

Draft
Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
December 18, 2023

Present: D. Allison, A. Black, D. MacClintock, K. Wilde Chairman Prouty, R. Panasci (Attorney), L. Sause (Clerk)

Absent:

Others: Kim Downie, Devin Chase, Tom Downie, Don Mathisen (Otsego Media), Linda Wilcox, Albert Knapp, Susan Blass, Ed Blass, Gregory Farmer (Otsego Land Trust), Jenny Koehn, David Koehn, Thomas Downie, Ellen Blaindale, Peter Exton, Karen Brown, Dana Clapper, Fred Clapper, Heather Babbitt, rich Babbitt, Eileen McClafferty, William Starna, Peter Hill, Eileen Hill, Arlene Nielis, Jordan Nielis, Margaret Clemons, Janice Downie, Bruce Downie, Joseph Ballard, Scott Dowden, Joseph M. Camarata, Theresa Jo Cyneski

A. Roll Call:

- Chairman Prouty called the meeting to order at 7:00pm and called for the roll.
- The next meeting is scheduled for January 22, 2024

B. Minutes:

- **November 27, 2023**

MOTION: A motion was made by K. Wilde and seconded by D. MacClintock to approve the minutes.

DISCUSSION: None **VOTING:** Unanimous. Motion Carries.

C. New Applications:

- **Chris Chase, Use Variance**

Tax Parcel No: 273.00-3-19.01

State Highway 23, Oneonta, NY

Zoning: RA-40 (Residential Agricultural)

The applicant desires a use variance to allow the construction of a building to run his personal business from. He and his wife will construct a new single-family residence; however, they cannot meet the home occupation requirements of the town. This is not a permitted use under 103-16 & 103-17; and as such not permitted in 103-8.

Devin Chase, son of Chris Chase spoke for the application and provided a letter of authorization, allowing him to represent the applicant. He stated that the business has been going for 30 years and for the last 5, they have been looking for a new place. They would like to purchase the land on Pony Farm Road and have put in an offer with a clause that they get the variance to build a home and run a home occupation. Their current business does not meet the criteria because 20 employees are too many for a home occupation. Mr. Chase believes that he cannot realize a reasonable rate of return without this variance.

The board requested that the application be amended to include the owners of the land and that they come back next month with the sellers of the property.

D. Public Hearings:

- **(cont.) Clapper/Clapper Maple Ridge Farm LLC, Interpretation**

Tax Parcel No: 275.00-1-63.01

184 Lower Reservoir Rd., Oneonta, NY

Zoning: RA-40 (Residential Agricultural)

The public hearing had closed on November 27, 2023 and the board continued their discussion of the matter. Mrs. Clapper stated that they have not been able to reach a compromise with their neighbors and that the application will remain as it is. She said Tom Rowe spoke to her after the November meeting and told her that they will not be satisfied with any changes and that they should move out. They are not intending to rent to

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baseball camps, but she said it is difficult to determine if one of the children is in the baseball camp and the other children are staying with the campers as part of the Agri-tourism. She believes that the house is part of the campground and that the tourism is the accessory use. The board asked for clarification of the plans for the property. Mr. Clapper said that he is planning 10 cabin sites with electric and air conditioners, and use of the farm to teach people to care for the animals and process wool to prepare for market. They will need to put in power and sewer lines, and a raised septic for the cabins. There will be no bathrooms in the cabins. There are 133 acres and they will raise several specialty breeds of sheep. Mr. Clapper believes that there is a heavy barrier of trees to block the view of the camps.

Douglas Zamelis, Esq. spoke regarding the application. He said that the site plan was incomplete, should have been part of the decision and also that the campground constitutes a second use of the property. The zoning law states that there will be no more than one principal use and he appeals the Clapper's submission and the Code Officer's explanation.

The board replied that they need to address the Use Variance before the site plan, so a site plan isn't necessary for them. They decided that they would need to extend the meeting to next month in order to make the decision.

MOTION: A motion was made by D. MacClintock and seconded by Chairman Prouty to extend the meeting until January 22, 2024 at 7:30pm or as soon as possible thereafter, to further consider the interpretation.

There being no further business before the Board, the meeting was adjourned at 6:53pm.

Laura Sause,
Clerk of the Zoning Board of Appeals