

**Town of Otsego Zoning Board of Appeals**  
**Minutes (Unapproved) – August 21, 2018**

**PUBLIC HEARING**

**18.04 – Joseph Stagliano (Jon McManus) – Area variance, replacement of deck with structure within 100 feet of Otsego Lake – 6723 State Highway 80 (#69.68-1-10.00)**

Chairman Crowell opened the Stagliano public hearing at 7:06 PM, and asked if anyone had comments or questions about the application. No one responded. Secretary Bill Deane noted that a neighbor letter addressed to Matthew Shea was returned to sender due to “no mail receptacle.” Chairman 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 7:07 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. All regular Board members were present: Crowell, John Tedesco (Vice-Chairman), Christopher Voulo, Dean Robinson, and John Dewey. Alternate members Tony Scalici and Bill Michaels were absent.

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

The Board reviewed the minutes of July 17, 2018, e-mailed to the members, and at Crowell’s request Deane read aloud from the minutes. Zoning Enforcement Officer Hobbie noted that Lisa Roberts has two decks, not one. Tedesco moved to approve the minutes as written. Dewey seconded the motion and it was approved, 5-0.

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

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**APPLICATIONS**

**18.04 – Joseph Stagliano (Jon McManus) – Area variance, replacement of deck with structure within 100 feet of Otsego Lake – 6723 State Highway 80 (#69.68-1-10.00)**

Secretary Bill Deane read aloud from the minutes of July 17 relevant to the Stagliano application. Representative Jon McManus submitted elevation plans as requested at that meeting. They show the proposed building to be 22½ feet high, well within the height limit.

Chairman Crowell asked what would be stored in the new building. McManus said that lake equipment, such as kayaks, would be stored upstairs, while the bottom floor would be a recreational area opening out to the Lake.

Crowell expressed concerns about the view from the Lake, whether it would be the minimum relief required, and of setting a precedent for permitting such construction. McManus said that the building would be below road level, and not obstructing neighbors' views. He said that both adjoining neighbors have even larger buildings, and cited John Caven's as a similar project which was granted a variance by the ZBA (in 2014). McManus noted that the Planning Board would review architectural details. He added that Stagliano plans to remove the existing 60-square-foot pump-house as something of a trade-off for the new construction. John Dewey noted that the new construction of 840 square feet would be much larger than the pump-house. After further discussion, McManus said he would be willing to reduce the height of the building by up to four feet.

Dean Robinson moved to grant a variance from *Land Use Law* 4.04, which prohibits new construction in the Lakeshore protection area, with the conditions that the building be within the existing deck footprint and no taller than 18½ feet, and that the existing pump-house be removed. With input from Chairman Crowell, Robinson said that no undesirable change would be produced in the character of the neighborhood; that the benefit sought cannot be achieved by any other feasible method; that, while the variance is substantial, it is balanced out by the benefit produced to the landowner; that the proposed project is in keeping with the physical and environmental conditions in the neighborhood; and that, while the alleged difficulty is self-created, this does not preclude the granting of a variance. Christopher Voulo seconded the motion and it was approved, 5-0.

## **OTHER BUSINESS**

Ed Hobbie distributed copies of his Zoning Enforcement Officer report, and discussed some cases listed on it.

With no further business, at 8:02 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary