

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

Minutes (Unapproved) – November 20, 2018

### **PUBLIC HEARINGS**

#### **18.03 – Lisa Roberts – Area variance, addition of deck to existing house in RA2 district – 101 Cemetery Road (#113.00-1-27.00)**

#### **18.07 – Lisa Roberts – Area variance, addition of deck with hot-tub to existing house in RA2 district – 101 Cemetery Road (#113.00-1-27.00)**

Chairman Greg Crowell opened the Roberts public hearings at 7:02 PM, and asked if anyone from the public had comments or questions about either of the applications. No one responded. Secretary Bill Deane noted that a hearing notice (filed) addressed to Dave Bancroft was returned to sender due to “no mail receptacle.” Crowell closed the hearings.

#### **18.05 – Rob Bohm (Jon McManus) – Area variance, addition to existing motel in GB2 district – 6156 State Highway 28 (#114.00-1-1.00)**

Chairman Crowell opened the Bohm public hearing at 7:03 PM, and asked if anyone from the public had comments or questions about the application. No one responded. Crowell read aloud a letter of support from James Miles, General Manager and CEO of the Otesaga Hotel. Secretary Deane noted that a hearing notice (filed) addressed to Greak LLC was returned to sender due to “insufficient address.” Crowell closed the hearing.

#### **18.06 – Jonathan Svahn (Jon McManus) – Area variance, addition to existing residence in RA1 district – 6765 State Highway 80 (#69.60-1-14.00)**

Chairman Crowell opened the Svahn public hearing at 7:05 PM, and asked if anyone from the public had comments or questions about the application. No one responded. Members read aloud e-mails received for the hearing:

- A November 16 e-mail from Debra Creedon of 6763 State Highway 80, expressing concerns about expansion of non-conformities, interference with her view of the Lake, and water runoff, and asking that the application be denied.
- A November 16 e-mail from Jeorgia Valentin, expressing concerns about the impact of renters, interference with her view of the Lake, and non-conformity with the neighborhood, and asking that the application be denied.
- A November 17 e-mail from Joseph Stabile of 6773 State Highway 80, expressing concerns about environmental, drainage, and density issues
- A November 19 e-mail from David Creedon of 6763 State Highway 80, expressing concerns about impact to his property value, and asking that the application be denied.
- A November 19 e-mail from Michael Luzi and Kim Thibault, saying they received their notice only six days before the meeting, and don’t think the Board should make a decision on such short notice. They expressed environmental concerns about the application.

All correspondence was filed. Secretary Deane noted that a hearing notice (filed) addressed to Inuksuk Farm was returned to sender due to “insufficient address.” Deane also noted that the public hearing notices were mailed on November 8, twelve days before the hearing, using addresses provided by the representative. 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 7:18 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. Board members present were Crowell, John Tedesco (Vice-Chairman), Christopher Voulo, and John Dewey. Dean Robinson and alternate members Tony Scalici and Bill Michaels were absent.

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

The Board reviewed the minutes of October 23, 2018, e-mailed to the members. Tedesco moved to approve the minutes as written. Dewey seconded the motion and it was approved, 4-0.

Other than the e-mails and letter read during the public hearings, there was no correspondence received since the last meeting. The Board moved on to applications.

### **18.03 – Lisa Roberts – Area variance, addition of deck to existing house in RA2 district – 101 Cemetery Road (#113.00-1-27.00)**

Secretary Bill Deane read aloud from the minutes of October 23 relevant to the first Roberts application.

Applicant Lisa Roberts said she had measured the distance between the deck and the center of Allison Road at 40 feet, ten feet more than the side-yard setback requirement, thus not needing a variance. Chairman Crowell and John Dewey agreed that that seems to be the case, based on their site visits. Roberts verbally withdrew her application.

### **18.07 – Lisa Roberts – Area variance, addition of deck with hot-tub to existing house in RA2 district – 101 Cemetery Road (#113.00-1-27.00)**

Secretary Bill Deane read aloud from the minutes of October 23 relevant to the second Roberts application.

Applicant Lisa Roberts said she had measured the distance between the proposed deck and the center of Allison Road at 38 feet, eight feet more than the side-yard setback requirement, thus not needing a variance. The deck would be 3½ feet from the northern property line, thus requiring a 26½-foot variance. The Board examined the revised site map.

John Dewey moved to approve a 26½-foot variance on the north side. Dewey said that no undesirable change will be produced in the character of the neighborhood; that there is no other feasible method to achieve the benefit sought; that the requested variance is substantial, but that it would include no significant buildings; that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and that, though the alleged difficulty is self-created, the benefits outweigh any detriments. John Tedesco seconded the motion and it was approved, 4-0.

### **18.05 – Rob Bohm (Jon McManus) – Area variance, addition to existing motel in GB2 district – 6156 State Highway 28 (#114.00-1-1.00)**

Secretary Bill Deane read aloud from the minutes of October 23 relevant to the Bohm application. Representative Jon McManus said there were no changes to the application.

Christopher Voulo moved to approve a 4.6-foot variance on the south side. Voulo said that no undesirable change will be produced in the character of the neighborhood, and in fact will

improve the character; that there is no other feasible method to achieve the benefit sought; that the requested variance does not affect any neighbors, since Bohm owns the adjoining lot; that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and that, though the alleged difficulty is self-created, the benefits outweigh any detriments. Chairman Crowell seconded the motion and it was approved, 4-0.

**18.06 – Jonathan Svahn (Jon McManus) – Area variance, addition to existing residence in RA1 district – 6765 State Highway 80 (#69.60-1-14.00)**

Secretary Bill Deane read aloud from the minutes of October 23 relevant to the Svahn application.

Representative Jon McManus submitted a revised site plan, showing the proposed addition reduced to one story due to concerns expressed in the neighbors' e-mails. He said he was very familiar with the area, having worked on several neighboring camps and briefly lived in one, and he appreciated the neighbors' concerns. McManus said that the addition would be built on piers and that runoff would be managed. They are increasing the size of bedrooms, not the number. McManus said there is sufficient off-street parking, and there would be no disruption of the retaining wall.

Chairman Crowell and John Tedesco said they had visited the site, and foresaw no issues with the neighbors' views. John Dewey said he felt better about the application with the reduced height of the addition.

Chairman Crowell noted that some of the neighbors' concerns centered on the property being used as a Dreams Park rental. Crowell said that short-term rentals are a permitted use, and it is not the ZBA's place to regulate how a property is used. Potentially, the Town Board could address this issue by revising the *Land Use Law*. This led to a long, tangential discussion.

Crowell moved to approve the variances sought: a 25.3-foot variance on the north side, a 15.4-foot variance on the south side, and a 27.3-foot variance on the west (rear) side. Crowell said that, after inspecting the site and walking around and behind the neighboring properties, he finds it apparent that the proposed addition will not interfere with anyone's view of the Lake; that a single-story addition would be in keeping with the neighborhood; that the proposed variances would not create a structure detrimental to the area; that the benefit sought, increased living space, is best satisfied by going back and up, as proposed (extending the front of the dwelling would be very impractical due to the steep slope, and likely obstruct neighbors' Lake views); that the requested variances are substantial, but as the structure and lot pre-date the *Land Use Law*, the additional ten feet, when taken as a portion of the 35-foot required rear setback, seems reasonable; that the proposed addition, at the rear of the existing building, does not appear to pose threat of impactful runoff, with the conditions that the ZBA requires due diligence during construction, with all new roof areas to have rain-gutters piped to leeching areas, and a new engineered septic system to be installed; and that, though the alleged difficulty is self-created, in that the current ownership does *not* predate the *Land Use Law*, and the desire for more living space is self-created in itself, by statute this will not necessarily preclude the granting of variances. Tedesco seconded the motion and it was approved, 4-0.

**OTHER BUSINESS**

Ed Hobbie distributed copies of his Zoning Enforcement Officer report, and discussed some cases listed on it. Hobbie asked the ZBA's support of his concerns with deficiencies in

the *Land Use Law*, about which he has been appealing to the Town Board and will continue to do so. He said he would e-mail his suggestions to the ZBA members.

The Board discussed 2019 personnel. Christopher Voulo's five-year term ends in December, opening a position for the 2019-23 term, and Greg Crowell (Chairman) and Bill Deane (Secretary) are due for reappointment. Voulo said he was not seeking reappointment for the 2019-23 term, as he is frequently not able to attend meetings. Chairman Crowell said the Town Board is seeking a replacement. Voulo said he would be willing to stay if no suitable replacement can be found.

Crowell moved to recommend that the Town Board reappoint Deane as Secretary. Voulo seconded the motion and it was approved, 4-0.

Voulo moved to recommend that the Town Board reappoint Crowell as Chairman. John Tedesco seconded the motion and it was approved, 3-0, with Crowell abstaining.

With no further business, at 8:17 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary