

Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – September 19, 2023

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

PUBLIC HEARING

23.07 – Ken Marx (Mary Jo Cronin/Revolution Solar) – Area variances, installation of roof-mounted solar paneling within 100 feet of Otsego Lake in RA1 district – 6600 State Highway 80 (#84.08-1-32.00)

Chairman Crowell opened the Marx public hearing at 7:00 PM, gave a brief description of the application, and asked if anyone from the public had questions or comments about it. No one responded. Clerk Bill Deane noted that hearing notices addressed to applicant Ken Marx (“not deliverable as addressed”) and neighbor Richard Brown (“forwarding time expired”) were returned to sender. 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, N. Y. Chairman Greg Crowell called the meeting to order at 7:01 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), Tony Scalici, and Sal Furnari. With Corinne Armstrong and alternate members Dean Robinson and John Tedesco absent, alternate member Mary Anne Whelan joined the meeting table. Also present was Town Zoning Enforcement Officer Wylie Phillips.

Chairman Crowell asked whether any Board members had an ethical or legal conflict with tonight’s application. No one reported any conflict.

The Board reviewed the minutes of August 15, e-mailed to the members. Chairman Crowell wanted it noted that, regarding the Doran application, the dwellings on both sides of the property have decks, one of them closer to the Lake than Doran’s proposed deck. Crowell moved to approve the minutes as amended. Scalici seconded the motion and it was approved, 5-0.

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

APPLICATIONS

23.07 – Ken Marx (Mary Jo Cronin/Revolution Solar) – Area variances, installation of roof-mounted solar paneling within 100 feet of Otsego Lake in RA1 district – 6600 State Highway 80 (#84.08-1-32.00)

Clerk Bill Deane read aloud the minutes of August 15 relevant to the Marx application. Representative Mary Jo Cronin of Revolution Solar was present. Zoning Enforcement Officer Phillips said the \$150 application fee had been paid.

The Board briefly reviewed the application. Chairman Crowell said that this was a minimal project, less intrusive than other ways to achieve the desired effect, and it should be encouraged. John

Dewey agreed it was a positive project. Tony Scalici said the Town Board ought to amend the *Land Use Law*, exempting such a project from requiring a ZBA variance.

Dewey moved to approve a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake, specific to the project submitted. Dewey said that there is no other feasible way to achieve the benefit sought; 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; 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, the project represents a positive improvement.

Mary Ann Whelan seconded the motion and it was approved, 5-0. Cronin asked to be put on the October 3 Planning Board agenda. Deane advised her to work with Zoning Enforcement Officer Phillips on the site plan requirements.

23.09 – Joseph Stagliano (Nick Drummond/Redpoint Builders) – Area variance, addition to camp within 500 feet of Otsego Lake in RA1 district – 6723 State Highway 80 (#69.68-1-10.00)

Representative Nick Drummond of Redpoint Builders said that applicant Joseph Stagliano wants to expand his camp, located more than 100 feet from but within 500 feet of Otsego Lake. He submitted a September 5 site plan showing the proposed project. It would add a section (including new porch) measuring 25'6" x 31'7", increasing the footprint by more than 50%, infringing on the north and south setbacks, and converting the camp into a year-round residence. Drummond said the addition would be 27'9" high and have no new bedrooms. He has started the approval processes with the Department of Environmental Conservation and the Watershed Supervisory Committee. Drummond ask that Board members coordinate their site visits with the owner.

The Board determined that Stagliano would need variances of 18 feet on the north side and 5'2" on the south side. Members reviewed the ZBA variance criteria, saying that they wanted to see floor plans and more reasoning for the need for variances for such a large addition. Zoning Enforcement Officer Phillips said the \$150 application fee had not yet been paid.

Chairman Crowell moved to deem the application complete, contingent on the application fee, floor plans, and reasoning for the need for variances being delivered to the Zoning Enforcement Officer by October 3, and to schedule a public hearing for October 17 with the same contingencies. Tony Scalici seconded the motion and it was approved, 5-0.

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23.10 – Bernard Madden (Erik Wilson/Redpoint Builders) – Area variances, addition of porch and replacement of foundation within 100 feet of Otsego Lake in RA1 district – 6698 State Highway 80 (#69.76-1-3.00)

Chairman Crowell explained that, after the ZBA approved Bernard Madden's application last month, Madden had changed the plan. The building is proposed to be 2'9" higher, necessitating a new variance. Representative Erik Wilson of Redpoint Builders said the extra height was needed to be above the 100-year flood level. Clerk Bill Deane read aloud the minutes of July 18 and August 15 relevant to the previous Madden application. Zoning Enforcement Officer Phillips said the \$150 application fee had been paid.

Deane wondered if a new variance was necessary, since the footprint was not changing from the previously-approved variance, and the height was within the 40-foot limit. Chairman Crowell said that, because the dimensions are changing, the applicant needs a new variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake, specific to the revised project.

John Dewey moved to deem the application complete and schedule a public hearing for October 17. Tony Scalici seconded the motion and it was approved, 5-0.

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OTHER BUSINESS

Zoning Enforcement Officer Phillips said that the Sittler case had been resolved to his satisfaction, and ZBA application #23.08 has been withdrawn. He said the Town had redrawn the Land Use map in digital form, adding it to their web-site. Phillips said the Peterson project, which the Board had approved in 2022, had been abandoned due to inability to design an acceptable septic system.

With no further business, at 7:58 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Clerk