

# **Town of Otsego Zoning Board of Appeals (ZBA)**

Minutes – June 21, 2022

*(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 7:02 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. Board members present were Crowell, Corinne Armstrong, and Tony Scalici. John Dewey (vice-chairman), Sal Furnari, and alternate members Mary Anne Whelan Whelan, Dean Robinson, and John Tedesco were absent. Deane noted that, with only three members present, a unanimous vote would be needed to pass any motion. Also present were Town Supervisor Ben Bauer and Zoning Enforcement Officer Wylie Phillips.

Chairman Crowell asked whether any Board members had an ethical or legal conflict with any of the applications. No one reported any conflict.

The Board reviewed the minutes of May 17, 2022, e-mailed to the members. Armstrong moved to approve the minutes as written. Scalici seconded the motion and it was approved, 3-0.

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

## **APPLICATIONS**

### **22.07 – James & Joan Marini (Sophia Gonzales/Redpoint Builders) – Area variance, construction of retaining wall & stairs within 100 feet of Otsego Lake in RA1 district – 6616 State Highway 80 (#84.08-1-34.02)**

Sophia Gonzales of Redpoint Builders represented applicants James & Joan Marini. She submitted a \$150 check for the ZBA application fee.

Gonzales said that the Marinis want to construct a retaining wall and stairs on their property near Otsego Lake. The wall would be about six feet above ground and four feet below ground. Gonzales submitted a new site plan, indicating the construction would be 102 feet from the Lake at its closest point (the previously-submitted plan showed 71 feet).

Chairman Crowell said that, since the construction would be more than 100 feet from the Lake, no ZBA variance would be needed. He said site plan review would be required, since it is within 500 feet of the Lake.

Clerk Bill Deane returned the \$150 check, and said he would put the application on the July 5 Planning Board agenda. Gonzales will have to submit a new check for the \$125 site plan review fee at that time. Deane advised that she work with Zoning Enforcement Officer Phillips on the site plan requirements.

### **22.08 – David Drenth (Barb Monroe/Jon McManus) – Area variance, addition to residence within 100 feet of Canadarago Lake in RA2 district – 173 Marble Road (#52.08-1-27.02)**

Barb Monroe represented applicant David Drenth. She said that Drenth wants to build an addition to his residence, 51 feet from Canadarago Lake. Monroe said it would require no setback variances. She submitted a \$150 check (delivered to the Town Clerk) for the ZBA application fee.

Monroe submitted a survey map. Chairman Crowell agreed that the only variance needed would be one from *Land Use Law* 4.04, which prohibits construction within 100 feet of Canadarago Lake. He asked Monroe if members had permission to visit the property; she granted it.

Chairman Crowell moved to deem the application complete and schedule a public hearing for July 19. Corinne Armstrong seconded the motion and it was approved, 3-0.

**22.09 – Sarah Senchyshyn (Barb Monroe) – Area variance, division of five-acre lot into two parcels in RA2 district – 174 Cook Road (#113.00-1-74.21)**

Barb Monroe represented applicant Sarah Senchyshyn. Monroe said that Senchyshyn has a five-acre lot which she wants to divide into two lots measuring 2.9 and 2.1 acres, respectively. This is less than the three-acre minimum lot size specified for the RA2 district. Monroe submitted a \$150 check (delivered to the Town Clerk) for the ZBA application fee.

Monroe submitted a tax map and 1999 survey, showing the five-acre lot had been separated from an 8.1-acre parcel in a previous lot split. That would make the next split a minor subdivision, requiring Planning Board approval. The map showed some neighboring parcels which are less than three acres.

Chairman Crowell and Tony Scalici said that they would need an updated survey, showing the exact property lines and location of the building. Monroe said that would be a costly and time-consuming burden for the applicant, with no guarantee of ZBA approval. Crowell cited the “To the applicant” section of the ZBA application, which specifically mentions a survey as a possible Board requirement. In considering an application, the ZBA needs exact dimensions of the variance being sought.

Corinne Armstrong moved to table the application, pending further information (updated survey). Scalici seconded the motion and it was approved, 3-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Wylie Phillips said there had been no new ZBA applications received. He has learned of a deck on Marble Road, within 100 feet of Canadarago Lake, which was built without any permits; that may eventually come to the ZBA. Phillips also mentioned that a boundary dispute has arisen between Emily Stolarczyk and the Schaers.

Corinne Armstrong said she would not be at the July 19 meeting.

With no further business, at 7:36 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Clerk