

DRAFT
Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
November 28, 2022

Present: D. Prouty, M. Stolzer, Chairman Cannistra, Laura Sause (Clerk)

Absent: D. Allison, A. Black, Rob Panasci (Attorney)

Others: Todd Hartman, Hannah and Patrick Calhoun

A. Roll Call

- Chairman Cannistra called the meeting to order at 7:25pm and called for the roll.
- The next meeting is scheduled for December 19, 2022

MOTION: A motion was made by M. Stolzer and seconded by Chairman Cannistra to reschedule the December meeting to December 19, 2022.

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

B. Minutes – October 24, 2022

MOTION: A motion was made by D. Prouty and seconded by M. Stolzer to approve the minutes as presented.

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

C. New Applications:

- **Hannah & Patrick Calhoun, Use Variance**
Tax Parcel No: 287.09-1-49.00
2885 Co Hwy 8, Oneonta
Zoning: RA-40 (Residential - Agriculture)

The applicants desire a modification to their use variance go allow occupancy of the second residential structure on their parcel beyond themselves.

Hannah and Patrick Calhoun spoke for their application. They previously received a variance for an owner - occupied rental in their garage during the summer while they rent out their home. They would like to modify the use variance to also be able to rent to other people during the winter.

MOTION: A motion was made by D. Prouty and seconded by Chairman Cannistra to set a public hearing on December 19, 2022 at 7:15pm or as soon as possible thereafter.

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

D. Public Hearings:

- **Todd Hartman, Special Extension**
Tax Parcel No: 300.00-3-61.02
354 Southside Drive
Zoning: RA-40 (Residential - Agriculture)

Kathleen & Todd Hartman are seeking a special extension to allow 3 or more unrelated individuals to reside in the same dwelling as a family unit.

A “family” as defined in 103-3, definition of “family,” Subsection (3), may be permitted by the Board of Appeals provided that said Board finds the occupants constitute a functional family unit, which means a group of three or more individuals living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in residential neighborhoods. In determining whether or not a group of unrelated individuals is functional family unit under the definition set forth above, the Zoning Board of Appeals may consider, among other things, the following factors:

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- (1) Whether occupants share the entire dwelling unit as contrasted with a situation where the various occupants act as separate roomers.
- (2) Whether the household has stability with respect to the purpose of the Zoning Ordinance. Evidence of such stability may include among things, the following:
 - (a) The presence of minor, dependent children regularly residing in the household.
 - (b) Enrollment of dependent children in local schools.
 - (c) Proof of the sharing of expenses for rent or ownership costs utilities and other household expense.
 - (d) Whether the household has been living together as a unit for a year or more; either in the current dwelling unit or other location.

The public hearing opened at 7:38pm and Chairman Cannistra read aloud the notice from The Daily Star. Todd Hartman appeared for the application. He would like to expand his rental to include 3 to 5 people and also acknowledged that the third floor will not be part of the rental and will remain vacant. Mr. Hartman was not prepared to answer the required questions as there was confusion about which questions, he needs to address, and was given the choice to appear at the December meeting. He agreed to waive the 62-day rule for the board to act upon the application.

MOTION: A motion was made by D. Prouty and seconded by M. to table the public hearing until Dec. 19, 2022 and accept the applicant's waiver of the 62-day rule for the board to act upon the application.

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

There being no further business before the Board, the meeting was adjourned at 8:15pm.
Laura Sause,
Clerk of the Zoning Board of Appeals