

Town of Otsego Zoning Board of Appeals
Minutes (Unapproved) – September 19, 2017

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 7:07 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, Tony Scalici (Vice-Chairman), Christopher Voulo, and John Tedesco. With Dean Robinson absent, first alternate member John Dewey joined the meeting table. Second alternate member Bill Michaels was absent.

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

The Board reviewed the minutes of July 18, e-mailed to the members. Voulo moved to approve the minutes as written. Tedesco 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

17.05 – Kathleen Roberts – Area variance, addition of 10x12' storage shed – 224 Bibik Road (#52.11-1-39.00)

No one appeared on behalf of this application, and in fact no ZBA application has been submitted. The Board examined the documents in the file, and advised Zoning Enforcement Officer Hobbie that this should not have been on the agenda.

17.06 – Tony & Deb Dianich – Area variance, removal & replacement of residence with larger footprint within 500 feet of Otsego Lake – 6711 State Highway 80 (#69.68-1-17.00)

Tony and Deb Dianich want to raze a 25x32' residence within 500 feet of Otsego Lake, and replace it with one with a slightly-larger (29x32') footprint, to accommodate a staircase. The current house is 22 feet from the southern property boundary, and 17 feet from the northern boundary.

Board members examined the application package. Though the four-foot increase would be toward the rear (west) and easily meet the setback the requirement on that side, it would also extend the encroachment on the south and north sides; thus, it would require an eight-foot variance on the south side, and a 13-foot variance on the north side (or more, depending on overhangs). The consensus was that no variance on the front (east) would be required, nor would a variance from *Land Use Law* 4.04 (Lakeshore protection) be needed, as it appears to be more than 100 feet from Otsego Lake. Deb Dianich gave members permission to visit the site. The Board advised the Dianiches that they would need a list of neighbors (with addresses) within 200 feet of the property boundaries; and a more elaborate written explanation of why the variance is needed. More photos would also be helpful.

John Tedesco moved to deem the application complete, contingent on the aforementioned documents to be received by October 3, and to schedule a public hearing for October 17. Christopher Voulo seconded the motion and it was approved, 5-0.

17.07 – Caren Clark – Area variance, construction of camp on .393-acre lot – Red House Hill Road (#69.00-1-12.03)

No one appeared on behalf of this application, and in fact no ZBA application has been submitted. The Board examined the documents in the file, and advised Zoning Enforcement Officer Hobbie that this should not have been on the agenda.

OTHER BUSINESS

Ed Hobbie distributed copies of his September 19 Zoning Enforcement Officer report, and discussed a possible upcoming case. He said he didn't think it is the ZBA's business to ask applicants why they want a variance. Members explained that it is necessary for them to document the "minimum relief necessary," prior to granting a variance.

The Board discussed a Planning Board case involving Matthew and Linda Lionetti of [768 County Highway 26](#) (#114.00-1-46.01). Secretary Bill Deane reminded the members that the Lionetti's came before the ZBA in September, 2016. Deane read aloud from the Planning Board's minutes of August 1 relevant to the application. The Lionettis propose to split (subdivide) 3.2 acres from their 7+-acre lot, though their exact plan is unclear. Part of the property is in the hamlet residential district (which requires one acre and 75 feet of road frontage), and part is in the RA2 district (which requires three acres and 150 feet of road frontage). Planning Board Chairman Tom Huntsman thinks the project should go to the ZBA to determine which rules apply.

The ZBA members examined the file. Zoning Enforcement Officer Hobbie said that the April 2, 2015 engineering plan is missing, apparently taken home by the applicants. Without it, the Board was not able to understand/determine what (if any) variance or interpretation the Lionettis would need. The consensus was that they should remain before the Planning Board until they submit a definite plan and that Board comes to a point where they cannot proceed further without a variance or interpretation, at which time the Lionettis should submit a ZBA application.

With no further business, at 8:16 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary