

Town of Otsego Zoning Board of Appeals (ZBA)

Minutes – December 21, 2023

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

PUBLIC HEARING

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)

Chairman Crowell opened the Stagliano public hearing at 7:04 PM and noted that no one from the public was present. He read aloud December 18 and 21 e-mails from neighbor Joe Galati, expressing concerns about the drainage plan, septic system, and potable water well. Crowell also read aloud a December 20 letter from Albert Keck of the Watershed Supervisory Committee, and John Dewey read aloud a December 20 letter from Nick Drummond of Redpoint Builders, both responding to Galati's first e-mail.

Clerk Bill Deane noted that a hearing notice addressed to neighbor Matthew Shea was returned to sender due to no mail receptacle.

With no further speakers or correspondence, Chairman Crowell closed the hearing.

REGULAR MEETING

The monthly Town of Otsego Zoning Board of Appeals (ZBA) meeting was held on this date (rescheduled from December 19 due to member conflict) at the Town Office Building in Fly Creek, N. Y. Chairman Greg Crowell called the meeting to order at 7:30 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. Tony Scalici, Corinne Armstrong, and alternate members Mary Anne Whelan, Dean Robinson, and John Tedesco were absent, as was Town Zoning Enforcement Officer Wylie Phillips. Deane reminded the Board that, with only three members present, a unanimous vote would be necessary to pass any motion. He also reminded them that they had 62 days to act after a public hearing.

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

The Board reviewed the minutes of November 21, e-mailed to the members. Furnari moved to approve the minutes as written. Dewey seconded the motion and it was approved, 3-0.

Besides that addressed during the public hearing, the only correspondence received since the last meeting was a November 29 letter from the Department of Transportation, regarding the recent emergency repair of State Highway 80. The Board moved on to the applications.

APPLICATIONS

23.14 – 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 November 21 minutes relevant to the Stagliano application. Representative Nick Drummond of Redpoint Builders submitted up-to-date plans.

The Board determined that Stagliano would need variances of 17'5" on the north side, 12'11" on the south side, and 7 feet on the front or east (State Highway 80) side. Chairman Crowell said that the project would be an improvement over most neighboring properties, and reminded the Board of the neighbor building size comparisons he had cited at the last meeting. He said that the addition and septic system are best located on the front (east) of the house. Crowell said the addition would not block

neighbors' view-shed of the Lake. He said a new, engineered septic system would be a great improvement, and the proposed drainage plan would alleviate runoff issues.

Chairman Crowell moved to approve the variances requested, conditional on Watershed Supervisory Committee approval of the septic plan, and either the drainage plan signed off by the Department of Transportation, or an engineered plan approved by the Planning Board. Crowell said that there is no other feasible way to achieve the benefit sought, due to the size and extreme steepness of the lot; that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that the requested variance is substantial, but not so in comparison with the existing non-conformity nor the neighboring structures; that the project will have no adverse effect or impact on the physical or environmental conditions of the neighborhood, and in fact the proposed septic system will produce an improvement in those conditions; 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, 3-0.

Drummond said he was not yet ready to proceed to the Planning Board, but would give Deane and/or Zoning Enforcement Officer Phillips two weeks' notice when he was ready.

23.15 – Peter Kapsales (Tim Yerdon) – Area variance, addition to residence within 500 feet of Otsego Lake in RA1 district – 6447 State Highway 80 (#84.00-1-17.02)

Representative Tim Yerdon said that applicant Peter Kapsales wants to expand his residence within 500 feet of Otsego Lake, with two-story, 16' x 26'4" addition. The ZBA had approved variances for replacement of a shed and deck on the property in April.

The Board determined that the only variance needed for the current project would be a five-foot variance on the north side. Yerdon submitted \$150 cash to Clerk Bill Deane in payment of the application fee. Deane gave a handwritten receipt to Yerdon and delivered the money to the Town Clerk.

John Dewey moved to deem the application complete, contingent on a list of neighbors within 200 feet of the property lines, and to schedule a public hearing for January 16, 2024 with the same contingency. Chairman Crowell seconded the motion and it was approved, 3-0.

OTHER BUSINESS

With Wylie Phillips absent, there was no Zoning Enforcement Officer report. With no further business, at 8:28 Chairman Crowell adjourned the meeting.

Respectfully submitted,
Bill Deane, Clerk