

# Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – May 16, 2023

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

## **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. All regular Board members were present: Crowell, John Dewey (vice-chairman), Sal Furnari, Corinne Armstrong, and Tony Scalici. Alternate members Mary Anne Whelan, John Tedesco, and Dean Robinson were absent. 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 April 18, 2023, e-mailed to the members. Scalici moved to approve the minutes as written. Dewey seconded the motion and it was approved, 5-0.

There was no correspondence received since the last meeting. The Board moved on to the application.

## **APPLICATION**

### **23.03 – Brian Pyle (Barb Monroe) – Area variances, replacement of home and addition of stairs within 100 feet of Otsego Lake in RA1 district – 6830 State Highway 80 (#69.44-1-36.00)**

Clerk Bill Deane read aloud from the ZBA's minutes of January 3 and 17 relevant to the project. On the latter date, the Board had held a public hearing with only positive comments, and approved the variances requested: a 13-foot variance on the south side, a 20'10" variance on the east or Lake side, and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake. The Planning Board had subsequently approved the project as well.

Representative Barb Monroe said that Pyle had changed the plan, moving the building about one foot closer to the Lake, and adding a four-foot-wide staircase to the Lake. She submitted an updated plan from Redpoint Builders dated 5/1/23. Monroe said the building was essentially the same as the one approved earlier this year, just moved slightly, and now proposed to be 31'8" in height (two inches higher than in the previous plan). She said the retaining wall would be no more than three feet high, thus need no variance. Chairman Crowell said the Board would want a larger version of the plan for the file. Monroe said she would drop it off the next day.

The new plan necessitates altering the variances granted. The Board determined that the variances needed are a 13-foot variance on the south side, a 22-foot variance on the east or Lake side, and a variance from *Land Use Law* 4.04. Chairman Crowell said he had investigated whether another public hearing could be waived, but could not find anything to legally support doing that; per *Land Use Law* Section 9.02 (B), after receiving a new application, the ZBA "shall schedule a public hearing thereon."

Zoning Enforcement Officer Phillips said that the new application fee had not yet been paid. Monroe wrote a check and handed it to Phillips.

Chairman Crowell moved to deem the application complete and schedule a public hearing for June 20. Corinne Armstrong seconded the motion and it was approved, 5-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips submitted copies of proposed amendments to the *Land Use Law*, one involving solar panels, and the other a definition of “food truck,” to be offered as a special permitted use in the GB1, GB2, HB, and RA2 districts. The Board discussed these.

With no further business, at 7:32 Chairman Crowell moved to adjourn the meeting. Corinne Armstrong seconded the motion and it was approved, 5-0.

Respectfully submitted,  
Bill Deane, Clerk