

## **Town of Otsego Zoning Board of Appeals**

Minutes – November 17, 2020

(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 7:04 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 October 20, 2020, e-mailed to the members. Whelan moved to approve the minutes as written. Crowell seconded the motion and it was approved, 4-0.

Deane reviewed correspondence received since the last meeting: the Fall 2020 issue of *Planning News*, and updated pages to the *Land Use Law*, distributed to the members.

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)**

Applicant Ryan Hill was present. Secretary Deane read aloud from the ZBA minutes of October 20 relevant to the Hill application. Deane noted that a public hearing notice addressed to neighbor Michael Burns had been returned to sender, "unable to forward."

Hill said that he was agreeable to getting only a three-foot variance on the west side, instead of the requested six feet. Chairman Crowell noted that this would necessitate Hill's extending the existing slab, meaning he would have to pay for more concrete and move an electric pedestal. This shows Hill's good-faith compromise in deference to the neighbor concerns brought up at last month's public hearing. Sal Furnari remarked that the proposed garage would be an improvement over the trailer that once was located on the slab, or the vehicles and clutter currently there. John Dewey said that the garage would not interfere with motorist's sight-lines.

Chairman Crowell moved to approve a three-foot variance on the west side, and a 26-foot variance on the south (Christian Hill Road) side. Crowell said that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties, and in fact it will improve the appearance; that the requested western variance is not substantial; that the project will have no adverse effect or impact on the physical or environmental conditions of the neighborhood; and that, though the alleged difficulty is self-created, the existing slab (which predates the owner's purchase of the property) makes it a common-sense request. 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 October 20 relevant to the Talevi application. Applicant Steve Talevi submitted a letter and revised site plan dated 10/28/20, with the deck removed.

Chairman Crowell said that Talevi would not need a variance from *Land Use Law* 4.04, as his application was submitted before the law was amended. Crowell noted that a large tree governs the staircase location, and that Talevi would need site plan review (for new construction within 100 feet of the Lake) following the ZBA's actions. The Board determined that the variances needed are 28 feet on the south side, 26 feet on the east (County Highway 22) side, and 21 feet on the west (Lake) side. Talevi gave members permission to visit the property, and said he had placed yellow ribbons to mark the proposed construction site.

John Dewey moved to deem the application complete and schedule a public hearing for December 15. Chairman Crowell seconded the motion and it was approved, 4-0.

#### **OTHER BUSINESS**

Jess Lanza had no formal Zoning Enforcement Officer report, but discussed two cases of interest:

- Tommy Ibrahim plans to enclose an existing porch within 100 feet of Otsego Lake. Chairman Crowell had advised Lanza that this would not need a ZBA variance due to the revised language in *Land Use Law* #4.04, so the project has gone straight to the Planning Board.
- A land-owner has submitted a complaint to Lanza about the Leatherstocking Association Common Area (tax map #84.08-1-29.00). They have initiated construction within 100 feet of Otsego Lake without approvals from the ZBA, Planning Board, or County Codes. Lanza intends to issue a "stop-work" order and advise the Association to submit a ZBA application.

With no further business, at 8:01 Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary