

Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – November 21, 2023

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

PUBLIC HEARINGS

23.11 – Heather & David Drenth (Tim Yerdon) -- Area variances, addition to residence within 100 feet of Canadarago Lake in RA2 district – 173 Marble Road (#52.08-1-27.02)

Chairman Crowell opened the Drenth public hearing at 7:02 PM, gave a brief description of the application, and asked if anyone from the public had questions or comments about it. No one responded. Crowell closed the hearing.

23.12 – Bart Brush – Area variance, replacement of garage in HR district – 100 Cemetery Road (#113.00-1-28.00)

Chairman Crowell opened the Brush public hearing at 7:03 PM, gave a brief description of the application, and asked if anyone from the public had questions or comments about it. No one responded. Crowell closed the hearing.

23.13 – Josh Edmonds – Area variance, expansion of Simple Integrity headquarters in GB2 district – 6106 State Highway 28 (#114.00-1-7.31)

Chairman Crowell opened the Edmonds public hearing at 7:04 PM, gave a brief description of the application, and asked if anyone from the public had questions or comments about it.

Kim Johannesen and Patrick Shepard were present. Crowell read aloud a November 16 letter from them, expressing strong opposition to the project, and concerns about their view-shed and property value, and the native wildlife. The letter was accompanied by photos, showing their current view. Johannesen asked about the building materials and other debris laying on the property at any given time. Zoning Enforcement Officer Phillips said he would look into it.

Chairman Crowell read aloud a November 14 letter from Brad Carso and Lynn Johnson, expressing concerns about the view-shed.

With no other speakers or correspondence, 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, N. Y. Chairman Greg Crowell called the meeting to order at 7:15 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), and Sal Furnari. With Tony Scalici, Corinne Armstrong, and alternate members Dean Robinson and John Tedesco absent, alternate member Mary Anne Whelan joined the meeting table. Also present was Town Zoning Enforcement Officer Wylie Phillips.

Chairman Crowell asked whether any Board members had an ethical or legal conflict with tonight's application. No one reported any conflict.

The Board reviewed the minutes of October 17, e-mailed to the members. Dewey moved to approve the minutes as written. Furnari seconded the motion and it was approved, 4-0.

Besides that addressed during the public hearings, there was no correspondence received since the last meeting. The Board moved on to the applications.

APPLICATIONS

23.09 – Joseph Stagliano (Nick Drummond/Redpoint Builders) – Area variance, addition to camp within 500 feet of Otsego Lake in RA1 district – 6723 State Highway 80 (#69.68-1-10.00)

Clerk Bill Deane read aloud from the October 17 minutes relevant to the Stagliano application. Representative Nick Drummond of Redpoint Builders was present.

Drummond submitted revised plans dated November 13, showing the drainage plans as requested. He said that the site plan had been changed due to the required location of the leech field, and that it would improve the septic situation. As a result, the retaining wall will move closer to the road and neighbor, and the staircase will be relocated. The consensus of the Board was that this was essentially a new application, and that Stagliano would now need variances of 17'5" on the north side, 12'11" on the south side, and one on the front or west (State Highway 80) side. It was noted that, if the entire wall were three feet high instead of five, it would not need a variance.

Drummond said he would agree to "stop the clock" on the Board's requirement to act on the application by December 18. After an aborted motion by John Dewey, Drummond agreed to withdraw his original application (#23.09). The discussion was tabled to give Drummond time to complete a new application form.

Chairman Crowell said that he had consulted the County's tax-mapping services, finding five large structures within a few-hundred yards of Stagliano's property: 6727 State Highway 80 (2,014 square feet), 6718 State Highway 80 (2,049), 6688 State Highway 80 (2,385), 6680 State Highway 80 (2,463), and 6713 State Highway 80 (1,728). Crowell also noted a filed October 30 letter from Joan & Wayne Bunn, urging the Board to deny the application.

Dewey asked that Drummond put out red flags to mark the proposed construction, for the Board members' benefit.

Chairman Crowell moved to deem the revised application (#23.14) complete and schedule a public hearing for December. Dewey seconded the motion and it was approved, 4-0.

23.11 – Heather & David Drenth (Tim Yerdon) -- Area variances, addition to residence within 100 feet of Canadarago Lake in RA2 district – 173 Marble Road (#52.08-1-27.02)

Clerk Bill Deane read aloud from the October 17 minutes relevant to the Drenth application. Representative Tim Yerdon was present.

Chairman Crowell noted that a lot of Drenth's neighbors have porches. He moved to grant the variances requested, specific to the proposed project: a nine-foot variance on the front (east) side, and a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Canadarago Lake. Crowell said that there is no other feasible way to achieve the benefit sought; that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that the requested 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, it is reasonable when weighing the benefit to the applicant against the lack of detriment to the public. John Dewey seconded the motion and it was approved, 4-0.

Yerdon asked to be put on the December 5 Planning Board agenda. Deane advised him to work with Zoning Enforcement Officer Phillips in preparing for that.

23.12 – Bart Brush – Area variance, rebuilding of garage in HR district – 100 Cemetery Road (#113.00-1-28.00)

Clerk Bill Deane read aloud from the October 17 minutes relevant to the Brush application. Applicant Bart Brush was present.

Chairman Crowell said he had visited the site, and feels there is nowhere else to locate a garage due to the slope of the property. John Dewey said the garage would not change the character of the neighborhood.

Sal Furnari moved to grant the variance requested, specific to the proposed project: a 32-foot variance on the south (Allison Road) side. Furnari said that there is no other feasible way to achieve the benefit sought; that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that the requested 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, it is a positive improvement. Mary Anne Whelan seconded the motion and it was approved, 4-0.

23.13 – Josh Edmonds – Area variance, expansion of Simple Integrity headquarters in GB2 district – 6106 State Highway 28 (#114.00-1-7.31)

Clerk Bill Deane read aloud from the October 17 minutes relevant to the Edmonds application. Applicant Josh Edmonds was present. Board members allowed neighbor Kim Johannesen to look at the plans and reiterate her concerns.

Sal Furnari asked if the building(s) could be configured differently to reduce the neighbors' view-shed concerns. Edmonds said they would reduce the debris, which could now be stored inside. Furnari said that, theoretically, Edmonds could subdivide the 5.9-acre parcel into up to five lots and have 5,000 square feet of building space on each lot.

Per *Land Use Law* Section 2.07, Special Requirement #2, "Buildings cannot exceed 5,000 square feet (building footprint) on a single lot in the GB-2 District." With a proposed building area of 11,320 square feet, Edmonds would need a variance of 6,320 square feet. The Board discussed the ramifications of such a large variance. Deane noted that the Board could consider a modified approval. Edmonds said he would be willing to reduce the size of one proposed building from 40x110' to 40x80', a reduction of 1,200 square feet. This would reduce the requested variance to 5,120 square feet.

John Dewey moved to grant a variance of 5,120 square feet from *Land Use Law* Section 2.07, Special Requirement #2, based on Edmonds's verbal modification to the proposed plan. Chairman Crowell added the condition that a staggered row of eight evergreen trees be planted on the east side to mask the neighbors' view-shed. Dewey said that there is no other feasible way to achieve the benefit sought; that no significant undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that, though the requested variance is substantial, it is less so considering the size of the lot; that the project will have no significant adverse effect or impact on the physical or environmental conditions of the neighborhood; and that, though the alleged difficulty is self-created, it is a positive improvement to a good business. Chairman Crowell seconded the motion and it was approved, 4-0.

OTHER BUSINESS

Zoning Enforcement Officer Phillips said that he was expecting a new ZBA application from Peter Kapsales (Tim Yerdon) next month.

The Board discussed 2024 ZBA personnel. Sal Furnari's and Dean Robinson's term are expiring, leaving openings for 2024-28 member and third alternate member, respectively. The Town Board also needs to appoint the ZBA Chairman (currently Greg Crowell) and Clerk (Bill Deane). Furnari and Crowell said they were willing to continue in their respective roles.

Chairman Crowell moved to recommend that the Town Board reappoint Deane as ZBA clerk. John Dewey seconded the motion and it was approved, 4-0.

Dewey moved to recommend that the Town Board reappoint Crowell as chairman. Mary Anne Whelan seconded the motion and it was approved, 3-0, with Crowell abstaining.

Chairman Crowell moved to recommend that the Town Board reappoint Furnari as member for 2024-28. Dewey seconded the motion and it was approved, 3-0, with Furnari abstaining.

With no further business, at 8:37 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Clerk