

**Town of Otsego Zoning Board of Appeals**  
Minutes – June 21, 2016

**PUBLIC HEARING**

**16.03 – Tom Bouton – Area variance, lot size (boundary line adjustment to increase parking for Fly Creek General Store) – 6216 State Highway 28 (#114.05-1-13.00).**

Chairman Greg Crowell opened the Bouton public hearing at 7:08 PM, and asked if anyone from the public had comments or questions about the proposed project. Neighbor Claire Kepner said she was “for it.”

Chairman Crowell noted that notices mailed to neighbors Litco Pension Plan, Adlor Fly Creek, Inc., and Dunvegan Realty, LTD, were returned to sender. The envelopes were filed.

With no further questions or comments, Chairman Crowell closed the hearing at 7:10.

**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 7:05 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, Tony Scalici (Vice-Chairman), Christopher Voulo, John Tedesco, and Dean Robinson. Second alternate member Bruce Miller and Zoning Enforcement Officer Barb Monroe were also present. First alternate member Michael Pelcer absent

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

The Board reviewed the minutes of May 17, e-mailed to the members. Voulo moved to approve them as written. Robinson seconded the motion and it was approved, 5-0.

There was no correspondence received since the last meeting, other than that mentioned during the public hearing. The Board moved on to applications.

**APPLICATIONS**

**16.03 – Tom Bouton – Area variance, lot size (boundary line adjustment to increase parking for Fly Creek General Store) – 6216 State Highway 28 (#114.05-1-13.00).**

Applicant Tom Bouton was present. Bouton owns the Fly Creek General Store (tax map #114.05-1-14.00), and a house next-door at 6216 State Highway 28 (tax map #114.05-1-13.00). Both are on pre-existing, non-conforming lots, less than the required one-acre lot-size for the hamlet business district: the store’s lot is .244 acres, and the house’s is .388 acres. Bouton wants to do a lot line adjustment to make the store lot bigger (.297 acres) and allow for more parking. This would decrease the house lot size to .335 acres. Chairman Crowell reminded the Board that he would need variances from *Land Use Laws* 2.05 and 1.04.

Secretary Bill Deane read aloud from the minutes of May 17 relevant to the application. Bouton said that the house lot would actually be decreasing from 88 feet to 76 feet, still meeting the 75-foot requirement, and noted that, while that lot would be made less-conforming, the store lot would be more-conforming. Board members agreed that the net change of non-conformity would be zero.

Deane asked if Bouton would need a variance to 2.05 for both lots, since both would be below the one-acre minimum. The consensus of the Board was that only the house lot would need the variance, since the store lot is not decreasing in size.

John Tedesco asked about the size of the parking area in relation to the square footage of the store lot. The consensus was that this would be a Planning Board issue.

Tony Scalici moved to grant the variances sought: a .665-acre variance to *Land Use Law* 2.05 (minimum lot size) for lot #114.05-1-13.00, and a variance to *Land Use Law* 1.04 (“Non-conformities of lots... may not be increased”). Scalici said that the change will benefit

both business and safety; that it will produce no undesirable change to the character of the neighborhood, and in fact will improve the safety and appearance of the property; that there is no other feasible method to achieve the benefit sought; that the requested variance is not substantial; and that there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood. Christopher Voulo seconded the motion and it was approved, 5-0.

**16.04 – Evan Johnson (Les Sittler) – Area variance, addition to existing residence – 150 Stonehouse Road, Fly Creek (#98.00-1-38.00)**

Attorney Les Sittler said that he is buying this property for family members, contingent on variances being granted. They want to expand the existing residence from two to three bedrooms. Due to the locations of the well and septic system, this expansion would require encroaching on the front- and side-yard setbacks.

Sittler submitted a June 7, 2016 site plan, which the Board examined, asking questions. The building addition would extend to within 49'6" of the center of Stonehouse Road in the front (north), and to within 24'2" of the boundary line on the east side. He thus would need a 10'6" variance on the north side, and a 5'10" variance on the east side. Sittler said there would be no problem if Board members wanted to visit the property.

Christopher Voulo moved to deem the application complete and schedule a public hearing for July 19. Tony Scalici seconded the motion and it was approved, 5-0.

**16.05 – Harrison Hummel – Area variances, revision of existing structures to bring within boundary lines – 110-114 Marble Road Extension, Richfield Springs (#52.00-2-15.00, -16.00, -17.01, & -17.02)**

No one appeared on behalf of this application. Chairman Crowell read aloud from an e-mail from Town Attorney Michelle Kennedy about the case. This application is the result of a New York State Supreme Court settlement (filed), dated April 21, 2016. Hummel is required to submit an application to the Planning Board, depending on ZBA action, within 180 days of the settlement.

Hummel had been issued a "stop work" order in 2013, after it was discovered that he was building over his property line and without proper permits. He applied to the ZBA at that time, but due to legal issues, did not follow through with the process.

Chairman Crowell said that the Board should treat this as a new application, as if the buildings were not yet there, and without regard to previous violations. The Board examined the April 17, 2014 survey, and discussed potential issues with the case. Christopher Voulo said that the project is "a monster," and there may be an issue of square footage in ratio to lot size.

Chairman Crowell said that, in his opinion, the application is incomplete, as the Board cannot deduce what Hummel is asking for, nor receive clarification with no applicant or representative present. Crowell asked if the Board should make a motion, deeming the application incomplete. Secretary Bill Deane said that, unless the Board deems an application complete, it is incomplete by default.

Zoning Enforcement Officer Monroe said she would contact the applicant and ask him to come to the July meeting.

**OTHER BUSINESS**

Zoning Enforcement Officer Monroe distributed copies of her June 21 report (filed).

With no further business, at 8:04 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary