

Town of Otsego Zoning Board of Appeals
Minutes – September 18, 2012

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 (there was no meeting in August due to no agenda items). Chairman Greg Crowell called the meeting to order at 7:03 PM and roll call was taken by Secretary Bill Deane. All Board members were present: Crowell, Sam Hoskins (vice-chairman), Ed Hobbie, Christopher Voulo, and Carina Franck. Also present were alternate member Michael Pelcer and Zoning Enforcement Officer Tavis Austin.

Chairman Crowell asked if anyone had a potential conflict with tonight's applicants. Voulo said that, as a real estate agent, he was representing the prospective seller of the property in the Mason application, and would be recusing himself.

The Board reviewed the minutes of July 17, 2012, mailed to the members. Hobbie moved to approve the minutes as written. Voulo seconded the motion and it was approved, 5-0.

Correspondence received since the last meeting consisted of the July/August 2012 issue of *Talk of the Towns&Topics*, and the revised (9/12/12) Town Code of Ethics, copies of which were distributed.

The Board moved on to applications.

APPLICATIONS

12.05 – Daphne Mason (Susan Snell) – Area variances, expansion of house – 154 Stone House Road (#98.00-1-39.00)

Christopher Voulo recused himself from this application due to his aforementioned role, and alternate member Michael Pelcer joined the meeting table. Applicants Daphne and John Mason were present, along with their representative, architect Susan Snell.

Snell explained the proposed project, in which the Masons – in the process of buying a house from Sal Furnari – want to add a deck and addition to the house. They are considering two different scenarios, and seeking variances to cover both. The Board examined the application and supporting documents, including photos and architectural drawings. They determined that the applicants would

need a 2-foot variance on the back (east) side, and a 7-foot variance on the front (west) side of the property, to cover both scenarios.

Sam Hoskins moved to deem the application complete and schedule a public hearing for October 16. Ed Hobbie seconded the motion and it was approved, 5-0. Voulo returned to the meeting table.

12.06 – Gene Ellis – Area variance, addition of pole barn – 109 Log Cabin Road (#52.11-1-21.00)

Applicant Gene Ellis explained his new application, different from the one denied by the ZBA in February of this year. He now proposes to locate the pole barn in a different place, necessitating only one variance instead of two. Zoning Enforcement Officer Austin confirmed that Ellis had submitted a new application and paid the required ZBA, Planning Board, and land use fees.

The Board examined the new materials and determined that the southeast corner of the building would be 16 feet from the edge of Bibik Road and 26 feet from the center of the road; therefore, Ellis would need only a four-foot side-yard variance.

Bill Deane brought up the possibility of waiving a public hearing, due to having one earlier this year with no negative feedback, the applicant now seeking a lesser variance, and having letters of support from all neighbors. After discussion, Ed Hobbie moved to waive the public hearing for those reasons. Sam Hoskins seconded the motion and it was approved, 5-0.

Hobbie said that his concerns about this application were alleviated by the August 2 letter from the Army Corps of Engineers, and moved to deem the application complete. Christopher Voulo seconded the motion and it was approved, 5-0.

After discussion, Chairman Crowell moved to grant the four-foot variance on the southeast side of the property. Crowell said that there would be no undesirable change in the character of the neighborhood; there would be no detriment to the neighboring properties; there is no other feasible method of achieving the desired effect, due to the location of the spring; the proposed location results in the minimum amount of fill necessary; a board and batten-siding pole barn (maximum two stories) is visually in keeping with the neighborhood; and, though the difficulty is self-created, the dimensions

of the lot necessitate a variance for the proposed project. Hoskins seconded the motion and it was approved, 5-0.

OTHER BUSINESS

Bill Deane introduced new Zoning Enforcement Officer Tavis Austin, who replaced Hank Schecher this month after Schecher resigned. Austin said that he was a certified planner and overqualified for his job. He urged the Board members to take advantage of his expertise. Carina Franck said that she would ask Austin's guidance on understanding new applications.

The Board discussed the proposed agreement with Otsego County Planning Agency. Zoning Enforcement Officer Austin explained the purpose of the agreement, and urged the Board to use it. He added that, even if the ZBA does nothing, they should still be covered by the old waiver agreement with the defunct Otsego County Planning Board. After discussion, Chairman Crowell moved to sign the new agreement, consistent with the old one, except changing the 40% threshold to 60% ("Area variances that do not exceed 60% of the stated minimum or 60% of the stated maximum standards in the local zoning regulations"). Ed Hobbie seconded the motion and it was approved, 5-0. Crowell signed the agreement and Bill Deane left it for Town Supervisor Anne Geddes-Atwell, making a copy for the "general correspondence" file.

Zoning Enforcement Officer Austin advised the Board that they should be doing State Environmental Quality Review (SEQR) on ZBA Applications. Though area variances qualify as Type II actions under SEQR, requiring no further action, the subject should be addressed.

Bill Deane said that Zoning Enforcement Officer Austin had offered to e-mail new applications (in PDF form) to Board members, rather than Deane's mailing them paper copies of the applications. The consensus of the Board was that this was a good idea.

With no further business, at 8:25 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary