reviewed correspondence received since the last meeting:

- A March 22 memo (filed) from Joe Galati, correcting a statement he had made during the February 21 meeting about his building's Historic District status, saying it was a "contributing structure with no restrictions."
- The March/April 2012 issue of *Talk of the Towns&Topics*, copies of which were distributed.
- A resolution adopted by the Town Board earlier that evening, granting zoning immunity to the Village of Cooperstown's Intermodal Transit Center project.

The Board moved on to the application.

**APPLICATION**

**12.03 – Robert Bohm (Susan Snell) – Interpretation, determination of land use district – 6176-6182 State Highway 28 (#114.05-1-38.01, -38.02 & -39.00)**

Applicant Robert Bohm was accompanied by architect Susan Snell.

Bohm owns three contiguous lots of approximately 12, 1.75, and .25 acres, including three houses and two historic barns. He wants to take advantage of the “Heirloom Barn” law and convert the buildings into short-term rental sites, doing lot line adjustments as necessary. However, there is conflicting information as to what land use district the properties are on. The Town’s web-site says they are in the Hamlet Residential (HR) district, whose minimum lot size is one acre. The Town map, the “official” source, has most of the area colored in light blue, but there is no key as to what that color represents. The nearby Residential-Agricultural 1 (RA1) district has a minimum lot size of three acres. Bill Deane referred to the minutes (not yet approved) of the April 3 Planning Board meeting, during which that Board passed a motion “to direct the applicant to the Town’s Zoning Board of Appeals (ZBA) for interpretation of what district the properties are in, so that the Planning Board can properly process a site plan application on these properties.”

Chairman Crowell explained that, according to New York Planning Federation regulations, the ZBA cannot issue an interpretation unless the applicant has been denied something by the Zoning Enforcement Officer. It would be up to Zoning Enforcement Officer Schecher to determine what land use district the properties are in. Bill Deane suggested that Schecher make a determination tonight. If the applicant disagrees, the Board can go forward with his application; if he agrees, he can withdraw it.

The Board spent considerable time consulting the Town map and the *Land Use Law*, offering thoughts and ideas to the applicant. Ed Hobbie noted that part of the property is designated in pink as Hamlet Business (HB). Deane wondered if the light blue was used instead of dark blue (indicating HR) so as not to obliterate lot lines; however, there appears to be another light blue area in a different part of the Town map. Sam Hoskins discussed clustering and lot size averaging options in *Land Use Law* Sections 2.10 and 2.11.

Snell asked that Schecher not make a determination tonight. The applicant is in no rush, and she wants time to think over plans and options. They will return before the Board if and when they are ready.

With no further business, at 7:58 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary