

Town of Otsego Zoning Board of Appeals

Minutes – May 18, 2021

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

PUBLIC HEARINGS

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)

Chairman Crowell opened the Bader public hearing at 7:03, asking if anyone from the public had comments or questions about the application. No one responded.

Crowell read aloud two letters (filed) received in support of the proposed project: a May 10 letter from Brian & Kate Pyle of 6830 State Highway 80, and a May 4 letter from Richard & Pam Scurry of 6838 State Highway 80.

Crowell closed the hearing at 7:08.

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)

Chairman Crowell opened the Dudley public hearing at 7:06, asking if anyone from the public had comments or questions about the application. No one responded. Crowell closed the hearing at 7:08.

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

Chairman Crowell opened the Pidhoreckyj public hearing at 7:07, asking if anyone from the public had comments or questions about the application. Diane Higgins of 2095 County Highway 22 said she approved of the proposed project. With no further speakers, Crowell closed the hearing at 7:08.

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 7:08 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), Dean Robinson, and Sal Furnari. With Mary Anne Whelan and first alternate member Tony Scalici absent, second alternate member Corinne Armstrong joined the meeting table. Newly-appointed alternate member John Tedesco was also present, but said he had not yet been sworn in. 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 April 20, 2021, e-mailed to the members. Dewey complimented the minutes. Robinson moved to approve the minutes as written. Armstrong seconded the motion and it was approved, 5-0.

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

APPLICATIONS

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)

Secretary Deane read aloud from the April 20 ZBA minutes relevant to the Bader application. Representative Jon McManus was present, and applicant Teresa Bader participated via Zoom.

Zoning Enforcement Officer Jess Lanza had left a note on the Bader file, indicating that “\$175 additional fee” was due. This did not seem to pertain to this Board’s proceedings, as McManus had submitted a check for \$50 at the last meeting, covering the ZBA application fee.

Sal Furnari asked about the material being used for the deck. He expressed concern about inorganic particles in the water produced by cutting synthetic materials near the Lake. Bader said the boards were pre-cut.

McManus submitted new site photos. Chairman Crowell and John Dewey shared observations from their site visits, saying the project would be in keeping with the neighborhood.

Dean Robinson moved to approve the variances requested: 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. With input from Crowell, Robinson 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 boathouse; that the project will have no foreseeable 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 produces an improvement in the property. Dewey seconded the motion and it was approved, 5-0.

McManus asked to be put on the June 1 Planning Board agenda.

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)

Secretary Deane read aloud from the April 20 ZBA minutes relevant to the Dudley application. Representative Jon McManus was present. As requested at the last meeting, he had submitted more exact setback measurements. Deane said that this changed the variances needed to 25 feet on the west side and 28 feet on the east side, along with a variance from *Land Use Law* Section 4.04.

McManus submitted a new photo, and answered questions about the project.

Chairman Crowell moved to approve the variances requested: a 25-foot variance on the west side, and a 28-foot variance 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. Crowell said that the benefit sought cannot be achieved by any other feasible or less-intrusive method; that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that, though the requested variances are substantial, this is not problematic; 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 produces an improvement in the property. Furnari seconded the motion and it was approved, 5-0.

McManus asked to be put on the June 1 Planning Board agenda.

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

Secretary Deane read aloud from the April 20 ZBA minutes relevant to the Pidhoreckyj application. Representative Ed Hobbie was present.

Hobbie answered Board members' questions about the project. He said that the proposed building would be the same size as the one being removed, and would be one story. Hobbie said it would cost Pidhoreckyj between \$4,500-7,000 to move the utility pole.

John Dewey moved to approve the variances requested: an 18-foot variance on the north side, and an 18-foot variance on the south side, along with a variance from *Land Use Law* Section 4.04, which prohibits new construction within 100 feet of the Lake. Dewey said that the benefit sought cannot be achieved by any other feasible method, in view of the lot width; that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that, though the requested variances are substantial, they provide adequate spacing between the property boundaries; 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 produces an improvement in the property. Dean Robinson added the stipulation that there will be no change in the footprint or height of the building being replaced. Robinson seconded the motion and it was approved, 5-0.

Hobbie asked to be put on the June 1 Planning Board agenda.

OTHER BUSINESS

Jess Lanza was absent, and there was no Zoning Enforcement Officer report.

Secretary Deane read aloud a May 4 letter from Chad Whitbeck on behalf of Vince Pyle, regarding the Leatherstocking Association Common Area project. Whitbeck had told Chairman Crowell and Zoning Enforcement Officer Lanza that he would withdraw his pending ZBA application #20.08, and submit a revised application in the future. The letter said, "I hereby request to withdraw the application for land use permit..." Deane noted that there was no specific mention of the ZBA application, and wondered whether this was adequate to "stop the clock" on that application. Having held a public hearing on April 20, the Board had 62 days (or until June 21) to make a decision on the application, or risk approval by default. Chairman Crowell said he would talk to Lanza about it. Informal discussion about the application ensued.

With no further business, at 7:55 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary