

Town of Otsego Zoning Board of Appeals

Minutes – October 20, 2020

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

PUBLIC HEARING

20.06 – Ryan & Karen Hill – Area variance, new garage on existing slab – 363 Christian Hill Road (#113.00-1-66.22)

Chairman Greg Crowell opened the Hill public hearing at 7:04 PM. Secretary Bill Deane read aloud from the minutes of September 15 relevant to the application. Crowell and asked if anyone from the public had questions or comments about it.

Peter Gencarelli, neighbor to the west, expressed concerns, with wife JoAnn elaborating. He said he did not want a structure that close to his property line, and that the location of the boundary line is actually unknown. Gencarelli showed an April 14, 1993 survey to illustrate discrepancies. He said there was no reason the Hills could not locate the garage further from the line, and wondered what the point of rules are if people can break them? Gencarelli said he feared the proposed location would hurt his property value. He said he had no objection to the building's proposed proximity to the road.

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

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 7:16 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 Mary Anne Whelan. Zoning Enforcement Officer Jess Lanza was also present. Dean Robinson and alternate members Tony Scalici and Corinne Armstrong were absent.

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 September 15, 2020, e-mailed to the members. Furnari moved to approve the minutes as written. Dewey seconded the motion and it was approved, 4-0.

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

APPLICATIONS

20.06 – Ryan & Karen Hill – Area variance, new garage on existing slab – 363 Christian Hill Road (#113.00-1-66.22)

The Board had determined that applicant Ryan Hill would need a six-foot variance on the west side, and a 26-foot variance on the south (Christian Hill Road) side for his proposed garage location. Chairman Crowell asked Hill to consider moving the garage six feet to the east, to remove the need for the first variance. This could be achieved by moving or increasing the slab, or proposing a smaller garage. John Dewey suggested Hill locate the garage parallel to the house, so there was no additional encroachment into the setback. Sal Furnari suggested that Hill negotiate with his neighbor. The consensus of the Board was that the second variance would not be an issue, but that they

needed to know where the western property line is located. They suggested that Hill return at the November 17 meeting with a survey or other documentation on the property boundary, and/or a revised plan.

Secretary Bill Deane noted that the Board has up to 62 days from today to make a decision on the application. Chairman Crowell moved to table the application to November 17. Dewey seconded the motion and it was approved, 4-0.

20.07 – Steve Talevi – Area variances, deck within 100 feet of Canadarago Lake in RA2 district – 2144 County Highway 22 (#39.00-2-2.03)

Secretary Deane read aloud from the ZBA minutes of September 15 (including Planning Board minutes of September 1) relevant to the Talevi application. Applicant Steve Talevi wants to put in a staircase from County Highway 22, approximately 39 feet down to Canadarago Lake, across the road from the house (on a separate plot) he lives in. The staircase would be no more than 42 inches wide, and have three to five landings and a 7'x12' deck at the top. The deck triggers the need for ZBA variance(s) and site plan review. Talevi has gone back and forth about whether the deck will be included in the project.

The Board reviewed the application documents. Chairman Crowell said they need a site plan, showing property features, and locating the proposed deck in relation to the property lines, road, and County storm-water pipe. They need this in order to determine what variances are needed. Deane noted that, since the application is not complete, the earliest Talevi could have his ZBA variances granted would be December, and he could not return to the Planning Board before 2021.

Talevi said he would again consider whether he wants to include a deck. He will be put on the November 17 ZBA agenda unless he tells Zoning Enforcement Officer Lanza otherwise before then.

OTHER BUSINESS

Jess Lanza had no formal Zoning Enforcement Officer report, but asked about a potential ZBA application submitted by Steven Werner. Werner wants to replace a barn/garage about 200 feet from Canadarago Lake. It would be a “replacement-in-kind” in the same footprint. Chairman Crowell said that it would not need a variance in that case, and that he didn't think it would require even site plan review. He based that on *Land Use Law* #4.04, requiring site plan review only for a “newly-erected structure,” though he acknowledged that #8.02 appears to contradict that.

With no further business, at 8:18 Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary