

DRAFT  
Town of Oneonta  
**Zoning Board of Appeals**  
Meeting Minutes  
February 27, 2023

**Present:** A. Black, D. Allison, D. MacClintock, K. Wilde, Chairman Prouty, Laura Sause (Clerk)

**Absent:** Rob Panasci (Attorney)

**Others:** Linda and Ernst Burgher

**A. Roll Call**

- Chairman Prouty called the meeting to order at 7:02pm and called for the roll. He called for a minute of silence in respect for Doug Cannistra who passed away this month.
- The next meeting is scheduled for March 27, 2023

**B. Minutes –**

- **December 19, 2023**

**MOTION:** A motion was made by D. Allison and seconded by A. Black to table the approval of the minutes to the next meeting.

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

- **January 23, 2023**

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

**DISCUSSION:** None **ABSTAIN:** D. Allison, A. Black **VOTING:** 3 in favor. Motion Carries.

**C. New Applications:**

- **Ernest & Linda Burgher, Use Variance**

**Tax Parcel No: 287.19-1-4.01**

458 Chestnut St., Oneonta, NY

**Zoning:** B-1 (Neighborhood Business)

The applicant desires a use variance approval to place Four (4) A-frame rentals (18'x24') for three season use on the parcel. The basis of the denial is:

103-8 Permitted and prohibited uses. In all districts, uses not specifically listed as permitted shall be deemed as prohibited, and all permitted uses shall be subject to all applicable general and special regulations as may be specified in this chapter as a condition or continuation of said use, except as provided under Article XIV hereunder.

And 103-63 Principal buildings per lot. [Amended 6-9-1982; 2-12-1992 by L.L. No. 5-1992] Unless otherwise specified, there shall be only one principal use and building per lot in R-80, RA-40, R-20, R-10, B-1 and B-2 Districts. In ID, ID-2, PDD and HDD Districts there may be more than one building per lot but with only those uses as enumerated in the appropriate sections of this chapter.

Linda Burgher appeared for the application. She stated that she has 2 ½ acres which will be just enough room for 4 cabins. They have hook-ups for city sewer, gas, and water. They will start with one cabin and gradually add the rest of them and maybe the pool, next year. The cabins will be three-season with gas heat and placed on a slab.

**MOTION:** A motion was made by D. Allison and seconded by A. Black to set a public hearing for March 27, 2023 at 7:15pm or as soon as possible thereafter.

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

**D. Public Hearings:**

- **Ford & Hill Holdings LLC (Dan Hunter), Use Variance**

**Tax Parcel No: 287.19-1-25.00**

128 Winney Hill Rd, Oneonta, NY

**Zoning:** B-2(General Business)

The applicant desires a use variance approval to have more than one principal use or building on the parcel. Currently there are two structures on the parcel: a single family residential (previously the parsonage for the church), and a single-story wood frame structure currently used for personal storage (previously a church). The basis of this denial is:

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103-59 Abandonment or discontinuance of use.

Any nonconforming use which lies abandoned or discontinued for a period of six consecutive months shall not be permitted to be reestablished as a nonconforming use and any future use of the property shall be in conformity with the provisions of this chapter.

The church use has been discontinued for a period of more than six months. The former church structure has been used for storage of personal items.

No one appeared for the application. The board determined that because the applicant was not here to waive his right to the 60-day rule for the board to act upon the application, they could not table the application to the next meeting.

**MOTION:** A motion was made by D. Allison and seconded by A. Black to deny the use variance.

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

- **Ford & Hill Holdings LLC (Dan Hunter), Area Variance**

**Tax Parcel No: 287.19-1-25.00**

128 Winney Hill Rd, Oneonta, NY

**Zoning:** B-2 (General Business)

The applicant desires an area variance approval to allow parked vehicles to access/ backout of the spaces directly onto the street. Currently there is a previously used parking area off North Street that was used for the now discontinued church. The applicant also desires to construct a new parking area along Winney Hill Road. The basis of the denial is:

103-49 When off-street parking required.

Off-Street parking space shall be required for all buildings constructed or new uses established after the effective date of this chapter. Each off-street space shall consist of at least 200 square feet, with a minimum width of 10 feet and depth of 20 feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. Parking requirements are specified in 103-50.[1]

103-52 Required driveways and aisles.

Except for one-, two-, three- or four-family dwellings, all parking spaces required by this chapter shall be accessible from a public street by a driveway or aisle which shall conform to the following minimum requirements:

- No space in any required driveway or aisle shall be counted toward satisfying the parking requirements of this chapter.
- Driveways serving parking areas containing eight or fewer parking spaces shall be a minimum of 12 feet in width, while those serving nine or more parking spaces or one or more loading spaces shall be a minimum of 24 feet in width. No parking space shall have direct access to a driveway.
- Aisles providing access between parking and loading spaces and driveways shall be a minimum of 24 feet in width.
- Driveways and aisles shall have a minimum vertical clearance of 14 feet, clear of any obstruction.
- Entrances to a public street shall be no narrower than the driveway or aisle they serve no more than 36 feet in width, except where lane dividers are installed to segregate entering, existing or turning traffic or where the aisle served exceeds 36 feet in width.

**MOTION:** A motion was made by D. MacClintock and seconded K. Wilde to deny the area variance.

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

There being no further business before the Board, the meeting was adjourned at 7:45pm.

Laura Sause,  
Clerk of the Zoning Board of Appeals