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

Minutes – March 18, 2025

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

**PUBLIC HEARING**

**25.01 – 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 Geary public hearing at 7:03 PM and asked if anyone from the public had questions or comments about the application. No one responded. Clerk Bill 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. Board members present were Crowell, Tony Scalici, and Ken Marx. John Dewey (vice-chairman), Sal Furnari, and alternate member Corlissa Card were absent. Deane reminded the Board that, with only three members present, a unanimous vote would be needed to pass any motion. Town Zoning Enforcement Officer Wylie Phillips was also present.

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

The Board reviewed the minutes of February 18, e-mailed to the members. Scalici moved to approve the minutes as written. Marx seconded the motion and it was approved, 3-0.

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

**APPLICATIONS**

**24.08 – Kenneth Stabler – Area variance, increase in allowable storage facility space in GB2 district – State Highway 28 & Parslow Road (#97.00-1-3.03)**

No one appeared on behalf of the Stabler application. Chairman Crowell moved to remove the application from the agenda until further (two weeks’) notice from the applicant. Ken Marx seconded the motion and it was approved, 3-0.

**25.01 – 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)**

Clerk Bill Deane read aloud from the minutes of February 18 relevant to the Fitzpatrick application. Representative Barb Monroe was present.

Chairman Crowell said the proposed project does not represent a large increase in living space, and shouldn’t affect sight-lines, but he is concerned about increased roof area and water runoff. He would want conditions addressing this in any approval.

Monroe said that the applicant wants to expand the building due to his growing extended family. She said the building height would be increasing approximately five feet (currently 17’6” above the Route 80 surface) and be the same as the existing garage. There would be one tree removed, subject to site plan approval.

 Tony Scalici again noted that the application does not include any evidence for the need for renovation or expansion.

 Chairman Crowell moved to grant 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 the Lake; with the conditions that (1) all new roof surfaces shall have gutters, draining in such a manner that does not flow over soil and run off into the Lake, and (2) Watershed Supervisory Committee approval of the sewage-handling system prior to issuing of a zoning permit. Crowell said there is no more feasible way to achieve the benefit sought of increased interior living space; that no undesirable change will be produced in the character of the neighborhood, nor detriment to nearby properties; that the requested variances are substantial by themselves, but do not greatly increase the existing non-conformity of the residence; 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;

 Ken Marx seconded the motion and the vote was 2-1 in favor, with Scalici opposed. Scalici said the situation is totally self-created, there is no physical evidence for the need for a variance, and granting it would set a bad precedent.

Crowell said that, lacking the majority of the full Board, the motion failed. He advised Monroe that Fitzpatrick could reapply, but suggested his next application better address the need for a variance and the criteria in Section 9.03 of the *Land Use Law*.

**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)**

 Applicant Michael Henrici said his wife owns a 2.82-acre parcel which straddles County Highway 26. They want to subdivide the lot at the road, keeping the .97-acre parcel with a house, and selling the remaining 1.85-acre parcel. Henrici submitted an application and an April, 2006 Lawson survey map.

 Zoning Enforcement Officer Phillips said the application fee had been paid, and he would print out a list of neighbors. Phillips said the property is partially in the hamlet-residential district and partly in RA1. Since H-R requires one acre minimum, Henrici would need a .03-acre (about 1,300 square feet) area variance in order to do the subdivision. Phillips said there would be no issue with road frontage.

 Chairman Crowell moved to deem the application complete and schedule a public hearing for April 15. Tony Scalici seconded the motion and it was approved, 3-0.

**OTHER BUSINESS**

Zoning Enforcement Officer Phillips said there may be a new application coming to the ZBA, for a deck near Otsego Lake and the Town of Springfield border.

With no further business, at 7:43 Chairman Crowell adjourned the meeting.

 Respectfully submitted,

Bill Deane, Clerk