

Town of Otsego Zoning Board of Appeals

Minutes – September 21, 2021

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

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 7:00 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), Sal Furnari, and Corinne Armstrong. With Dean Robinson and first alternate member Tony Scalici absent, second alternate member Mary Anne Whelan joined the meeting table. Third alternate member John Tedesco was also present.

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

The Board reviewed the minutes of August 17, 2021, e-mailed to the members. Chairman Crowell wanted it noted that, in regard to Wayne Bunn's public hearing comment, there is nothing in the *Land Use Law* which regulates placement of beds or other furniture in a non-residential structure. Crowell moved to approve the minutes as written. Armstrong 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

21.09 – Leatherstocking Association Common Area (Vince Pyle, Jr., Chad Whitbeck) – Area variances, stairway & deck within 100 feet of Otsego Lake in RA1 district (revised plan) – 162 Browdy Mountain Road (#84.08-1-29.00)

Secretary Deane read aloud from the July 20 ZBA minutes relevant to the Leatherstocking application. Representative Chad Whitbeck was present, and submitted the documents requested at that meeting. The Board reviewed the documents.

John Dewey noted that Vince Pyle, Jr. had estimated the deck size at 11x16 feet, including stairs, whereas the current site plan shows it to be 21x29 feet. Dewey asked why such a large deck would be needed. Whitbeck gave no answer.

Chairman Crowell corrected the setback measurements on the application received June 22, so they conformed to the site plan. Crowell said that the following variances would be needed: an 18'6" variance on the north side; a 29'3" variance on the east (Lake, or rear) side; a 14'4" variance on the west (front) side; and a variance from *Land Use Law* Section 4.04, which prohibits new construction in the Lakeshore protection area.

Neighbor Phil Holz was present, and Chairman Crowell allowed him to speak. Holz said that he still objects to the project and Pyle's permission to represent it on behalf of the Association.

Whitbeck said that he gives the Board everything they ask for, and then they keep asking for more. He also claimed that Crowell had told him no public hearing would be necessary. Crowell refuted him on both points.

Corinne Armstrong moved to deem the application complete and schedule a public hearing for October 19. Crowell seconded the motion and it was approved, 5-0.

21.10 – Mathew & Kathryn Barry (Brett Johnson) – Area variances, deck off existing structure within 100 feet of Canadarago Lake in RA2 district – 177 Marble Road (#52.08-1-27.01)

Representative Brett Johnson was present. He said that applicants Mathew & Kathryn Barry want to replace a deck which was removed sometime in the past, and he will be the carpenter. Johnson

submitted a site plan showing the proposed deck to be 110 feet from Marble Road, 15 feet from Canadarago Lake, 15 feet from the northern property boundary, and 35 feet from the nearest camp. He gave members permission to visit the property.

Chairman Crowell said that the following variances would be needed: a 15-foot variance on the north side; a 20-foot variance on the east (Lake, or rear) side; and a variance from *Land Use Law* Section 4.04, which prohibits new construction in the Lakeshore protection area.

John Dewey moved to deem the application complete and schedule a public hearing for October 19. Corinne Armstrong seconded the motion and it was approved, 5-0.

Clerk Bill Deane advised Johnson that, if the ZBA approved the requested variances, he would next have to go to the Planning Board for site plan review. He recommended that Johnson prepare for that by consulting the *Land Use Law*, particularly Sections 4.04 and 8.04.

OTHER BUSINESS

Zoning Enforcement Officer Lanza was absent, but had e-mailed a report to Chairman Crowell. Lanza said he had received two applications in August, and that he was working with Joseph Stagliano to bring his property into compliance.

With no further business, at 7:51 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary