

Town of Otsego Zoning Board of Appeals

Minutes – September 20, 2011

PUBLIC HEARING

11.05 – Salvatore Licari – Area variance, addition of garage – 105 Schoolhouse Road, Fly Creek (#114.05-1-6.00)

Chairman Greg Crowell opened the Licari public hearing at 7:02 PM. Though the Board had not yet deemed the application complete, the hearing was scheduled by a special agreement between Zoning Enforcement Officer Hank Schecher and Crowell. Crowell asked if there were any comments or questions from the public.

Ted Kantorowski of 122 Schoolhouse Road said that he meant no animosity, but had concerns about the proposed project, which would put a building within six feet of a neighbor's building. He asked questions about the setback requirements and about pre-existing non-conformities. Kantorowski asked if the Board considers fire and safety hazards and Historic District architectural guidelines. He expressed concern about setting a bad precedent.

Chairman Crowell and Tony Scalici explained the ZBA's process. Crowell cited items the Board considers, per Section 9.03 of the *Land Use Law*. He said that the individual circumstances of each application go into their decisions. Scalici said that some of the concerns Kantorowski raised are not under the ZBA's purview; for examples, fire safety is under the jurisdiction of building codes, and architectural concerns are under the jurisdiction of the Planning Board. Bill Deane pointed out that the Planning Board wouldn't be involved in this application.

Applicant Salvatore Licari said that he had spoken to the neighbors most affected by the proposed project, and they saw no problems with it. He is trying to make his house more marketable with the addition of the garage, and chose the proposed location due to aesthetics.

Zoning Enforcement Officer Schecher said he had spoken to codes officer Neal McManus about the fire code, and learned that there must be a minimum of six feet between buildings.

With no further comments or questions, Chairman Crowell closed the hearing at 7:21.

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 7:22 PM and roll call was taken by Secretary Bill Deane. All Board members were present: Crowell, Vice-Chairman Tony Scalici, Sam Hoskins, Ed Hobbie, and Bill Kitchen. Zoning Enforcement Officer Hank Schecher and alternate member Christopher Voulo were also present.

Chairman Crowell asked if anyone had a potential conflict with tonight's

applicant. Kitchen said that he would recuse himself from voting because he is a neighbor of the applicant.

The Board reviewed the minutes of August 16, 2011, mailed to the members. Kitchen moved to approve them as written. Hobbie 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

11.05 – Salvatore Licari – Area variance, addition of garage – 105 Schoolhouse Road, Fly Creek (#114.05-1-6.00)

Applicant Salvatore Licari was accompanied by builder Dave Waldvogel. With Bill Kitchen recusing himself, alternate member Christopher Voulo joined the meeting table. Bill Deane suggested that Kitchen leave the table during discussion of the application, but Kitchen chose to stay.

Licari wants to add a 14x20-foot, one-car garage beside his existing house in the hamlet residential district. The proposed location would bring it within six feet of the side property boundary, necessitating a 14-foot variance. Sam Hoskins noted that he would also need a front-yard variance, as the garage would be only 42 feet from the road (required to be 60 feet from the center of the road). Licari noted that there had once been a structure in the same location.

Kitchen asked about the size of the garage, and asked why Licari was building it. Licari repeated that he was trying to make the house more marketable. Kitchen noted that the house is listed with Hubbell's Real Estate as already having the garage. Licari said he was not aware of that.

Chairman Crowell noted that the Board, in granting variances, is obliged to grant the minimum relief necessary. He asked whether the garage could be located in a place not requiring the variance, and Ed Hobbie suggested the back of the property. Waldvogel said that would not be possible due to the location of the well and septic system.

Tony Scalici asked if there was a survey, and Licari said there was not. Scalici said the Board should have something documenting the property lines and the well and septic system locations. After discussion, Ed Hobbie moved to ask the applicant to return for the October 18 meeting with that documentation. Scalici seconded the motion, adding that Licari should show consideration of a location requiring a lesser variance request and demonstrate the need for a garage. The motion was passed, 5-0, with Kitchen abstaining. Licari will consider rethinking or withdrawing the application.

11.06 – Alfred & Debra DaCostaFaro – Area variance, addition of shed – Bibik Road & County Highway 22 (#52.00-2-12.02)

Zoning Enforcement Officer Hank Schecher asked the Board to consider scheduling this application for a public hearing, although the applicants were not present and did not submit their application in time for the agenda deadline. Alfred and Debra DaCostaFaro want to put up an 18x18-foot metal shed on their property near (but more than 500 feet from) Canadarago Lake. The shed would be within 26 feet of the western property line, necessitating a four-foot variance.

The Board examined the application and supporting documents, including an aerial map and a list of neighbors. After discussion, Sam Hoskins moved to deem the application complete and schedule a public hearing for October 18, contingent on the following to be submitted by October 4: a map of the property showing property lines and physical impediments to building the shed elsewhere, such as wells, septic system and leech fields; also, photos of the existing house, and a survey, if available. Tony Scalici seconded the motion and it was approved, 5-0. Schecher will communicate this to the applicants.

With no further business, at 8:14 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary