

Mike Telesco **case no. 40-13-22-1** **Lots:70.11-1-6.00**

The meeting was called to order by Chairperson Bill Gibson at 7:05 p.m. Present were Zoning Board of Appeals (ZBA) members Dick de Rosa, Brennen Hoag, Frank Miosek, Gibson; as well as Zoning Enforcement Officer Neal Newman.

ZBA member Lorna Wilhelm attended via Zoom, but will recuse herself from voting as she is a nearby neighbor of the applicant.

The applicant Mike Telesco was represented via Zoom by Tom Breiten, Registered Landscape Architect, and Architect Scott Barton.

Other persons present signed a register to be filed with these minutes. Another ten persons signed in via Zoom. These included multiple neighbors and Middlefield Planning Board members. Three additional persons on Zoom did not identify themselves.

Mr. Gibson read aloud the applicant's responses to the questions on page two of the variance application. Regarding the "unique" characteristics of the proposed project the application referenced the irregularity of the shoreline and the corresponding 100 foot setback which takes a sharp turn "well into the lot (consuming 40% of the lot's total area)." Steep topography "also severely limits relocation for new construction."

Acknowledging this, Mr. Gibson asked Mr. Breiten to elaborate why when starting with a clean slate by "demolishing the existing 5-bedroom residence", they were not able to design within the limits of the Zoning Law.

Mr. Breiten responded that the interpretation of the Middlefield Zoning Law upon which the design was created is that no new construction **within** 100 feet of Otsego Lake shall be greater than 25 feet in height. Therefore, the plan includes grading and limits to keep the building height on either side of that line in compliance, except to the extent of the variance under review. His challenge to the Board was to state whether the entire building or only that portion of the new structure within the restricted area is limited to 25 feet in height? Mr. Breiten worked through the design drawings depicting the average elevations utilized to arrive at the relevant heights at issue in the variance application.

Regarding the interpretation of the Law by the Board, after considerable discussion the Board deferred an official response. Time is needed to allow proper consideration of the history and ramifications of height along the shoreline. Background from State and other decisions will be sought by a committee of Mr. Gibson and Ms. Wilhelm in as timely a manner as possible.

It was stated that a further noncompliance concern involved the design to build upon the deck area on the lakeside of the existing structure, also within the 100 foot restricted area.

Mr. Barton who has succeeded Susan Snell as the project's Architect responded that it seemed that the design could be moved backward away from the lake to remain on the existing footprint excluding the deck. He also proposed that perhaps the basement floor could be lowered and that

perhaps the roof pitch could be reduced to bring the building into compliance. He clarified that he expressed these potential modifications without fully knowing the environmental concerns.

The Board suggested the builders and architects do a redesign and resubmit the work to the Planning Board. The applicant's representatives agreed to present revisions to the Planning Board on May 5, 2022.

The Zoning Board will be represented and will research the height compliance question ahead of that date.

The meeting was adjourned at 8:36 p.m. with no official determinations made.

ZBA Hearing 4/13/22

<u>Print Name</u>	<u>Signature</u>
Frank Miosci	Frank Miosci
C. BRENDAN HOAG	C. Brendan Hoag
Richard J delosa	R delosa
AVAN J. KOZAK	Avan J. Kozak
NEAL NEWMAN	
Lorna Wilhelm	via Zoom
Scott Barten	"
Tom Breiten	"
Bill Ralston I	"
Andy Bauguet	"
Laurel Abel Mielcaishi	"
Fred Wheeler	"
Tanya Wheeler	"
Richard Wheeler	"
Hame's IPAD	"
Mommy's I phone	"
Abby Redd	"
John's John's I-phone	"
William Gibson	William R. Gibson