**Town of Otsego Zoning Board of Appeals (ZBA)**

Minutes – April 15, 2025

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

**PUBLIC HEARING**

**25.02 – Danielle Henrici (Michael Henrici) – Area variance, minimum lot size for subdivision in RA1 district – 871 County Highway 26 (#114.05-1-28.00)**

Chairman Crowell opened the Henrici public hearing at 7:05 PM, and explained the variance request. He said that he had heard of a claim that the road frontage of the property is only 71 feet, less than the 75 required for the H-R district; but upon investigation, he had determined that the actual frontage is between 81-82 feet, based on the survey and the GIS tax-map. Zoning Enforcement Officer Phillips agreed. Crowell asked if anyone from the public had questions or comments about the application.

Wayne Mellor of 881 County Highway 26 noted that there was a previous variance on the property for a 1993 subdivision, at which time there was a deed restriction prohibiting any other building on this property. Mellor is concerned that an undesirable building on the property will reduce his property value, and wondered, “What stops a variance?”

Red Onyan of 870 County Highway 26 asked questions about frontage and setback requirements, which were answered by Zoning Enforcement Officer Phillips. Onyan said part of the property is in a flood zone. He expressed concerns about what might be built on the newly-created lot. Chairman Crowell said the variance being considered is about the land, not speculation about any future building.

Craig Lippitt of 861 County Highway 26 asked questions about the deed restriction, and the criteria for granting a variance. Chairman Crowell said that, if there were a deed restriction, it would not be something the ZBA considered. Clerk Bill Deane said that, if the ZBA granted the variance, Henrici would next have to go before the Planning Board, who would want to know about any deed restrictions.

Mike Bouton of 865 County Highway 26 also asked about the criteria for granting a variance. Chairman Crowell read aloud the five criteria in Section 9.03 of the *Land Use Law*, which is based on New York State statutes.

Andrew Knoop of 864 County Highway 26 expressed concerns about what might be built on the newly-created lot.

Jess Gorman Knoop of 864 County Highway 26 also expressed concerns about what might be built on the newly-created lot. She wondered if the applicant should provide a more current survey than the March, 2007 one submitted. Knoop gave Chairman Crowell a copy of the New York State ZBA guidelines. Crowell said that he is aware of the guidelines, and that a new survey would not be expected to show anything different than the 2007 one.

Tracy Lippitt of 861 County Highway 26 wondered why the applicant did not provide markers to clarify the road frontage issue. Chairman Crowell said, in his opinion, the survey is sufficient to clarify the issue.

With no further comments or questions, 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, N. Y. Chairman Greg Crowell called the meeting to order at 7:35 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), Sal Furnari (who arrived at 7:30, during the public hearing), and Ken Marx. Tony Scalici was absent. Deane said that alternate member Corlissa Card had resigned, leaving no alternate members on the Board. Deane reminded the Board that three votes were required to pass any motion, and that the Henrici application did not have to be decided on tonight. Town Supervisor Ted Feury and Zoning Enforcement Officer Wylie Phillips were also present.

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

The Board reviewed the minutes of March 18, e-mailed to the members. Chairman Crowell said that Scalici had asked that the minutes of the Fitzpatrick application be amended to include his point that renovation does not necessarily equate to expansion. Crowell moved to approve the minutes as amended. Marx seconded the motion and it was approved, 4-0.

Deane said there was no correspondence received since the last meeting. The Board moved on to applications.

**APPLICATIONS**

**25.02 – Danielle Henrici (Michael Henrici) – Area variance, minimum lot size for subdivision in RA1 district – 871 County Highway 26 (#114.05-1-28.00)**

Clerk Bill Deane read aloud the minutes of March 18 relevant to the Henrici application. Representative Michael Henrici was present; he said he was not aware of any deed restriction.

Chairman Crowell reviewed the five criteria in Section 9.03 of the *Land Use Law*. He said he is concerned only with #1, “whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.” Crowell noted that there are many smaller lots already in the neighborhood. He said he would like to take another look at the property, and consider the concerns brought up during the public hearing. Crowell noted that the Board had 62 days from tonight to make a decision, or by June 16. Deane said the scheduled June meeting is on the 17th, so essentially the Board had to decide by the May meeting.

Chairman Crowell moved to table the application until May 20. John Dewey seconded the motion and it was approved, 4-0.

Deane asked Henrici to return to the May 20 meeting, or advise the Board if he decided to withdraw the application for any reason.

**25.03 – Geary Fitzpatrick (Barb Monroe; resubmission) – Area variances, renovation/expansion of existing residence within 100 feet of Otsego Lake in RA1 district – 6722 State Highway 80 (#69.63-1-12.00)**

Representative Barb Monroe submitted a new application on behalf of applicant Geary Fitzpatrick. She said it is essentially the same on that the Board had reviewed and failed to approve or deny earlier this year, with no changes to the building plans; the building would be about six feet higher than the existing height. Monroe submitted a $125 check for the application fee to Zoning Enforcement Officer Phillips.

During the previous application, the Board had determined that the variances required would be a 28-foot variance on the front or west side; a 20-foot variance on the north side; a 12-foot variance on the south side; plus a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of the Lake.

Chairman Crowell moved to deem the application complete and schedule a public hearing for May 20. John Dewey seconded the motion and it was approved, 4-0.

**25.04 – 112 Lake Shore Drive LLC (John & Robin Phelan) – Area variances, adding deck within 100 feet of Otsego Lake in RA1 district – 112 Lake Shore Drive (#69.44-1-26.00)**

No one appeared on behalf of this application. Chairman Crowell moved to table it until May 20. Ken Marx seconded the motion and it was approved, 4-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips said he had nothing new to report.

With no further business, at 8:13 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Clerk