

Town of Otsego Zoning Board of Appeals
Minutes – October 20, 2009

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 (no meeting was held in September, as there was no agenda). Chairman Greg Crowell called the meeting to order at 7:10 PM and roll call was taken by Secretary Bill Deane.

Board members present were Crowell, Sam Hoskins, and Bill Kitchen. Tony Scalici (Vice-Chairman) and Ed Hobbie were absent. 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 August 18, 2009, mailed to the members. Deane said that Jon McManus had reported a correction in the next-to-last paragraph: the building will be in the same place, but the decking will be farther from the Lake. Hoskins moved to amend the minutes to change "building" to "deck." Crowell seconded the motion and it was approved, 3-0. Hoskins then moved to approve the minutes as amended. Kitchen seconded the motion and it was approved, 3-0.

The only correspondence received since the last meeting was the September/October 2009 issue of *Talk of the Towns&Topics*, copies of which were distributed to the members. The Board moved on to applications.

APPLICATIONS

09.09 – Harrison Hummel (Hans deWaal) – Area variances, construction within 100 feet of Canadarago Lake – 114 Marble Road Extension, Richfield Springs (#52.11-1-17.01 & -17.02)

Hans deWaal submitted a letter authorizing him to represent applicant Harrison Hummel, who wants to construct a fenced in-ground swimming pool and a landscaped block wall, and relocate a shed, on his property within 100 feet of Canadarago Lake. He will need an area variance of 25 feet on the south side of the property, plus a 65-foot variance from *Land Use Law* Section 4.04 (Lakeshore protection) on the west side.

The Board examined the application package, including a site plan, map, photos, and list of neighbors within 200 feet of the property. deWaal answered questions asked by the members. Chairman Crowell asked about the possibility of moving the pool farther from the property line. deWaal said doing so would interfere with the septic system, and obstruct the view of the Lake. He noted that the land on the other side of that property line is not buildable anyway, as it consists of wetlands.

Sam Hoskins moved to deem the application complete and schedule a public hearing for November 17. Crowell seconded the motion and it was approved, 3-0.

09.10 – Sherri Goodspeed – Area variance, carport – 400 Stone House Road, Fly Creek (#83.00-1-25.01)

Applicant Sherri Goodspeed described her plan to erect a free-standing, 12'x21' carport next to a barn on her property in the RA-1 District. She will need a 26-foot area variance on the east side, as the carport will be about four feet from the property line at its nearest point.

The Board examined the application package, including a survey map, GIS map, photos, and list of neighbors within 200 feet of the property. Chairman Crowell said the Board would need a sketch on the survey map, showing the locations of the existing building and proposed carport.

Sam Hoskins moved to deem the application complete, contingent on receipt of the above-mentioned sketch by November 3, and to schedule a public hearing for November 17. Crowell seconded the motion and it was approved, 3-0. Bill Deane advised the applicant to submit the sketch to Zoning Enforcement Officer Schecher by November 3, or the public hearing would not be scheduled.

OTHER BUSINESS

Zoning Enforcement Officer Schecher asked the Board about a potential ZBA application. He distributed copies of a survey map, showing how Laurel O'Brien wants to divide her 5.3-acre parcel on Williams Road into two lots. Because these would fall short of the three-acre requirement in Section 2.03 of the *Land Use Law*, Schecher thought she would need to apply for a variance.

The Board discussed whether they had the authority to rule on such a case; Chairman Crowell did not think so. He thought O'Brien would need some sort of denial, either from the Zoning Enforcement Officer or the Planning Board, before coming to the ZBA.

Bill Deane reminded the Board about a similar case which came before them on June 21, 2005, and read from the relevant minutes. John Tedesco sought and received a variance to build a second principal dwelling on his 5.98-acre lot. Although Tedesco wasn't subdividing, Deane believed the principle was the same, as the Law required him to have at least three acres dedicated for each building.

Crowell said he would look further into the issue and consult with Vice-Chairman Scalici. Schecher said he would ask the Planning Board about it.

With no further business, at 8:26 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary