

Town of Otsego Zoning Board of Appeals
Minutes – October 19, 2010

PUBLIC HEARING

10.06 – Stephen & Susan Barron – Area variance, replacement of existing home within 100 feet of Otsego Lake – 104 Lake Shore Drive (#69.44-1-32.00)

Chairman Greg Crowell opened the Snyder public hearing at 7:05 PM, and noted that there was no one from the public present. Crowell closed the hearing at 7:07.

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 roll call was taken by Secretary Bill Deane. Board members present were Crowell, Sam Hoskins, and Ed Hobbie. With Tony Scalici (Vice-Chairman) and Bill Kitchen absent, alternate member Christopher Voulo joined the meeting table. Zoning Enforcement Officer Hank Schecher was also present.

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

The Board reviewed the ZBA minutes of September 21, 2010, mailed to the members. Hobbie moved to approve the minutes as written. Hoskins seconded the motion and it was approved, 4-0.

The only correspondence received since the last meeting was the September/October 2010 issue of *Talk of the Towns&Topics*, distributed to the members. The Board moved on to applications.

APPLICATIONS

10.06 – Stephen & Susan Barron (Donald A. Davis Living Trust) – Area variance, replacement of existing home within 100 feet of Otsego Lake – 104 Lake Shore Drive (#69.44-1-32.00)

Applicant Stephen Barron was accompanied by engineer Jim Forbes. Barron wants to raze a deteriorating, existing home near the shore of Otsego Lake, and replace it with a seasonal log cabin. Because the new home will be larger (one story higher, as well as longer and wider), he will require a variance from *Land Use Law* 4.04, restricting construction within 100 feet of the Lake. He will also need side-yard variances of 10'6" on the east side, 11'11" on the west side, and 19 feet on the north side (from the center of Lake Shore Drive). The Board examined the application, site plan drawings, and photos of neighboring properties.

Chairman Crowell said that he had gone to visit the property, and noted that the proposed building would be considerably larger than adjoining properties, especially for the lot size.

Forbes said that the new building would add 458 square feet of impervious surfaces, and be about 32 feet high, taller than the current 26 but well within the 40-foot limit. Barron said that there were other large homes not far away from the property, and that he had spoken with his neighbors, hearing no objection to his proposed project. One, Katherine Sullivan, submitted an August 27 letter (filed) in support of the project.

After discussion, Sam Hoskins moved to approve the variances sought.

Hoskins said that, while the proposed project will produce substantial change, overall it is not an undesirable effect; that the benefit sought cannot be achieved by any other feasible method; that the proposed project will not impinge the viewshed of the Lake; that, although the difficulty is self-created, it is in keeping with some neighboring properties; and that the proposed project will produce an improvement in the property and an overall positive effect, which the Board encourages.

Crowell seconded the motion and it was approved, 4-0. Bill Deane advised Barron to get a site plan application to Zoning Enforcement Officer Schecher by October 26 if he wants to get on the November Planning Board agenda.

OTHER BUSINESS

Zoning Enforcement Officer Schecher asked the Board about a potential application by Haggerty Ace Hardware. Haggerty wants to expand his facility on State Highway 28, adding building space to what is currently ground covered by blacktop, gravel, or concrete. Schecher said that the property is already in violation of the 70% “maximum coverage” provision of *Land Use Law* Section 2.06; however, the definition of “coverage” includes “parts of a lot that (are) covered by buildings, pavement, gravel, sand, concrete or some other unnatural surface or coverage.” There would be no increase in this area, thus it would not be an expansion of a non-conformity. The consensus of the ZBA was that this would not require their intervention.

With no further business, at 7:52 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary