

# Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – July 18, 2023

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

## **PUBLIC HEARING**

### **23.05 – Barbara Robinson (Brett Johnson) – Area variance, addition of breezeway to existing residence in HR district – 846 County Highway 26 (#114.05-1-34.00)**

Chairman Greg Crowell opened the Robinson public hearing at 7:01 PM, and asked if anyone from the public had questions or comments about the application. No one responded. 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, N. Y. 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, John Dewey (vice-chairman), and Corinne Armstrong. With Tony Scalici, Sal Furnari, and alternate members Dean Robinson and Mary Anne Whelan absent, alternate member John Tedesco joined the meeting table. 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 June 20, e-mailed to the members. Chairman Crowell wanted the minutes on the Doran application clarified, that in completing the application, he wanted the applicant to address the questions from Section 9.03 of the *Land Use Law*. Crowell moved to approve the minutes as amended. Armstrong seconded the motion and it was approved, 4-0.

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

## **APPLICATIONS**

### **23.05 – Barbara Robinson (Brett Johnson) – Area variance, addition of breezeway to existing residence in HR district – 846 County Highway 26 (#114.05-1-34.00)**

Clerk Bill Deane read aloud from the ZBA's minutes of June 20 relevant to the Robinson application. Representative Brett Johnson reported that he had measured the distance between the center of County Highway 26 and the proposed breezeway at 54½ feet. That means he will need a 5'6" variance on the west side.

Chairman Crowell said the measurement should be on the site plan. Crowell said he had visited the property, and thinks the project would be in keeping with the neighborhood, and not substantial, as it would be further from the road than the existing house. He said there is no other feasible way to achieve the desired benefit, as the buildings can't be moved. John Dewey agreed.

Corinne Armstrong moved to approve the variance sought: a 5'6" variance on the west side. Armstrong said that there is no other feasible way to achieve the benefit sought; 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; 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, that is not determinative to the decision. Dewey seconded the motion and it was approved, 4-0.

**23.04 – Robert Doran – Area variances, addition of deck within 100 feet of Canadarago Lake in RA1 district – 106 Marble Road Extension (#52.11-1-15.00)**

Applicant Robert Doran said he wants to add a deck to his residence within 100 feet of Canadarago Lake. He submitted a site plan, which the Board examined. It showed the proposed deck to be 368 square feet (with a 42”-wide staircase), located 52 feet from the Lake and 11 feet from the northern boundary line. It thus would need a variance of 19 feet on the north side, and one from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Canadarago Lake.

Doran said he wanted the large deck for aesthetic purposes. He gave members permission to visit the property. Zoning Enforcement Officer Phillips said the \$150 application fee had not yet been paid.

John Dewey moved to deem the application complete, contingent on the application fee being paid, and schedule a public hearing for August 15. Chairman Crowell seconded the motion and it was approved, 4-0.

**23.06 – Bernard Madden (Barb Monroe, Erik Wilson) – Area variances, addition of porch and replacement of foundation within 100 feet of Otsego Lake in RA1 district – 6698 State Highway 80 (#69.76-1-3.00)**

Representative Erik Wilson of Redpoint Builders said that applicant Bernard Madden wants to replace a deteriorating foundation and add a cantilevered, screened-in porch to his residence within 100 feet of Otsego Lake. He submitted a 7/18/23 site plan, which the Board examined. It showed the current structure being increased from 20’x30’ to 20’x45’, a footprint increase of 300 square feet, with no change in height. The existing 10’x10’ pump house will be removed.

The Board determined that the following variances would be needed: a 21-foot variance on the east or Lake side; a 26-foot variance on the west or State Highway 80 side; and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake.

Wilson gave members permission to visit the property. He submitted a check for \$150 (delivered to the Town Clerk) in payment of his ZBA application fee.

Chairman Crowell moved to deem the application complete and schedule a public hearing for August 15. Corinne Armstrong seconded the motion and it was approved, 4-0.

**23.07 – Ken Marx (Mary Jo Cronin/Revolution Solar) – Area variances, installation of roof-mounted solar paneling within 100 feet of Otsego Lake in RA1 district – 6600 State Highway 80 (#84.08-1-32.00)**

No one appeared on behalf of the Marx application. Zoning Enforcement Officer Phillips said the \$150 application fee had not yet been paid, and that he would contact the representative. Phillips said applicant Ken Marx wants to install roof-mounted solar paneling on his residence within 100 feet of Otsego Lake, about six inches above the roof-line. The only variance needed would be from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake.

With no applicant or representative present, Chairman Crowell moved to table the application until August 15. Corinne Armstrong seconded the motion and it was approved, 4-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips said he had processed five applications in the past month.

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

Respectfully submitted,  
Bill Deane, Clerk