

**Town of Otsego Zoning Board of Appeals**  
Minutes (Unapproved) – July 18, 2017

**PUBLIC HEARINGS**

**17.02 – Bianca Bello – Area variances, addition of 40x60’ pole barn – 2438 County Highway 26 (#53.00-1-8.02)**

Chairman Greg Crowell opened the Bello public hearing at 7:04 and asked if anyone from the public had questions or comments.

Mike McCarty of 2401 County Highway 26 asked whether the pole barn would be one-story; applicant Bianca Bello said it would. McCarty asked why the building would be so large. Bello said it would provide accessory storage space for her four boats, three motorcycles, and jet-ski, and also a workshop area. She said that area may eventually be heated.

Member Christopher Voulo asked what the siding would consist of. Bello said it would probably be wood or metal, depending on cost.

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

**17.03 – Todd Collier – Area variance, construction of new home and garage in RA2 district – Haggerty Road (#114.00-1-30.00)**

Chairman Greg Crowell opened the Collier public hearing at 7:10 and asked if anyone from the public had questions or comments. No one responded. Crowell closed the hearing.

**17.04 – Jayne Guchone & Jack Zito – Area variance, addition of 40x48’ pole barn in RA1 district – 294 County Highway 28 (#99.00-1-21.23)**

Chairman Greg Crowell opened the Guchone-Zito public hearing at 7:11 and asked if anyone from the public had questions or comments.

Member Christopher Voulo asked whether the pole barn would be one story; applicant Jack Zito said it would. Voulo asked what the siding would consist of; Zito said it would be wood.

Neighbor Andrew Timmerman said he had no problems with the application.

Clerk Bill Deane noted that the hearing notice addressed to neighbor Gregory Perry had been returned to sender.

With no further comments or questions, 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. Chairman Greg Crowell called the meeting to order at 7:16 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, Christopher Voulo, John Tedesco, and Dean Robinson. Tony Scalici (Vice-Chairman) and new second alternate member Bill Michaels were absent. Deane introduced new first alternate member John Dewey. Chairman Crowell said that Dewey would be just observing tonight. Deane reminded the Board that, even with only four voting, three votes would be needed to pass any motion.

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 June 20, e-mailed to the members. Tedesco moved to approve the minutes as written. Robinson seconded the motion and it was approved, 4-0.

Deane distributed copies of a revised ZBA directory, and a *Land Use Law* book for Dewey. There was no other correspondence received since the last meeting.

The Board moved on to applications.

**APPLICATIONS**

**17.02 – Bianca Bello – Area variances, addition of 40x60’ pole barn – 2438 County Highway 26 (#53.00-1-8.02)**

Secretary Bill Deane read aloud from the minutes of June 20 relevant to the Bello application. The items requested during that meeting were received before the July 4 deadline.

Applicant Bianca Bello wants to erect a 40x60' pole barn (c. 20 feet tall) near her existing residence. It would provide accessory storage space for her four boats, three motorcycles, and jet-ski, and also a workshop area. To allow for clearance of vehicles, it would be only 20 feet from her side-yard property line, instead of the required 30, thus requiring a ten-foot variance on the northwest side.

Chairman Crowell said that Bello may need a variance for the house. Bello said that the previous house had been grandfathered from the setback requirements, and that former Zoning Enforcement Officer Tavis Austin had advised her that, as long as she rebuilt within a year, she would not need a variance.

Chairman Crowell read aloud from the variance criteria in Section 9.03 of the *Land Use Law*. Rule #9.03(2)(a) asks "whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created." Christopher Voulo said that it was a large building for a lot that small (about one-half acre).

Rule #9.03(2)(b) asks "whether the benefit sought... can be achieved by some method feasible for the applicant to pursue, other than an area variance." John Tedesco asked whether Bello could move the building farther from the road, or turn it in a way that it would not require a variance. Bello said that would make it harder to get things in and out of the building, and may also infringe on the leech field.

Rule #9.03(2)(c) asks "whether the requested area variance is substantial." Chairman Crowell noted that the variance requested is one-third of the setback requirement.

Rule #9.03(2)(d) asks "whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood." Bello said that a barn was consistent with the character of the agricultural neighborhood, and that neighbors appreciate that she is improving the property.

Rule #9.03(2)(e) asks "whether the alleged difficulty is self-created." Bello said that she needs a handicap-accessible ramp attached to the house, as she takes care of her 92-year-old parents.

Chairman Crowell said that the Board could include conditions in granting the variance, such as specifying one story and/or wood siding. Tedesco suggested landscaping between the building and the road, to shield it.

Voulo said that allowing such a big building would set a bad precedent, and suggested the Board limit the building size to 40x50'. Chairman Crowell said that would be denying the variance request. Bello said that she prefers to have a 40x60' building, due to the existing trusses; she does not think the ten-foot difference will make an aesthetic difference.

Voulo moved to deny the variance requested. He said the large building (in relation to the lot size) would create a detriment to the character of the neighborhood; that the variance sought is substantial; and that the situation is self-created. There was no second, so the motion failed.

Tedesco moved to grant the variance sought, with the conditions that landscaping be done between the building and road, and that any trees removed be replaced by trees equal in size after construction. He said the benefit sought cannot be achieved by some other feasible method, due to the location of the leech field and handicap-accessible ramp; that the requested variance is not substantial; that there were no complaints from the neighbors, and in fact the neighbors most affected expressed written support of the project; and that, while the difficulty is self-created, it is with good reason. Chairman Crowell added that a barn does fit with the character of a rural agricultural neighborhood. Crowell seconded the motion; the vote was 2-2, with Voulo and Dean Robinson opposed. Lacking the majority of the full five-person Board, the motion failed.

Neighbor Mike McCarty interjected that Bello knew what she was getting into, and that the proposed building would be a "monstrosity" and look "horrendous." Chairman Crowell reminded him that the public hearing was closed.

Robinson proposed a compromise, and moved to grant a five-foot variance on the northwest side. Robinson said that no significant undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties created; the benefit sought cannot be achieved by some other feasible method, due to the location of the leech field and handicap-accessible ramp; and that the requested variance is not substantial. Tedesco seconded the motion and it was approved, 3-1, with Voulo opposed.

### **17.03 – Todd Collier – Area variance, construction of new home and garage in RA2 district – Haggerty Road (#114.00-1-30.00)**

Secretary Bill Deane read aloud from the minutes of June 20 relevant to the Collier application. The items requested during that meeting were received before the July 4 deadline.

Applicant Todd Collier wants to construct of a new home and garage. Due to the topography of the property, part of the garage would be 40 feet from the center of Haggerty Road, instead of the required 60 feet, so he would need a 20-foot variance on the west side.

John Tedesco asked whether Collier could add fill to reduce or eliminate the need for a variance. Collier said that it would not be feasible, due to the steep slope. Chairman Crowell said that the slope made the property unique in the neighborhood.

With input from Crowell, Tedesco moved to grant the requested variance. Tedesco said that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties created; the benefit sought cannot be achieved by some method feasible for the applicant to pursue, other than an area variance; no adverse effect or impact on the physical or environmental conditions in the neighborhood will be created; and the difficulty is not self-created, due to a steep slope unique to the neighborhood. Dean Robinson seconded the motion and it was approved, 4-0.

**17.04 – Jayne Guchone & Jack Zito – Area variance, addition of 40x48’ pole barn in RA1 district – 294 County Highway 28 (#99.00-1-21.23)**

Secretary Bill Deane read aloud from the minutes of June 20 relevant to the Guchone-Zito application. The item requested during that meeting was received before the July 4 deadline.

Applicants Jayne Guchone and Jack Zito want to erect a 40x48’ pole barn near their existing residence. They said it would be 52 feet from the center of the road, thus requiring an eight-foot variance; they asked for ten feet to allow for the roof overhang. The proposed building location is due to the locations of the existing watershed, septic system, and easement road.

Christopher Voulo asked what the building would be for. Zito said it would be for storage of recreational vehicles, and a workshop area, and the exterior would look like the existing house.

After discussion, Dean Robinson moved to approve the requested variance. Robinson said the proposed project is in keeping with the character of the neighborhood; at one-sixth of the setback requirement, and in view of the conditions, the variance sought is not substantial; and the benefit sought cannot be achieved by some method feasible for the applicant to pursue, other than an area variance, due to the topography and the locations of existing features. John Tedesco seconded the motion and it was approved, 4-0.

The applicants were hoping to have a written approval tonight. Secretary Bill Deane explained that they would get an approval letter in a couple of weeks, but that anyone needing verification before then could contact him.

**OTHER BUSINESS**

Zoning Enforcement Officer Hobbie was absent, but Secretary Bill Deane distributed copies of his most recent undated report.

Secretary Deane said that, as a point of order, he did not think Board members should be asking questions during the public hearings. They have that opportunity during the “applications” portion of the meeting, and the public hearings are for the benefit of the audience members.

With no further business, at 8:38 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary