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

Minutes – July 15, 2025

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

**PUBLIC HEARING**

**25.06 – Robert Nixon – Area variances, addition to existing building within 100 feet of Canadarago Lake in RA2 District – 204 Bibik Road (#52.11-1-30.01)**

Chairman Greg Crowell opened the Nixon public hearing at 7:00 PM, and noted that nobody from the public was present. Clerk Bill Deane said that a hearing notice addressed to Connor Revocable Trust was returned to sender, “Attempted, not known.” 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 7:02 PM and led the Pledge of Allegiance.

Roll call was taken by clerk Bill Deane. Board members present were Crowell, John Dewey (vice-chairman), Tony Scalici, and Ken Marx. With Sal Furnari absent, new alternate member William Day joined the meeting table. Zoning Enforcement Officer Wylie Phillips was also present.

The Board reviewed the minutes of June 17, e-mailed to the members. Scalici moved to approve the minutes as written. Marx seconded the motion and it was approved, 5-0.

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

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

**APPLICATION**

**25.06 – Robert Nixon – Area variances, addition to existing building within 100 feet of Canadarago Lake in RA2 District – 204 Bibik Road (#52.11-1-30.01)**

Clerk Bill Deane read aloud from the minutes of June 17 relevant to the Nixon application.

Applicant Robert Nixon was present.

Chairman Crowell said he is familiar with Bibik Road, and believes this project would be in keeping with the neighborhood. There are 21 dwellings on the road, with an average of 913 square feet each; this expansion would bring Nixon’s property to 913 square feet. Crowell added that the new room’s being on the street side rather than the Lake side of the house is preferable.

With input from Chairman Crowell, Tony Scalici moved to grant the variances requested: a seven-foot variance on the north side; a ten-foot variance on the south side; plus a variance from *Land Use Law* 4.04, which prohibits new construction within 100 feet of Canadarago Lake. Scalici said that there is no more feasible way to achieve the benefit sought; that the proposed project will be in keeping with the neighborhood; that the requested variance is not substantial; 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 is reasonable when weighing the benefit to the applicant against any possible detriment to adjacent properties. Crowell seconded the motion and it was approved, 5-0.

Nixon asked to be put on the August 5 Planning Board agenda.

**OTHER BUSINESS**

Chairman Crowell reminded the Board that neighbors Henry Knoop and Jessica Gorman (not present) had appealed the Henrici area variance they granted on May 20, per *Land Use Law* Section 9.02 (D). In a letter dated June 3, the neighbors claim the decision inadequately considered that the applicant did not demonstrate any hardship, and that the alleged difficulty was self-created. As recorded in the June minutes, Chairman Crowell said that, by statute, the applicant is not required to demonstrate hardship for an area variance (only a use variance), and that being self-created is not determinative in the decision. Crowell noted that part of the Henrici property is in a flood zone, but it is more of a factor on neighboring parcels. John Dewey said that he thought the Board made the right decision.

Chairman Crowell asked if any members of the Board wanted to make a motion for re-hearing the case. No one responded affirmatively, and Crowell deemed the matter closed.

Zoning Enforcement Officer Phillips said a neighbor had reported that John Phelan had poured a concrete driveway on his property on Lake Shore Drive. If so and within 100 feet of the Lake, it would require Planning Board approval, but no ZBA intervention. Phillips will investigate the claim.

Phillips wondered about the history of the Cobblescote property near Otsego Lake. Clerk Bill Deane said he had prepared a document detailing the property’s 2004-18 history with the Zoning and Planning Boards, and would e-mail it to Phillips.

Phillips and Crowell said that the Town’s Land Use Law and Comprehensive Plan Committees were being resurrected, starting next week.

Chairman Crowell said he looked into the Cornfield Hall question raised by Phillips at the last meeting. Chris Eastman, Crowell’s contact at the Department of State, opined that it would constitute an increase of non-conformity in a pre-existing, non-conforming property. However, all agreed it would be hard to quantify or enforce. Eastman was not aware of any relevant case law.

Deane reminded the Board that Ken Stabler had applied for a variance last fall, with a contentious public hearing held on November 19, 2024, and the Board then asking Stabler to provide more information. On December 16, Stabler had e-mailed Zoning Enforcement Phillips, saying, “I would like to waive the 62 day deadline for ZBA approval.” Nobody from the Town has heard from Stabler since. Deane noted that eight months had elapsed since the public hearing, and wondered how long the application could or should sit in limbo. Chairman Crowell said he would check into that. John Dewey asked Phillips to notify Stabler, asking him to submit the requested information, or withdraw the application, before the next scheduled ZBA meeting.

With no further business, at 7:35 Chairman Crowell adjourned the meeting.

Respectfully submitted,

Bill Deane, Clerk