

**Town of Otsego Zoning Board of Appeals**  
Minutes (Unapproved) – September 17, 2019

**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 7:08 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, John Tedesco (Vice-Chairman), Dean Robinson, and John Dewey. With Wally Melnichenko and alternate member Tony Scalici absent, alternate member Mary Anne Whelan joined the meeting table.

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

The Board reviewed the minutes of August 20, 2019, e-mailed to the members. Tedesco moved to approve them as written. Whelan 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**

**19.03 – Michelle Barry – Area variance, addition of garage within 100 feet of Otsego Lake – 6812 State Highway 80 (#69.52-1-8.00)**

Applicant Michelle Barry was not present. Clerk Bill Deane read aloud from the August 20 minutes relevant to the application. At that meeting, the Board had determined that Barry would need the following variances: a 34-foot variance on the west (Route 80) side; a 27-foot variance on the north side; and a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of the Lake. Zoning Enforcement Officer Hobbie suggested adding 18 inches to account for roof overhangs.

The Board had asked Barry to provide a completed ZBA application, which is now in the file, and a basic building sketch. Chairman Crowell moved to deem the application complete, contingent on that sketch to be submitted by October 1, and to schedule a public hearing for October 15. Dean Robinson seconded the motion and it was approved, 5-0.

(Barry arrived after the meeting was adjourned and submitted sketches, which Hobbie said met the Board's request.)

**19.05 – Joe Galati & Scott Barton (Jon McManus) – Area variances, addition of three sheds at “Hickory Grove Point” within 100 feet of Otsego Lake – 101 Badger Lane (#69.44-1-24.00)**

No one appeared on behalf of this application. Chairman Crowell read aloud from the Planning Board's minutes (not yet approved) of September 3, copied below:

<< Representative Jon McManus said that applicants Joe Galati and Scott Barton want to remove a pump-house, erect three sheds on skids, and re-deck an existing dock at “Hickory Grove Point,” across the road from Blackbird Hollow. This is within 100 feet from Otsego Lake. A letter from neighbor Gary Kuch, (expressing concerns), is on file.

Neighbors Bob and Judy LaDue were present, and were allowed to speak. They expressed concerns about a primitive, private electric line which is in the water pump, very near their property line. McManus said that any electric work would have to meet New York State code. Attorney Miosek suggested that the LaDues check for any NYSEG easement in their deed or abstract of title.

Clerk Bill Deane asked if there were any reason this project would not need a ZBA variance (for construction within 100 feet of Otsego Lake) before site plan review. The consensus of the Planning Board was that the sheds meet the definition of "structure," thus would need a ZBA variance. The dock upgrade would be done in the existing footprint, thus not require site plan review. >>

The Board examined the documents submitted, including a survey map. It indicates that one of the sheds would be a replacement of the pump-house, relocated closer to the Lake. The Board agreed that this would require a setback variance on the west, and a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of the Lake.

Chairman Crowell said that the property in question has no residence, and the survey map legally links it with the Hickory Grove (Blackbird Hollow) property across the road. He said that the other two sheds appear to be in support of that enterprise, along with Scott Barton's motel (part of G. J. Barton Industries) next-door, a pre-existing, non-conforming business. Crowell believes that they would require a use variance application before an area variance could even be considered.

The Board agreed that they should make no decisions until a valid application was in hand and the applicant or representative was present to answer questions.

### **OTHER BUSINESS**

Zoning Enforcement Officer Ed Hobbie discussed potential building projects of interest.

With no further business, at 7:38 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary