

**Town of Otsego Zoning Board of Appeals**  
Minutes – July 19, 2016

**PUBLIC HEARING**

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

Chairman Greg Crowell opened the Johnson public hearing at 7:00 PM, and asked if anyone from the public had comments or questions about the proposed project. No one responded. Crowell closed the hearing at 7:04.

**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 7:01 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. All regular Board members were present: 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 June 21, e-mailed to the members. Johnson representative Les Sittler said that the building addition would extend to within 50'3" of the center of Stonehouse Road, not 49'6". Voulo moved to approve the minutes as amended. Robinson seconded the motion and it was approved, 5-0.

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

**APPLICATIONS**

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

Secretary Bill Deane read aloud from the minutes of June 21 relevant to the Johnson application. Attorney Les Sittler was present to represent the application.

John Tedesco asked why the applicant could not build on the west or rear side of the existing residence, necessitating a lesser variance. Sittler said that would be more complicated, using a photo to illustrate the difficulty.

Chairman Crowell went through the criteria for granting area variances in Section 9.03 (2) of the *Land Use Law*. Working of these, John Tedesco moved to grant the variances sought: a 9'9" variance on the north side (from the center of Stonehouse Road), and a 5'10" variance on the east side. With input from Crowell, Tony Scalici, and Christopher Voulo, Tedesco said that no undesirable change will be produced in the character of the neighborhood, as evidenced by no neighbor opposition, and in fact the house will be improved; there is no other feasible way to achieve the desired benefit; the variances sought are not substantial, and will not impinge on the setbacks more than the existing house; and the project is in keeping with the neighborhood, and will produce no adverse effect in it. Christopher Voulo 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)**

Secretary Bill Deane read aloud from the minutes of June 21 relevant to the Hummel application. It is the result of a New York State Supreme Court settlement (filed), dated April 21,

2016, requiring Hummel 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.

Applicant Harrison Hummel was present, along with attorney Daniel Cohen. Neighbors Brent Smith and Joe Corbett were also present. They often interjected with comments, though Chairman Crowell reminded them that this was not a public hearing.

Cohen apologized for missing the last meeting due to a communication lapse. He said the garage currently extends into property co-owned by Hummel, Smith, and Corbett. Cohen said that Hummel plans to remove a four-foot portion of the garage to meet Town Attorney Michelle Kennedy’s stipulation. Cohen noted that a previous variance (for a swimming pool) allowed Hummel to build within five feet of this lot line. Zoning Enforcement Officer Monroe said that the property is in the RA2 district, requiring 30-foot side-yard setbacks and a 60-foot front-yard setback from the center of the road.

The Board examined the April 17, 2014 survey done by Jennie Rasmussen, and determined that Hummel would need approximately a 29-foot variance on the southwest side of the property (covering both building additions), and a 59-foot variance on the southeast (Marble Road Extension) side. These dimensions depend upon an accurate survey (there is a one- or two-inch discrepancy between Rasmussen’s and one that the neighbors have) and site plan showing building dimensions (including eaves), and on whether Marble Road Extension is considered a “road” (it is not a public or Town-maintained road; it was bought from the Town by Hummel, Smith, and Corbett).

Hummel said he would get a survey addressing the dimension questions. He said that the garage is used only for furniture storage, and he cannot locate it elsewhere due to the slope of the property. Chairman Crowell said that Hummel should submit documentation of that (a topographical map), along with proof of the need for storage.

The consensus of the Board was that the application could not be deemed complete, or a public hearing scheduled, until these various questions were answered and documented. Hummel said that Board members were welcome to visit the properties in question. Smith agreed to that as well, but asked how Hummel can submit an application – or the Board can consider it – on property that he co-owns without his permission. Chairman Crowell said he would check with Attorney Kennedy on that and the road question.

Hummel will return to the August 16 meeting.

#### **OTHER BUSINESS**

Zoning Enforcement Officer Monroe said she had no report to give. With no further business, at 7:58 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary