

DRAFT
Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
April 22, 2024

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

Absent:

Others: Lisa Wennberg (KFA Homewood Suites), Janes P. Kelly, Claudette Sunford, Robert Sunford, Alice Cannistra, Kayla Komenda, Jared Rolfe, Bill Komenda, David Merzig, esq. (Rainbow Hospitality), Bilal Ahmad

A. Roll Call:

- Chairman Prouty called the meeting to order at 7:05pm and called for the roll.
- The next meeting is scheduled for May 20, 2024 at 6:00pm

B. Minutes:

- **March 25, 2024**

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

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

C. New Applications:

- **Robert Scrafford, Area Variance**

Tax Parcel No: 287.19-1-69.00

3 Davis Drive, Oneonta, NY

Zoning: R-20 (Residential)

The applicant requests an area variance to add a 10x14 shed in the rear yard with the same setback as the existing shed from the side yard line, and an area variance to construct a carport attached to the existing residence with a 7'6" setback from the side yard line. The code office has denied the application because the proposed development does not comply with the Town Code setbacks.

CODE REVIEW:

Building location and setbacks with public sewer for an accessory structure.

Setback	Required	Proposed
Front yard	30 ft	< 30 ft
Side yard	8 ft	2 ft shed 7.5 ft carport
Rear yard	10 ft	< 10 ft

Claudette and Robert Scrafford appeared for the application. They would like to build a 10 x 14 shed within 2 feet of the setback as well as a carport attached to their house. There is an existing shed in another area that they would like to keep.

MOTION: A motion was made by Chairman Prouty and seconded by D. MacClintock to set a public hearing on May 20, 2024 at 6:15pm or as soon as possible thereafter.

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

- **Rainbow Hospitality (Bilal Ahmad), Area Variance**

Tax Parcel No: 300.11-1-19.01

Courtyard Drive, Oneonta, NY

Zoning: HDD (Highway Development District)

The applicant requests an area variance to allow parking in the front and a reduction of the parking stall size from 10 ft width to 9 ft width.

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CODE REVIEW:

Building location and setbacks with public sewer for an accessory structure.

<u>Setback</u>	<u>Required</u>	<u>Proposed</u>
Front yard	75 ft	< 75 ft
Side yard	20 ft	< 20 ft
Rear yard	20 ft	< 20 ft
Frontage	100 ft	< 100 ft
Building Height	35 ft	>35 ft

Additional items of interest during this variance review and during site plan review will be:

1. The planning board will be asked to approve a lot line adjustment to make the site development plan work (no variance needed).

Bilal Ahmad, the applicant and Lisa Wennberg from KFA Homewood Suites represented the application. Because of having 90 guest rooms, he would like to add parking spaces to accommodate for full vacancy. 10 ft wide is required by the code 103.49 and he would like to reduce them to 9 ft. wide. Mr. Ahmad has moved a lot line from his neighboring lot to the Marriott lot to increase the lot size and he has redrawn the parking lot with a striped-out area on the side for a fire truck and 97 spaces including 4 handicapped. The board asked him if he could do less spaces and keep at least some of them larger. Mr. Ahmad agreed to redraw the parking lot. He will be looking for three variances with the one public hearing: 1. Parking in the front yard, 2. Parking spot size allowance, and 3. That there be at least 87 allotted parking spaces including the handicapped.

MOTION: A motion was made by D. MacClintock and seconded by A. Black to set a public hearing on May 20, 2024 at 6:20pm or as soon as possible thereafter.

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

D. Public Hearings:

- **Jared Rolfe, Use Variance**
Tax Parcel No: 309.00-1-67.02
147 Mather Farm Road, Oneonta, NY
Zoning: R-40 (Residential Agricultural)

The applicant desires a use variance to allow the construction/placement of a singlewide manufactured (HUD) home. This is not a permitted use under 103-16(A). There are no other HUD manufactured homes in the area.

The public hearing opened at 8:08pm and Chairman Prouty read aloud the notice from the "Daily Star". Jared Rolfe and William and Kayla Komenda spoke for the application.

Summary of neighbors' comments:

Alice Cannistra: stated that she enthusiastically approves of the applicant's request. She sold them the land and lives next door. There are only 3 houses on one side and one farm.

James Kelly: said that there is a house further up the hill and they will have to drive by the property. He supports the letter written by Edward Fernley. He is concerned about the property values of the area and that the town has zoned the area for no singlewides. He is worried that the applicant's statement that they are going to build their dream house in one to two years will actually be one to ten years.

Chairman Prouty read aloud a summation of the letter submitted by Edward Fenley and Lori Cudney who are against the placement of a mobile home on the land, and the public hearing closed at 8:20pm.

The board discussed the state laws for single family homes. The 2015 state law says that you cannot prohibit a home if it is affixed to the ground. Mr. Komenda stated that he would be doing a concrete slab and affixing the

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home to the pad, removing the wheels, and putting skirting around the bottom. In the future he will be using the slab to place a garage. The board informed him if he said on record that he will be following the state laws as written in TB-MH001-HUDNYS.doc and 244 CFR Part 3285 that he will not need a variance. Mr. Komenda stated on record that he would follow these laws when he prepares for the placement of the home.

MOTION: A motion was made by A. Black and seconded by Chairman Prouty to accept the applicant's statement that the single wide home will comply with TB-MH001-HUD NYS.doc and 24 CFR Part 3285 of the state law and that no variance is needed.

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

There being no further business before the Board, the meeting was adjourned at 8:45pm.
Laura Sause,
Clerk of the Zoning Board of Appeals