

## Town of Otsego Zoning Board of Appeals

Minutes (Unapproved) – April 18, 2019

### **PUBLIC HEARINGS**

#### **19.01 – Cooperstown Country Club (Jon McManus) – Area variance, construction of deck in existing facility within 100 feet of Otsego Lake – 5748 State Highway 80 (#115.00-1-11.00)**

Chairman Crowell opened the Cooperstown Country Club public hearing at 7:05 PM, briefly explained the variance sought, and asked if anyone from the public had questions or comments. No one responded. Crowell closed the hearing.

#### **19.02 – Nettie Jean Scarzafava (Elizabeth Davidson) – Area variance, extension of deck and addition of wine cellar near existing residence within 100 feet of Otsego Lake – 6762 State Highway 80 (#69.60-1-17.00 & -18.00)**

Chairman Crowell opened the Scarzafava public hearing at 7:06 PM, briefly explained the variances sought, and asked if anyone from the public had questions or comments.

Linden Summers, neighbor to the south, said he is opposed to the project, as it will change the nature of the beach, and pave the way for future expansion of the property.

John Dewey and Chairman Crowell read aloud correspondence (filed) received regarding the application:

- An April 17 e-mail from Win McIntyre, Watershed Supervisory Committee technical advisor, expressing concerns and recommendations about water runoff and erosion control. (Zoning Enforcement Officer Ed Hobbie said that he had talked to the project's engineer, Hans DeWaal, and had been assured there would be an engineered plan for erosion control, with prints. Hobbie relayed this information to McIntyre.)
- An April 16 e-mail from David & Debra Creedon, expressing various concerns, including water runoff, erosion, being out of character with the neighborhood, and setting a bad precedent.
- An April 9 letter from Paula Petry, offering no objections to the application.

With no further comments or questions, Crowell closed the hearing.

#### **19.03 – Albert Zigon – Area variance, addition of carport near existing residence – 962 County Highway 26 (#98.00-1-34.00)**

Chairman Crowell opened the Zigon public hearing at 7:16 PM, and asked if anyone from the public had questions or comments about the application. No one responded. 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 (rescheduled from April 16 due to member scheduling conflicts). Chairman Greg Crowell called the meeting to order at 7:17 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. All regular Board members were present: Crowell, John Tedesco (Vice-Chairman), Dean Robinson, John Dewey, and Wally Melnichenko. Alternate members Tony Scalici and Tim Dolan were absent.

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

The Board reviewed the minutes of March 19, 2019, e-mailed to the members. Tedesco moved to approve them as written. Dewey seconded the motion and it was approved, 5-0.

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

## **APPLICATIONS**

### **19.01 – Cooperstown Country Club (Jon McManus) – Area variance, construction of deck in existing facility within 100 feet of Otsego Lake – 5748 State Highway 80 (#115.00-1-11.00)**

Secretary Bill Deane read aloud from the minutes of March 19 relevant to the Cooperstown Country Club application.

Representative Jon McManus said that the property is a designated New York State wetland, and that he had applied to the State Department of Environmental Conservation and contacted the U.S. Army Corps of Engineers. He suggested that, if the Board approved the requested variance, it do so with the conditions that there be no expansion of the stone patio, or development under the deck.

The Board examined the application documents. Chairman Crowell said that he foresaw no environmental issues.

John Dewey moved to approve the variance from *Land Use Law* 4.04 (which prohibits construction within 100 feet of the Lake), with the conditions that there be no expansion of the stone patio, or development under the deck. Dewey said that no undesirable change will be produced in the character of the neighborhood; that the benefit sought cannot be achieved by any other feasible method; that the requested variance is within the setbacks and not substantial; that the proposed area variance will have minimal effect or impact on the physical or environmental conditions in the neighborhood; and that, although the alleged difficulty is self-created, it is a reasonable and desirable request.

Dean Robinson seconded the motion and it was approved, 5-0. McManus asked to be put on the May 7 Planning Board agenda.

### **19.02 – Nettie Jean Scarzafava (Elizabeth Davidson) – Area variance, extension of deck and addition of wine cellar near existing residence within 100 feet of Otsego Lake – 6762 State Highway 80 (#69.60-1-17.00 & -18.00)**

Secretary Bill Deane read aloud from the minutes of March 19 relevant to the Scarzafava application.

Representative Elizabeth Davidson said that the proposed wine cellar would be a pre-fabricated vault installed with minimal excavation, and she gave general information on drainage. Dean Robinson said that the size of the proposed deck represents a substantial variance request, and is not in keeping with the neighborhood. John Dewey gave a suggestion for a reduced deck extension. Others suggested moving the vault closer to the deck, and/or building a raised walkway rather than a deck extension. Davidson said she would consider these suggestions in revising the plan.

Chairman Crowell said that he would like to see engineering plans before the Board makes a decision. Davidson said she would plan to return with those in May or June. Secretary Bill Deane noted that the Board has 62 days after tonight's public hearing to make a decision on the application, so it could be made as late as the June 18 ZBA meeting. Otherwise, the Board and applicant could "stop the clock" by mutual agreement. Deane asked Davidson to let Zoning Enforcement Officer Hobbie know when she is ready to return.

John Tedesco moved to table the application, pending engineering plans. Dewey seconded the motion and it was approved, 5-0.

Neighbor Linden Summers asked Deane whether he would be permitted to see and comment on revised plans. Deane said the plans would be available to the public, but there would probably not be another formal public hearing, since the project was being reduced. He explained that, if variances were granted by the ZBA, the project would then have to go before the Planning Board, and any future projects would have to go before both Boards.

**19.03 – Albert Zigon – Area variance, addition of carport near existing residence – 962  
County Highway 26 (#98.00-1-34.00)**

Secretary Bill Deane read aloud from the minutes of March 19 relevant to the Zigon application. Applicant Albert Zigon said that the proposed carport would be no closer to the lot line than the existing garage, and there would be no tree removal involved.

After brief discussion, Dean Robinson moved to approve the variance sought: a 26-foot variance on the east side. With input from Chairman Crowell, Robinson said that no undesirable change will be produced in the character of the neighborhood; that the benefit sought cannot be achieved by any other feasible method; that the requested variance is substantial, but not so in view of the existing garage; that the proposed area variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood; and that, although the alleged difficulty is self-created, it is a reasonable request.

John Dewey seconded the motion and it was approved, 5-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Ed Hobbie said he had no ZBA news to report, but discussed a potential case of interest.

With no further business, at 8:10 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary