

Town of Otsego Zoning Board of Appeals
Minutes – December 15, 2009

PUBLIC HEARING

09.11 – Sal Furnari – Area variances, house expansion – 154 Stone House Road, Fly Creek (#98.00-1-39.00)

Chairman Greg Crowell opened the Harrison Hummel public hearing at 7:03, and noted that no one from the public was present. Crowell closed the hearing at 7:18.

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 roll call was taken by Zoning Enforcement Officer Hank Schecher, acting as Secretary in Bill Deane's absence.

Board members present were Crowell, Tony Scalici (Vice-Chairman), Sam Hoskins, and Bill Kitchen. Ed Hobbie was again absent.

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

The Board reviewed the ZBA minutes of November 17, 2009, mailed to the members. Hoskins moved to approve them as written. Kitchen seconded the motion and it was approved, 4-0.

With no correspondence received since the last meeting, the Board moved on to applications.

APPLICATIONS

09.11 – Sal Furnari – Area variances, house expansion – 154 Stone House Road, Fly Creek (#98.00-1-39.00)

Applicant Sal Furnari was present, along with representative Hans deWaal. Furnari wants to expand the kitchen of an existing house, adding a bedroom, living room, and dining room. The Board reviewed the file material, and deWaal answered questions posed by the members.

Tony Scalici moved to grant the variances sought of 25 feet in the front (north) and 15 feet in the back (south). Scalici said that the expansion was consistent with neighboring houses, and that there would be no adverse effects on the physical or environmental conditions in the neighborhood. Sam Hoskins seconded the motion and it was approved, 4-0.

09.12 – Laurel O'Brien – Area variance, subdivision creating lot(s) of under three acres in RA2 District – 438 Williams Road (#113.00-1-57.64)

Dan Holtje said he represented applicant Laurel O'Brien, who wants to subdivide a 5.3-acre vacant parcel into two lots. Because the *Land Use Law* requires a minimum of three acres per lot in the RA2 district, she would need an area variance before proceeding to the Planning Board for subdivision approval. The ZBA had discussed the situation during its October and November meetings. The Planning Board discussed it during its November 10 meeting, and Chairman Lord said that this subdivision would be illegal, thus could not come to the Planning Board without a variance.

It was noted that no application had been submitted. The Board debated as to whether this would constitute a subdivision, and whether they had the authority to rule on such an application. Tony Scalici said that he would want a more formal denial (including a vote) from the Planning Board. Zoning Enforcement Officer Schecher said that he believed he had the authority to deny a subdivision application if it did not comply with the *Land Use Law*.

The Board discussed the merits of the case. The consensus was that they could not approve something which subverts the *Land Use Law* and *Subdivision Regulations*. Holtje referred to the June, 2005 Tedesco ZBA application (mentioned during the October, 2009 meeting), and also noted that there were seven lots of less than three acres near the O'Brien property.

The Board discussed possible options. Bill Kitchen asked whether O'Brien could buy an adjacent property, giving her enough acreage to do a legal subdivision. Tony Scalici suggested building two houses on the lot. The Board agreed that dividing the parcel so that only one of the resultant lots did not comply (e.g., one lot of three acres and the other of 2.3) would be preferable to creating two non-conforming lots (e.g., 2.65 acres each).

The Board felt the best option might be for O'Brien to do a lot line adjustment between the 1.8-acre adjoining lot on which she lives, and the 5.3-acre parcel, increasing the latter to six-plus acres and

allowing for a legal subdivision of it. They suggested that Holtje discuss this possibility with the Planning Board and/or Planning Board Attorney.

OTHER BUSINESS

The Board discussed 2010 personnel. Member Sam Hoskins's term ends at the end of the year, and Secretary Bill Deane is up for his annual reappointment. Chairman Crowell move to recommend that the Town Board reappoint both Hoskins and Deane. Tony Scalici seconded the motion and it was approved, 3-0, with Hoskins abstaining.

With no further business, at 8:15 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Secretary