

# Town of Otsego Zoning Board of Appeals

Minutes (Unapproved) – November 21, 2017

## **PUBLIC HEARINGS**

### **17.08 – Matthew & Linda Lionetti – Area variance, road frontage for minor subdivision in RA2/HR Districts – 768 County Highway 26 (#114.00-1-46.01)**

Chairman Greg Crowell called the Lionetti public hearing to order at 7:01 PM, gave a brief description of the project, and asked if anyone from the public had questions or comments. No one responded. Secretary Bill Deane noted that two neighbor letters, addressed to Nancy Bedor and William Scheid, had been returned to sender due to “no mail receptacle.” Chairman Crowell closed the hearing.

### **17.09 – Marty & Annie Hansen – Area variances, replacement of summer camp within 100 feet of Canadarago Lake – 2117 County Highway 22 (#38.20-1-22.00)**

Chairman Greg Crowell called the Hansen public hearing to order at 7:03 PM, gave a brief description of the project, and asked if anyone from the public had questions or comments. No one responded. Chairman 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 7:06 PM and led the Pledge of Allegiance.

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

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

The Board reviewed the minutes of October 17, e-mailed to the members. Voulo moved to approve them as written. Robinson seconded the motion and it was approved, 5-0.

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

## **APPLICATIONS**

### **17.08 – Matthew & Linda Lionetti – Area variance, road frontage for minor subdivision in RA2/HR Districts – 768 County Highway 26 (#114.00-1-46.01)**

Secretary Bill Deane read aloud the minutes of October 17 relevant to the Lionetti application. Applicant Matthew Lionetti submitted a corrected September 28, 2017 survey map. ZBA members briefly reviewed the file. Chairman Crowell reiterated that the Town does not have a law addressing split lots, and that Town Attorney Kennedy’s opinion on the matter was based on a State case involving a use variance request. Dean Robinson said that he had checked the laws of other Towns, and found that there were several different guidelines in cases like this.

Christopher Voulo moved to grant the variance requested: a 75-foot road frontage variance on the proposed new lot. With input from Chairman Crowell and Tony Scalici, Voulo said that no undesirable change would be produced in the character of the neighborhood; that there is no other feasible method to achieve the proposed variance; that the requested variance is not substantial, given that the frontage in question is in the hamlet district; that no adverse effect or impact will be produced in the physical or environmental conditions in the neighborhood, such as obstructing the view of the road; and that the difficulty was not self-created, as the district line was drawn arbitrarily by the Town Board some three decades ago. Tony Scalici seconded the motion and it was approved, 5-0.

Secretary Bill Deane asked Lionetti if he wanted to return before the Planning Board on December 5. Lionetti said he thought he was done with the Boards. Deane explained that the Planning Board could not act on his subdivision until the ZBA granted this variance. Lionetti agreed to return before the Planning Board on December 5.

**17.09 – Marty & Annie Hansen – Area variances, replacement of summer camp within 100 feet of Canadarago Lake – 2117 County Highway 22 (#38.20-1-22.00)**

Secretary Bill Deane read aloud the minutes of October 17 relevant to the Hansen application. Applicant Marty Hansen submitted photos of neighboring properties, as requested. He said the existing building is nearly 100 years old. ZBA members briefly reviewed the file. Chairman Crowell said he had visited the property, and observed that neighboring houses are similar in size to the proposed replacement.

Dean Robinson moved to grant the variances requested: a 24'6" variance on the south side, a 15-foot variance on the north side, and a variance from *Land Use Law* 4.04 (Lakeshore protection), which prohibits new construction within 100 feet of Canadarago Lake. Robinson said that no undesirable change would be produced in the character of the neighborhood, and in fact it would be a desirable change; that there is no other feasible method to achieve the proposed variance; that the requested variance is not substantial, considering the concurrent removal of the garage and shed; that no significant adverse effect or impact will be produced in the physical or environmental conditions in the neighborhood; and that the difficulty was not self-created, as the building has surpassed its life expectancy. Christopher Voulo seconded the motion and it was approved, 5-0.

Secretary Bill Deane asked Hansen if he wanted to go before the Planning Board on December 5. Hansen asked what he would need. Deane advised him to consult with Zoning Enforcement Officer Hobbie and Section 8.04 of the *Land Use Law*. Hansen agreed to go before the Planning Board on December 5.

**OTHER BUSINESS**

Chairman Crowell said that the *Land Use Law* ought to address lots split between two districts, such as Lionetti's. Secretary Bill Deane said that the Town Board is planning a workshop to discuss potential law changes in 2018, inviting members of the Planning and Zoning Boards.

The Board discussed 2018 ZBA personnel. Tony Scalici's term expires at the end of 2017; he said he would be willing to be reappointed. Christopher Voulo moved to recommend that the Town Board reappoint Scalici as 2018-22 member, Crowell as chairman, and Deane as secretary. Dean Robinson seconded the motion and it was approved, 4-0, with Crowell abstaining.

Ed Hobbie had no formal Zoning Enforcement Officer report, but discussed various cases which might wind up before the ZBA, including Cobblecote and the Upstate Bar & Grill. Deane said that the former MOSA property would be on the December agenda. Christopher Voulo said that he probably would not be able to make the next few meetings.

Zoning Enforcement Officer Hobbie said that he was trying to arrange an educational presentation on FEMA.

With no further business, at 8:03 Chairman Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary