

Draft
Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
November 27, 2023

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

Absent: A. Black

Others: Karen Rowe, Kim Downie, Tom Downie, Susan Blass, David Koehn, Ed Blass, Janice Downie, Bruce Downie, Linda Welco, Albert Knapp, Margaret Clemons, Dorothy Carrington, Judy Carrington, Victoria Andritz, Heather Babbitt, Janny Koehn, Rich babbitt, Brian Fronckowlac, Thomas S. Daine, James Cassar, Linda Brodogski, Don Mathisan, Paul “King” Konye, Tom Rowe, Eileen Blaisdill, Peter Exton, Mr. & Mrs. Jane, Eileen Hill, Peter Hill, Kenneth L. Gordon, Mary Leinheart, Karen A. , Rich Brown, Rich Brown, Will Clemons, Justen Golinski, Aleda J. Koehn, Dana Clapper, Fred Clapper, Arlene Nealis, John Nealis, Janet Ballote, Joseph Ballard, Maggie Ballard, Joseph m. Camarata, Scott Dowden, Brenda Seery, Eileen McClafferty, William A Starna, Jennifer Ashforth, Patti Neon, Jim Hurlater, Kyle Oliver

A. Roll Call:

- Chairman Prouty called the meeting to order at 7:03pm and called for the roll.
- The next meeting is scheduled for December 18, 2023 6:00pm

B. Minutes:

• **October 23, 2023**

MOTION: A motion was made by D. Allison and seconded by D. Prouty to approve the minutes as amended.

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

C. New Applications: *None*

D. Public Hearings:

• **(cont.) Justen Golinski, Use Variance**

Tax Parcel No: 309.00-1-50.01

180 St Hwy 28, Oneonta, NY

Zoning: RA-40 (Residential Agricultural)

The applicant desires a use variance to allow Retail Sales of cannabis at his parcel along St Hwy 28. Once this decision is made, we can proceed with the building permit items.

The public hearing continued. Justen Golinski appeared for his application. He was provided notice of the Otsego Planning Board Review and discussed with the board the testing needed for a driveway and parking area. The public hearing closed at 7:20pm. The board discussed that the applicant has not met the burden of proof for financial hardship or that this was not a self-created hardship. The neighborhood is mostly residential and they believe that a retail store does not make sense on this property.

MOTION: A motion was made by D. MacClintock seconded by D. Prouty to close the public hearing.

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

MOTION: A motion was made by D. MacClintock seconded by D. Prouty to deny the use variance.

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

• **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)

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The applicants, Lower Reservoir Community, who allegedly live near the Clappers, represented by Douglas Zamelis, Esq., desire an interpretation of the code officer's decision regarding the Clapper's site plan application for a campground at the above tax parcel. The appeal to the Zoning Board alleges that a use variance should have been required by the code officer because the campground would be a second principal use on the parcel. The letter from the applicant's attorney further alleges that a complete site plan was not submitted and the code officer allowed the site plan review to begin with the planning board in error.

The code officer stated that the application submitted by the Clapper's was for a campground use of their property which is allowable according to Town Code 103-17 (A)(2), requiring site plan review approval from the planning board only. There is a single-family residence (SFR) (owner occupied) on the parcel, along with other accessory structures that are currently being used for personal storage only. The SFR is intended to continue to be used by the owner as their personal residence while they operate the campground. Portions of the accessory structures were proposed to be used for storage of machinery and equipment to operate the campground by the owners. This is no different than two other long-standing campgrounds in the Town of Oneonta. The owners also submitted an application for short term rental of their SFR, which was withdrawn during the first meeting with the planning board.

The public hearing opened at 7:25pm and Douglas Zamelis, Esq spoke for the application. He stated that he filed an appeal of the site plan application because the site plan submitted by the Clappers was incomplete, and that the neighbors need to know what is being proposed. He also believes that the Single-Family home is the principal use and that adding a campground with up to 40 people, would not constitute an accessory use, but more than one principal use in an RA-40 district. He also expressed that this use would alter the character of the neighborhood and that a campground is not a customary, incidental or subordinate use.

Summarized discussion from neighbors:

Bruce Downie, His family has lived at Lower Reservoir Road for 120 years. Over the last 30 years most of the farms are gone and the neighborhood has changed from agricultural to residential. The current proposed use will increase lights, noise, and traffic and will be a second use on the property. He believes that this will make his property less desirable.

Janice Downie, said the road is 1 mile in length and loops around the reservoir. Traffic right now consists of local residents. Because it is near the schools, it is also utilized for High School, SUNY and Hartwick track sessions, hikes and dog walking. She believes that commercial camping would impact the safety of this road for those activities.

Maggie Ballard, stated that living here has been a dream come true. Allowing a commercial use would be devastating and change all their lives. Families on vacation, baseball camping, and partying would make more traffic and more distracted drivers.

Joseph Ballard, He wanted to live here and have children. He did not imagine a campground next door.

Jenny Koehn, said that the two existing campgrounds in Oneonta are located on state highways, not residential roads. Those campgrounds have one primary use with residences that are an accessory use for the campground. She would not have purchased and built their home if she knew there would be a campground in this neighborhood. The previous hair salon had one stylist and the vet had one vet. The retail operation of the Clappers was a pumpkin patch, field trip and wedding venue.

Karen Rowe, believes that the campground is a potential threat to the idyllic character of a rural area. People come here to exercise and bike with minimal traffic. Allowing commercialization will damage the fragile ecosystem, set a dangerous precedent, and show lax zoning.

Thomas Downie, lives with his wife Kim on the Downie family farm for 44 years on a peaceful town road used for walking, jogging, and cycling.

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John Nealis, is a teacher and coach and the area's current use is to do walking, jogging, biking, track and cross country safely near school.

Rich Babbit, has been here 13 years with his wife and 2 daughters. There is minimal traffic and noise. Lower Reservoir Rd. is not meant for heavy traffic with it's S-Curve. The pumpkin patch increased traffic with many unsafe drivers and litter on the road. The lot has only one principal use. They have had multiple uses with illegal retail and a wedding venue. If this is allowed, everyone could put campers in the back of their property and it will alter the character of the neighborhood, impact safety, and increase smoke and noise pollution.

Heather Babbit, likes living close to town, country living, and no street lights. The proposed use will drastically change the community with commercial traffic on a residential road. The Clappers have proposed a 10-site campground with only 2 employees to enforce the quiet hours for up to 40 people. Who will show responsibility? The baseball campers come and go all hours and two ends of the road have sharp turns. The pumpkin patch had hay rides, retail sales, a petting zoo, etc. She is also concerned about where the trucks will go when he sells his property with the trucking company on it.

Tom Rowe, says that the post office will not deliver mail to the house due to the sharp turn in the road. He has to walk to his mailbox past the curve. Either end of the road is questionable to get out of. He is concerned about the increase in traffic and that 40 people will be using a bath house in a watershed. He would like the code book revised and to stop commercialization on residential properties.

Ed Blass, has lived there with his wife for 30 years. He is concerned about the character of the neighborhood changing. The campground will be right behind his house with lights and smoke. He is concerned that he will no longer see the stars, the smoke, sound echoes, lights shining in his windows, cars speeding, and litter from the pumpkin patch. He believes that the pumpkin patch is commercial tourism and not Agri-tourism and sets a dangerous precedence.

Eileen Hill, is concerned about increased traffic and the S-Turn that may cause accidents, many more cars, and that the owners are doing what they can to bring people to their business that is not a permitted residential – agricultural use.

David Koehn, has been here 14 years and had 3 children. He feels that it is the perfect neighborhood, mostly quiet and he cherishes the peace and quiet. He feels the noise will be inescapable and will hear all conversations with no limit produced by pool parties and campfires. He was very concerned with the illegal retail, petting zoo, horse boarding and the increase of noise and traffic every day in the summer months. He fears the lowering of tax value for the town.

Scott Dowden, has concerns for the environment, safety for the residents, wildlife and the watershed. He also mentioned fire safety in the campground, storage of refuse as well as sewage and wastewater in the watershed. He questions if there is an environmental study for this.

Eileen McClafferty, mentioned that they have all built in a specifically zoned area that is a black and white RA-40 district. She asks that they deny commercialization of residential districts.

Nick Sobers, is a previous resident of the property before the Clappers, and they told him their plans were to be organic sheep farmers, turn the barn into a chapel, vet into an arena and he would like to remind everyone that the American Dream is to live on Lower Reservoir Road and grow up safe.

Peter Exton, has concerns about traffic. He googled the address for Dreams Park and Google will take everyone from the camp, to Spruce Street, past the High School, and to West Street. He says all the baseball traffic will go this way because Google told them how to go.

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Jennifer Ashforth, is new to the area and is concerned about traffic and the seniors walking to school. Her 10-year-old will be walking on East Street and it will be terrifying with college kids and baseball families going past. She likes the farmesque atmosphere of the property, and foresees problems with families pushed out by commercial businesses.

Bryan Fronckowiak, would like to support the neighbors on Lower Reservoir Road. None of them are wealthy, but their homes are more than a financial investment. There is a strong sense of community and he is asking to stop projects that are at the expense of families.

Peter Hill, He bought the house and he could not walk on weekends with the pumpkin patch. He is concerned that that the campground is a second principal use, that young families will be discouraged from buying houses and be pushed out. The short-term gain of a baseball camp will be a long-term loss. He stated that the incomplete site plan does not give notice of the proposal.

Pat Jacob, appeared in support of the neighbors. She said there is a trust of codes and rules. They should be focused on families and people who live here. She is concerned about them buying if they have to consider what will happen in 5 – 10 years.

Judy Carrington, lives in the city of Oneonta. She says that if one is allowed to build a campground, then anyone can. She is near Mike Ranieri who will start something and the only way he can access his property is through the city property. The money is wonderful but do we sell our souls?

Patty Noonan, moved here to be near the school and country living. She said it was scary with cars to walk dogs, walk towards High School with the pumpkin patch. She supports the people.

Albert Knapp, moved here a month ago. He is right below them and it affects him and the wetland. He is worried that the leach field will spill into the water and goes into the reservoir.

Dana Clapper spoke for their application. She said that she hears everyone and is touched by what they are saying. She said she feels the emotions and will take time to think about it. She stated that she is a small startup operation and that the 1st pillar was that she planted pumpkins and will diversify in 2024 by growing other produce, fruit and specialty sheep. She will retain some new offspring. There is a lot of cost and general management to sustain the flock and she says they are an agricultural operation in process of improving pastures, paddocks, and fencing. The third pillar is the Agri-Tourism. She wants to give people a chance to find out about farming. The target is not baseball camps, but families. She cannot discriminate against baseball families, but does not plan on fireworks (which would disturb the animals), will limit the number of cars, have the lighting facing downward, set quiet hours, and will be onsite with staff to minimize impacts.

Ms. Clapper said that she was not boarding horses and was not paid to have them there. She also stated that they did not have a wedding venue, but had a private wedding for her sister with 12 people. She said she grew her own pumpkins and the mums were grown on her property in Charlotteville. The corn maze was free. The driveway is already 2 lanes with fire truck access and even a tractor trailer could get in. Ms. Clapper said she had a meeting at her house to talk and is willing to compromise. She is open to communication.

R. Panasci mentioned that the board must determine if the proposed campground is part of the overall agricultural use, which is allowed in the RA-40 district. If they are deemed 2 uses, they will need a use variance.

Douglas Zamelis, Esq followed up by saying that the agricultural use – goats are acceptable, but a commercial campground is not. According to the Town Board, there is one principal use, a single-family residence as the essential use. Adding a campground is two uses and if allowed on this one, it will be on many more.

Mr. Clapper responded and said that the last two owners had a vet clinic and a hair salon and also lived there as an accessory use. R. Panasci suggested that the public hearing be extended to the next month in order to go over all the information and for the board to make the decision.

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The public hearing closed at 9:18pm. The board will make the decision at the next meeting.

MOTION: A motion was made by D. Prouty and seconded by K. Wilde to close the public hearing.

There being no further business before the Board, the meeting was adjourned at 9:20pm.

Laura Sause,
Clerk of the Zoning Board of Appeals