

Town of Otsego Zoning Board of Appeals

Minutes – December 21, 2021

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

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 7:01 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 Corinne Armstrong, Dean Robinson, and alternate members Tony Scalici and John Tedesco absent, second alternate member Mary Anne Whelan joined the meeting table. Deane introduced Wylie Phillips, who will become Zoning Enforcement Officer on January 1.

The Board reviewed the minutes of November 16, 2021, e-mailed to the members. Dewey asked that the following be added to the minutes: “Based on issues raised during the public hearing, John Dewey reviewed some of the details of the previous two ZBA applications and the actions taken by the ZBA.” Dewey moved to approve the minutes as amended. Chairman Crowell seconded the motion and it was approved, 4-0.

Other than that related to the Galati application, there was no correspondence received since the last meeting. The Board moved on to the application.

APPLICATION

21.13 – Joe Galati – Interpretation, ZEO action and/or non-action re: Stagliano property – 6723 State Highway 80 (#69.68-1-10.00)

Clerk Bill Deane read aloud from the ZBA minutes of November 16 relevant to the Galati application. Deane noted that applicant Joe Galati, after discussing his case with Town Attorney Ryan Miosek, had sent a December 15 e-mail (filed), withdrawing his application. Deane also read aloud from December 21 documents (filed) from Galati, summarizing his conversation with Miosek and his expectations in the future for this issue.

Chairman Crowell noted that Galati had not shown how he was aggrieved by the Stagliano situation, a requirement to demonstrate standing. Crowell said that proximity to the property is not the only criteria; an applicant must demonstrate how he is harmed differently “from that of the public at large,” per New York State case law. Crowell added that the Board can’t regulate the presence of beds or electricity, based on the Land Use Law. John Dewey and Sal Furnari agreed.

Deane read aloud from the Planning Board minutes of October 5 relevant to the Stagliano property. On October 22, Zoning Enforcement Officer Jess Lanza issued a notice to Stagliano saying, “Per the determination of the Town of Otsego Planning Board, you must remove all non-site planned items from the structure within 60 Days before returning to the Planning Board for another site plan review.” Wylie Phillips noted that the 60-day deadline is upon us, and that he and Lanza would be inspecting the property to check for compliance.

Chairman Crowell moved to proceed on to “other business.” Furnari seconded the motion and it was approved, 4-0.

OTHER BUSINESS

Chairman Crowell said he will recommend that the Town return to the former ZBA application form, with some modifications, including asking interpretation applicants how they are aggrieved. Crowell said that he would also recommend that the Town erect more signs about zoning laws being in effect.

The Board discussed ways to ensure that projects come to the ZBA properly, and that they are completed per the Planning and Zoning Boards' specifications. Chairman Crowell said that the Zoning Enforcement Officer should issue a written denial notice before accepting a ZBA application. Crowell also said the ZEO should verify statements and dimensions cited on a ZBA application. John Dewey suggested the ZBA put more conditions on their variance approvals. Sal Furnari suggested requiring engineers to sign off on completed work.

At 8:09, the recording device ran out of memory and stopped recording the meeting.

Outgoing Town Board member Carina Franck submitted a draft of concerns she hopes the Town Board addresses. Clerk Bill Deane read aloud from her December 21 e-mail, thanking the Board, Chairman Crowell, and Deane for their work.

Outgoing Zoning Enforcement Officer Jess Lanza was absent, but submitted a December 21 e-mail, reporting two land use permits issued in November, and impending follow-up to the Stagliano application. He thanked the Board for their help in his role.

Clerk Bill Deane said that he will not be available if the ZBA has a meeting on January 21. He has asked Town Clerk Pam Deane to fill in for him if necessary.

With no further business, at 8:34 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Clerk