

## Town of Otsego Zoning Board of Appeals

Minutes – September 15, 2020

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

### **PUBLIC HEARING**

#### **20.05 – Irene Szatko – Replacement of garage within 500 feet of Canadarago Lake in RA2 district – 184 Bibik Road (#52.11-1-23.00)**

Chairman Greg Crowell opened the Szatko public hearing at 7:02 PM, explained what the application was for, and asked if anyone from the public had questions or comments about it. No one responded. Crowell closed the hearing at 7:11.

### **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 7:03 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. All regular Board members were present: Crowell, John Dewey (vice-chairman), Sal Furnari, Dean Robinson, and Mary Anne Whelan. Second alternate member Corinne Armstrong, outgoing Zoning Enforcement Officer Ed Hobbie, and incoming ZEO Jess Lanza were also present. First alternate member Tony Scalici was absent.

Chairman Crowell reviewed the only correspondence received since the last meeting, an August 15 flier from the New York Planning Federation regarding training requirements and opportunities.

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

The Board reviewed the minutes of August 18, 2020, e-mailed to the members. Chairman Crowell said that the Szatko garage was already razed, and also noted that the agenda mistakenly showed the property as within 100 feet from the Lake. Whelan moved to approve the minutes as amended. Robinson seconded the motion and it was approved, 5-0.

The Board moved on to applications.

### **APPLICATIONS**

#### **20.05 – Irene Szatko – Replacement of garage within 500 feet of Canadarago Lake in RA2 district – 184 Bibik Road (#52.11-1-23.00)**

Applicant Irene Szatko was present. She had razed her existing garage near Canadarago Lake, and wants to replace it with one slightly larger (about two feet longer on the south side, no closer to the road). The Board reviewed the application documents.

Chairman Crowell said he had visited the property, and noted three neighboring structures close to the road. He said the proposed garage would not block anyone's view, and that the well precluded it being located closer to the house. Szatko said the septic system is located on the north side of the house.

Sal Furnari moved to approve the variances sought: a 43-foot variance on the east (Bibik Road) side, and a 16-foot variance on the south side. Furnari said that the benefit sought cannot be achieved by any other feasible method, due to the well location; 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, in consideration of the garage previously located there; 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, it produces an improvement in the property.

John Dewey seconded the motion and it was approved, 5-0. Secretary Deane advised Szatko that she would next need to go to the Planning Board for site plan review; if she completes an application by September 22, he could put her on their October 6 agenda.

**20.06 – Ryan & Karen Hill – Area variance, new garage on existing slab – 363 Christian Hill Road (#113.00-1-66.22)**

No one appeared on behalf of this application. Zoning Enforcement Officer Lanza said he had advised applicant Ryan Hill of the meeting date and time.

The Board reviewed the application documents, including a site plan, list of neighbors, and proof that the application fee had been paid. Hill wants to erect a garage onto an existing slab on his property, currently used for vehicle parking and basketball. Zoning Enforcement Officer Hobbie said there had once been a trailer on the slab. Chairman Crowell said that, based on the measurements provided, Hill would need a six-foot variance on the west side, and a 26-foot variance on the south (Christian Hill Road) side.

The consensus of the Board was that the only missing item was a building plan for the garage. John Dewey moved to deem the application complete, contingent on that being submitted by October 6, and to schedule a public hearing for October 20. Dean Robinson seconded the motion and it was approved, 5-0. Lanza will contact Hill to advise him to submit the building plan and to appear at the October 20 meeting.

**20.07 – Steve Talevi – Area variances, deck within 100 feet of Canadarago Lake in RA2 district – 2144 County Highway 22 (#39.00-2-2.03)**

This application will be on the October 20 agenda. Secretary Deane read aloud from the Planning Board's September 1 minutes (not yet approved) relevant to the application:

<< Applicant Steve Talevi described his plan to put in a staircase from County Highway 22, approximately 39 feet down to Canadarago Lake, across the road from the house he lives in. He submitted a site plan dated 8/26/20. The staircase would be constructed of pressure-treated wood, no more than 42 inches wide, and have three to five landings and a 7'x12' deck at the top.

Clerk Bill Deane said that he believed the deck would require a Zoning Board of Appeals (ZBA) variance for construction within 100 feet of the Lake, before the Planning Board could do site plan review. Attorney Miosek agreed. Deane said he could put Talevi on the ZBA's September 15 agenda, if he completed a ZBA application. Deane explained the timeline involved, which would get him back before the Planning Board no sooner than November.

After considering this, Talevi said he would remove the deck from the plan. Acting Chairman Feury and Attorney Miosek said, in that case, the project would require neither ZBA nor Planning Board approval, per Section 4.04 of the *Land Use Law*. >>

Zoning Enforcement Officer Lanza explained that Talevi had again changed his mind about the deck, but too late to meet the ZBA's September 15 agenda deadline.

**OTHER BUSINESS**

Ed Hobbie had no formal Zoning Enforcement Officer report, but discussed some cases of interest. He said the new Town intake form will now incorporate the ZBA application into it.

With no further business, at 7:32 Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary