

Town of Otsego Zoning Board of Appeals
Minutes (Unapproved) – December 20, 2016

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 7:03 PM and led the Pledge of Allegiance.

Roll call was taken by Secretary Bill Deane. All Board members were present: Crowell, Tony Scalici (Vice-Chairman), Christopher Voulo, John Tedesco, and Dean Robinson. Alternate member Bruce Miller, Town Attorney Michelle Kennedy, and Zoning Enforcement Officer Ed Hobbie were also present. Alternate member Michael Pelcer was absent.

The Board reviewed the minutes of November 15, e-mailed to the members. Deane noted that, on page 1, paragraph 4, “Hummel” should be “Bissell.” Chairman Crowell noted that a mistake was corrected the same day as the minutes were first sent: under the Bissell application, paragraph 2, “SEQR” was changed to “IRS.” Crowell moved to approve the minutes as amended. Robinson seconded the motion and it was approved, 5-0.

Chairman Crowell said the only correspondence received was related to the Bissell application, and would be addressed at that time, during State Environmental Quality Review (SEQR).

Chairman Crowell asked if anyone had a potential conflict with tonight’s applicants. No one reported any conflict. The Board moved on to applications.

APPLICATIONS

16.07 – Matthew & Linda Lionetti – Area variance, minor subdivision in RA2 District – 768 County Highway 26 (#114.00-1-46.01)

No one appeared on behalf of the Lionetti application. Zoning Enforcement Hobbie said the Lionettis would be getting a full survey done before returning before the Board.

After brief discussion, Christopher Voulo moved to reverse the order of the Bissell and Ossont applications (listed on the agenda with Bissell first). Dean Robinson seconded the motion and it was approved, 5-0.

16.10 – Donald Ossont (Daniel Cohen) – Area variances, replacement of residence within 100 feet of Canadarago Lake – 185 Marble Road (#52.08-1-25.00)

Applicant Donald Ossont was present, along with attorney Daniel Cohen. Ossont wants to demolish an existing two-story, 22x24’ residence within 100 feet of Canadarago Lake in the spring, and replace it with a one-story, 22x26’ residence 40 feet farther from the Lake. As with most lots in this area, the pre-existing parcel does not allow for the side-yard setbacks required by the *Land Use Law*. Because the footprint would be slightly larger, and the new building would still be within 100 feet of the Lake, he will need ZBA variances prior to site plan review.

The Board reviewed the documents submitted, including a tax map, site plan, and list of neighbors within 200 feet. The consensus was that they had everything necessary, and that Ossont would need a 19-foot variance on the north side, an 18-foot variance on the south side, and a variance from *Land Use Law 4.04* (Lakeshore protection). Ossont gave permission for Board members to visit the property.

Tony Scalici wondered if concurrent review could be done by the Planning Board, to expedite the process. Clerk Bill Deane said the Planning Board would not act until or unless the ZBA variances were granted. In a best-case scenario for the applicant, the ZBA would hold a public hearing and approve the variances in January, and Ossont could go before the Planning Board in February. The may waive their public hearing and rule on the application that night, if it is complete.

John Tedesco moved to deem the application complete and schedule a public hearing for January 17, 2017. Christopher Voulo seconded the motion and it was approved, 5-0.

16.09 – Addison Bissell (Robert Panasci) – Use variance, principle buildings per lot – 6515 State Highway 80 (#84.12-1-6.00)

Town Attorney Michelle Kennedy asked for an executive session for an attorney-client meeting between her and the Board. At 7:22, Tony Scalici moved to adjourn to executive session. John Tedesco seconded the motion and it was approved, 5-0. The room was cleared of all people except Kennedy and the Board members.

At 7:40, other employees and attendees were invited back into the room. Scalici moved to come out of executive session. Dean Robinson seconded the motion and it was approved, 5-0. Chairman Crowell said no votes were taken during the session.

The Board discussed SEQR. Attorney Kennedy said that only the Departments of Transportation and Environmental Conservation had responded to the coordinated review mailings, and both consented to the ZBA's lead agency declaration. Kennedy distributed copies of a proposed resolution establishing SEQR lead agency status for the ZBA. After discussion, Chairman Crowell moved to approve the resolution as written. Robinson seconded the motion and it was approved, 5-0, with each member individually polled. Crowell completed and signed the resolution.

The Board referred to two pieces of correspondence related to the application, both of which had been distributed to the members via e-mail, and filed. One was a November 14 letter from attorney Doug Zamelis, and the other was a letter from the Otsego Lake Association, regarding alleged environmental impacts.

The Board reviewed the long Environmental Assessment Form (EAF) submitted by the applicant. He had completed part 1. Chairman Crowell read aloud and completed part 2 with member input. He asked applicant Addison Bissell questions about the septic system. The Board ultimately deemed the proposed project as having no or minimal environmental impact on each of the items cited. Attorney Kennedy distributed copies of a proposed negative declaration/notice of determination of non-significance. The Board reviewed the draft and suggested some amendments; Kennedy said she would type up a final draft with the amendments. Christopher Voulo moved to approve the negative declaration, finding that no significant adverse environmental impacts will occur as the result of this project, thus that there is no need for an

environmental impact statement. Robinson seconded the motion and it was approved, 5-0. Chairman Crowell signed the EAF. Attorney Kennedy said she would take care of necessary notifications listed in the draft.

John Tedesco moved to deem the application complete and schedule a public hearing for January 17, 2017. Christopher Voulo seconded the motion. Tony Scalici noted that they had asked the applicant for his IRS Schedule C, but he had not provided it. Attorney Kennedy said that the applicant chose not to provide that document, but that it wasn't really a requirement, just a request. The motion was approved, 5-0.

OTHER BUSINESS

Zoning Enforcement Officer said he had no formal report. He gave an update on the Hummel situation.

With no further business, at 8:27 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Secretary