

Town of Otsego Zoning Board of Appeals
Minutes (Unapproved) – October 15, 2019

PUBLIC HEARINGS

19.03 – Michelle Barry – Area variance, addition of garage within 100 feet of Otsego Lake – 6812 State Highway 80 (#69.52-1-8.00)

Chairman Greg Crowell called the Barry public hearing to order at 7:02 PM, and asked if anyone from the public had comments or questions about the application.

Marcia D’Amico asked what is required for a variance to be approved. Chairman Crowell read aloud the criteria listed in *Land Use Law* Section 9.03, which the Board considers before granting area variances. He noted that, if Barry’s variances were approved, the application would go before the Planning Board for site plan review. D’Amico said that that information was helpful.

With no further comments or questions, Crowell closed the hearing.

19.08 – Caleb Edgington (Josh Edmonds) – Area variance, construction of new home – 1133 County Highway 26 (#98.00-1-1.01)

Although the Edgington hearing was cancelled, this was after notices were sent out to the neighbors. Clerk Bill Deane asked whether anyone from the public had comments or questions about the application. No one responded.

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 7:05 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, John Tedesco (Vice-Chairman), Dean Robinson, and John Dewey. Wally Melnichenko and alternate members Tony Scalici and Mary Anne Whelan were absent (Whelan arrived at 7:28, and joined the meeting table after the Smith application).

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

The Board reviewed the minutes of September 17, 2019, e-mailed to the members. Dewey moved to approve them as written. Robinson seconded the motion and it was approved, 4-0.

The Board reviewed the minutes of October 8, 2019, e-mailed to the members. Tedesco moved to approve them as written. Robinson seconded the motion and it was approved, 3-0, with Dewey abstaining because he was not at the meeting.

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

APPLICATIONS

19.03 – Michelle Barry – Area variance, addition of garage within 100 feet of Otsego Lake – 6812 State Highway 80 (#69.52-1-8.00)

Applicant Michelle Barry was present. Clerk Bill Deane read aloud from the September 17 minutes relevant to the application. The Board reviewed the application documents.

John Dewey asked whether the State had checked the drainage ditch near the proposed garage. Barry said they had not. Neighbor Keith Additon said that the ditch was out of the State's jurisdiction. Dewey also asked if Barry had considered another location for the garage. Barry said the proposed location was the least intrusive to the neighbors.

Chairman Crowell said he would like the roof to have gutters along the eaves, directed into a drainage system. He also said the garage, at its proposed height of 15 feet, fits in architecturally with several other garages in the neighborhood.

With input from Chairman Crowell, John Tedesco moved to approve the variances sought: a 34-foot variance on the west (Route 80) side; a 27-foot variance on the north side; and a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of the Lake; with the conditions that the garage be no more than 15 feet in height, and that it have gutters along the eaves, directed into a drainage system. Tedesco said that no undesirable change will be produced in the character of the neighborhood nor detriment to nearby properties; that the benefit sought cannot be achieved by any other feasible method; that though the requested variance is substantial, it is in keeping with the neighborhood; that the project will have no adverse effect or impact on the physical or environmental conditions in the neighborhood; and that, although the alleged difficulty is self-created, it will produce an improvement in the property.

John Dewey seconded the motion and it was approved, 4-0. Barry asked to be put on the November 12 Planning Board agenda. Deane suggested she work with Zoning Enforcement Officer Hobbie in gathering the documents the Planning Board will need, and directed her to Sections 7.03 and 4.04 of the *Land Use Law* on the Town's web-site.

19.07 – Stacey Smith – Area variance, addition of garage near existing residence – 205 County Highway 26 (#130.15-2-13.00)

Applicant Stacey Smith was accompanied by Mark Kirby. She wants to add a garage next to her existing residence. It would be only 5'6" from the northern property line, the same as the residence, thus require a 24'6" variance. She gave members permission to visit the property.

The Board reviewed the application documents. Their consensus was that the only missing items were a list of neighbors (with addresses) within 200 feet of the property lines; and a building plan for the garage. Smith said she would e-mail these items to Clerk Bill Deane.

John Dewey moved to deem the application complete, contingent on the aforementioned items to be delivered to Deane by October 29, and to schedule a public hearing for November 19. Dean Robinson seconded the motion and it was approved, 4-0.

19.08 – Caleb Edgington (Josh Edmonds) – Area variance, construction of new home – 1133 County Highway 26 (#98.00-1-1.01)

Chairman Crowell and Clerk Bill Deane explained why tonight's public hearing was cancelled. Deane had faxed the public hearing legal notice to the *Daily Star* on October 9, the day after the ZBA's special meeting. The *Star* left a phone message for the Town Clerk on the 11th, saying that the notice could not be published in time to give sufficient notice, so they would not print it. They require four days' lead

time for legal ads, and New York State (per Section 267, paragraph 7) requires five days' notice prior to the hearing.

Crowell suggested another special meeting be scheduled to accommodate the applicant's situation and meet the prior notice rules. After discussion, Crowell moved to schedule a special meeting and reschedule the Edgington public hearing for October 29 at 7 PM. Dean Robinson seconded the motion and it was approved, 5-0. Deane will take care of notifications.

OTHER BUSINESS

Ed Hobbie was absent, so there was no Zoning Enforcement Officer report. With no further business, at 7:39 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary