

Draft
Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
January 22, 2024

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

Absent:

Others: David Koehn, Tom Downie, Kim Downie, Ellen Blaisdell, Peter Exton, Heather Babbitt, Rich Babbitt, Linda Wilcox, Theresa & David Cyneski, Karen Rowe, Tom Rowe, Paula Aramiri, Fred Clapper, Dana Clapper, Tom Rowe, Whitney Baehana, Mary Bleimart (Otsego Land Trust), Chris Chase, Maggie Ballard, Christina Dowden, Kile Ozarch, William Starna, Eileen McClafferty, Steve Kent, Al Knapp, William Clemmons, Mindy LaFever, Karen A. Brown, Don Mattison, Arlene Nealis, John Nealis, Ed Blass

A. Roll Call:

- Chairman Prouty called the meeting to order at 7:05pm and called for the roll.
- The next meeting is scheduled for February 26, 2024

B. Minutes:

- **December 18, 2023**

MOTION: A motion was made by Chairman Prouty and seconded by K. Wilde to approve the minutes as presented.

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.

Mindy LeFever, the owner of the property and Chris Chase appeared for the application. Mr. Chase said he has been searching for suitable property for years and would like to purchase the property from Ms. LeFever. He would like live in the home and run his business with a total of 25 employees on the same property. He would also like to have a conference room for meetings and a tech area. Currently he has 8 of his employees working on site full time and the rest who work from home or working there only part time. Due to the large number of employees, it is too many to meet the criteria for a home occupation. The board discussed that it might be difficult to show that it is not a self-created hardship since he has not purchased the property yet and the Ms. LaFever has just recently put the property on the market. Mr. Chase was advised from the board to inquire about applying for a Planned Development District change from the Town Board.

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)

Regarding the interpretation, the board discussed whether Paul, the Code Officers checklist of information required for the Clappers moving forward to the Planning Board was sufficient, and whether the campground and Single-family home constitutes 2 principle uses or one principle use and an accessory use.

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D. MacClintock stated that campgrounds are an allowed use in an RA-40 and believes that a house or caretaker's residence is part of a campground and can be rented out year-round. Chairman Prouty mentioned that developing Agri-Tourism fits into the industry and that someone should be there to oversee the business and that farm animals, selling mums, etc. could be an accessory use. D. Allison noted that agricultural pursuits were not defined in the code. D. MacClintock also said that this is not the first campground to come up in the town and that zoning was written prior to the baseball question and that agricultural with low density uses is in the nature of the town. D. Allison believes that agricultural use and a commercial campground are separate uses and should require a Use Variance.

R. Panasci stated that the board must determine if the agricultural pursuits include Agri-Tourism, whether the campground is tied to Agri-Tourism for the town code, if there are any conditions to be placed on this use and if the board wishes to set requirements for the Clappers to apply to the Planning Board.

MOTION: A motion was made by Chairman Prouty and seconded by D. MacClintock to interpret the definition of "agricultural pursuits" under code 103-16 Permitted Uses in zone RA-40, to include Agri-Tourism as an allowed use.

DISCUSSION: None **VOTING:** 4 in favor, D. Allison: No. Motion Carries.

MOTION: A motion was made by D. MacClintock and seconded by Chairman Prouty to acknowledge that a campground is part of agricultural pursuits if marketed precisely for Agri-Tourism only, with all other uses for the campground prohibited. In the interest of keeping the low-density requirement in the code, for the acreage, the number of units in the campground will not exceed 7 units, plus the house and 2 existing buildings. This will constitute one principle use and a use variance will not be necessary.

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

MOTION: A motion was made by D. MacClintock and seconded by Chairman Prouty to deny the appeal of the site plan requirements and allow for the application to move forward to Planning Board as-is, in order to let the Planning Board decide what is required.

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

There being no further business before the Board, the meeting was adjourned at 8:30pm.

Laura Sause,
Clerk of the Zoning Board of Appeals