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

Minutes – May 20, 2025

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

**PUBLIC HEARING**

**25.03 – Geary Fitzpatrick (Barb Monroe) – 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)**

Chairman Greg Crowell opened the Fitzpatrick public hearing at 7:02 PM. Clerk Bill Deane read aloud from the April 15 minutes relevant to the application.

Crowell asked if anyone from the public had questions or comments about the application. No one responded. Deane noted that a hearing notice addressed to Matthew Shea, 6713 State Highway 80, had been returned to sender due to “no mail receptacle.” 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 7:04 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. All Board members were present: Crowell, John Dewey (vice-chairman), Tony Scalici, Sal Furnari, and Ken Marx. 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 April 15, e-mailed to the members. Deane noted that, in the public hearing account, Andrew Knoop should be Henry Knoop. Crowell moved to approve the minutes as corrected. Dewey seconded the motion and it was approved, 5-0.

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 HR district – 871 County Highway 26 (#114.05-1-28.00)**

Chairman Crowell read aloud from the April 15 minutes relevant to the Henrici application. Representative Michael Henrici was present.

Tony Scalici asked whether the alleged deed restriction had any bearing on the ZBA or subsequent Planning Board decision. Zoning Enforcement Officer said that it would be a civil/legal situation, not within the Town’s purview.

Chairman Crowell said he had visited the property again, and saw no evidence of flooding. Zoning Enforcement Officer Phillips said the property is designated as a flood plain merely due to its proximity to the Creek, and printed out a copy of the 2017 FEMA map to illustrate this.

Crowell noted that there are many nearby parcels which are smaller than one acre, and that the undeveloped part of the property is entirely in the hamlet residential district. He said Henrici’s is the only property in the H-R district which is bisected by County Highway 26.

John Dewey said that anyone with the wherewithal to buy a building lot in Fly Creek would not be likely to erect an undesirable structure on the lot. Phillips noted that Henrici could build a structure there even without subdividing the property or getting a variance.

Neighbor Jess Gorman Knoop answered Board members’ questions and gave some input on the neighborhood. Tony Scalici pointed out that the Board has to rely on documented evidence, and that public comment is not a determining factor in the Board’s decision. Crowell expanded on that.

Chairman Crowell moved to grant the variance requested: a .03-acre area variance from *Land Use Law* Section 2.04. Crowell said there is no more feasible way to achieve the benefit sought; that the proposed subdivision is in keeping with the neighborhood, producing no undesirable change in its character, nor detriment to nearby properties, many of which are pre-existing, non-conforming in acreage themselves; that the requested variance is not substantial; that the project will have no foreseeable 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 when weighing the significant benefit to the applicant against any possible detriment to adjacent properties.

Scalici seconded the motion and it was approved, 4-1, with Sal Furnari opposed. Henrici asked to be put on the June 3 Planning Board agenda.

**25.03 – Geary Fitzpatrick (Barb Monroe) – 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 was present. The Board reviewed the application package.

Chairman Crowell said he had a problem with the building’s proposed height. He would not want to see a three-story structure so close to the Lake. John Dewey said the increase in living space is much greater than implied. Monroe said the applicant would be amenable to reducing the height. She said she would prefer a conditional approval rather than going through a new application again.

Dewey moved to approve the variances requested: 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 Otsego Lake; with the conditions that the height be at least four feet lower than depicted on the 3/30/25 plans, and that there be no dormers in the attic. Dewey said that there is no more feasible way to achieve the benefit sought; that the proposed project will produce no undesirable change in the neighborhood; that the requested variance is substantial, but increases the non-conformity only on the north side; 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 represents an improvement in the property, and is reasonable when weighing the benefit to the applicant against any possible detriment to adjacent properties.

Chairman Crowell seconded the motion and it was approved, 4-1, with Tony Scalici opposed. Scalici said the variance is substantial, and there is a more feasible way to achieve the benefit sought.

Monroe asked to be put on the June 3 Planning Board agenda. Clerk Bill Deane advised her that they would need revised plans based on the ZBA’s conditions.

**25.05 – Fly Creek Fire District – Area variance, electronic sign – 832 County Highway 26 (#114.05-1-46.00)**

Sam Hoskins and Paul Kehoe identified themselves as Fly Creek Fire District Commissioners. The Fire District currently has a 20-year-old copy-change sign measuring about 36 by 80 inches. They want to replace it with an electronic sign of the same size, similar to those used at other nearby fire departments like Hartwick Seminary, Schuyler Lake, and East Springfield. They said this would benefit the community.

Chairman Crowell said that, because *Land Use Law* Section 5.03 (4) does not permit illuminated signs, this would require an area variance. Zoning Enforcement Officer Phillips said the $75 ZBA application fee had not yet been paid.

Chairman Crowell moved to deem the application complete, contingent on the application fee being paid by June 3, and to schedule a public hearing for June 17 with the same contingency. Tony Scalici seconded the motion and it was approved, 5-0.

**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)**

Applicant John Phelan said that he wants to build a free-standing deck measuring 15 by 18 feet, eight feet from the Lake. Zoning Enforcement Officer Phillips said that the $75 ZBA application fee had not yet been paid.

The Board examined the application and determined the following variances would be needed: a 27-foot variance on the east (Lake) side; a 21-foot variance on the south side; plus a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Otsego Lake. Phelan gave Board members permission to visit the property.

John Dewey moved to deem the application complete, contingent on the application fee being paid by June 3, and to schedule a public hearing for June 17 with the same contingency. Chairman Crowell seconded the motion and it was approved, 5-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips said he had nothing new to report. He said he had heard nothing from applicant Kenneth Stabler, who last appeared before the Board in November, 2024.

With no further business, at 8:21 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Clerk