

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

Minutes – December 15, 2020

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

### **PUBLIC HEARING**

#### **20.07 – Steve Talevi – Area variances, stairway within 100 feet of Canadarago Lake in RA2 district – 2144 County Highway 22 (#39.00-2-2.03)**

Chairman Greg Crowell opened the Talevi public hearing at 7:03 PM and noted that the proposed project no longer includes a deck, contrary to the agenda. Secretary Bill Deane read aloud from the ZBA minutes of November 17 relevant to the application. Crowell asked if anyone from the public had comments or questions; no one responded. 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. All regular Board members were present: Crowell, John Dewey (vice-chairman), Sal Furnari, Dean Robinson, and Mary Anne Whelan. Town Supervisor Meg Kiernan and Zoning Enforcement Officer Jess Lanza were also present. 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 November 17, 2020, e-mailed to the members. Robinson moved to approve the minutes as written. Whelan 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**

#### **20.07 – Steve Talevi – Area variances, stairway within 100 feet of Canadarago Lake in RA2 district – 2144 County Highway 22 (#39.00-2-2.03)**

Chairman Crowell said that he had visited the property, and noticed similar staircases on either side of it. He said that there is no other way to safely access the Lake, and commended Talevi for working around trees rather than removing them. Crowell also noted a drainage pipe which precludes another location for the proposed staircase. Sal Furnari agreed with Crowell's assessment.

John Dewey moved to approve the variances sought: 28 feet on the south side, 26 feet on the east (County Highway 22) side, and 21 feet on the west (Lake) side. Dewey said that the benefit sought cannot be achieved by any other feasible method; that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that, while the requested variances are substantial, the project includes only a staircase, which will not impact sight-lines; 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 and produces an improvement in the property. Chairman Crowell seconded the motion and it was approved, 5-0.

Secretary Deane advised Talevi to consult *Land Use Law* Sections 4.04 and 8.04, and work with Zoning Enforcement Officer Lanza in preparation for the Planning Board. Talevi said he would not be able to attend that Board's meeting until March.

**20.08 – Leatherstocking Association Common Area/Vince Pyle (Chad Whitbeck) – Area variances, stairway & deck within 100 feet of Otsego Lake in RA1 district – 162 Browdy Mountain Road (#84.08-1-29.00)**

Zoning Enforcement Officer Lanza explained that, on November 15, a land-owner e-mailed a complaint to him. The owner said that, in October, someone from the Leatherstocking Association Common Area initiated construction of a stairway and deck on a 0.3-acre lot within 100 feet of Otsego Lake, evidently without approvals from the ZBA, Planning Board, or County Codes. Lanza confirmed this on November 18, took photos, and issued a “stop-work” order and notice of violation, advising the Association to submit a ZBA application. Vince Pyle did so, presumably on behalf of the Association. Chad Whitbeck said that he is a contractor, hired by Pyle, and authorized to represent him before the ZBA.

Whitbeck submitted Pyle's 2/24/16 survey of the property. He said he did not have a deed. Whitbeck said that some trees had been removed, but no dirt.

Chairman Crowell said that the applicant would need a variance from Section 4.04 of the *Land Use Law*, which prohibits new construction within 100 feet of the Lake. The Board will need distances from the stairway and deck to property lines to determine what additional area variances may be needed on the north, east (rear, or Lake), and west (front, or State Highway 80) sides; the required setbacks are 30, 35, and 60 feet, respectively.

There were several Association members and neighbors in attendance. In light of the unusual circumstances, Chairman Crowell opened the floor to limited comments.

Joan Hopkins asked how the Board could approve an application submitted by only one of multiple owners of the property? Hopkins also claimed that Pyle has not paid his taxes in two years.

· Tim Killian said that the Association was formed in the 1970s, and consists of 13 shares owned by eight different land-owners; Pyle owns one of the shares, or 7.7%. Killian said they have no By-Laws. He said the work and proposed work is “an atrocity,” and will lead to erosion.

· Tracy Killian said that the application should match the ownership of the property.

· Brian Reagan said that each deed lists the communal property.

· Katherine Allen said that she is a neighbor but not an Association member. She said that Otsego County Soil & Water had stopped a previous attempt to build on this property, and suggested the Board check with them.

Chairman Crowell said that Town Attorney Ryan Miosek will have to weigh in as to whether Pyle has standing to represent the Association in this application, and in the meantime the “stop-work” order remains in effect. Dean Robinson moved to table the application until they can establish who owns the property and has right to apply. Sal Furnari seconded the motion and it was approved, 5-0.

Whitbeck offered to put in hay-bales to help with erosion control in the meantime. The Board agreed this was a good idea, and not in violation of the “stop-work” order.

### **OTHER BUSINESS**

Zoning Enforcement Officer Lanza said that, in January, the Board would get an application for extensive seawall repairs on Otsego Lake.

The Board discussed 2021 ZBA personnel. Greg Crowell’s five-year term as member ends on December 31, and he is also up for reappointment as chairman; he said he was willing to continue serving in those roles. First alternate member Tony Scalici’s term is also expiring, and Bill Deane is up for reappointment as secretary. The ZBA can make recommendations to the Town Board regarding these positions.

Dean Robinson moved to recommend that the Town Board reappoint Crowell as 2021-25 member and chairman. John Dewey seconded the motion and it was approved, 4-0, with Crowell abstaining.

Crowell moved to recommend that the Town Board reappoint Deane as secretary. Robinson seconded the motion and it was approved, 5-0.

Robinson moved to recommend that the Town Board reappoint Scalici as first alternate member. Crowell seconded the motion and it was approved, 5-0.

With no further business, at 8:05 Crowell adjourned the meeting.

Respectfully submitted,  
Bill Deane, Secretary