

Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
April 25, 2022

David Prouty
5-23-2022

Present: D. Allison, A. Black, D. Prouty, M. Stolzer, Rob Panasci (Attorney), L. Sause (Clerk)

Absent: Chairman Cannistra,

Others: David Cyzeski, Theresa Cyzeski, Bridgette Shepardson, Denise Wist, Gary Maffei, Charlie Maffei, John Clafin II, Jennifer Clafin, Kathy Yagu, Ken Dautrick, Theresa Desantis, Rick Amo (Cooperstown All Star Village), Walt Shloeman, Greta Taylor, M. Bowne

A. Roll Call

- Acting Chair Prouty called the meeting to order at 7:05pm and called for the roll.
- Next meeting is scheduled for May 23, 2022

B. Minutes – March 28, 2022

MOTION: A motion was made by A. Black and seconded by M. Stolzer to approve the minutes as amended.

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

C. New Applications:

- **Denise Wist. Use Variance**
Tax Parcel No: 309.00-1-1.121 & 309.00-1-1.122
Pony Farm Road, Oneonta, NY
Zoning: ID (Industrial Development District)

The applicant desires a use variance approval for parcels 309.00-1-1.121 and 309.00-1-1.122 in ID zoning district for a year-round venue. The basis of the denial is:

- a) 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 for creation or continuation of said use, except as provided under Article XIV herein under.
- b) 103-33 Permitted Uses:
All uses in this district are subject to site plan review as described in Article XVI of this chapter. All industrial uses, including but not limited to manufacturing and processing, commercial laundry, contractor's yard, warehouses, freight or trucking terminals, junkyard, auto wrecking yard, auto body shop, laboratories, reproduction or publishing, together with uses accessory thereto, are permitted if they conform to the standards of performance set out herein. Accessory uses shall be interpreted to enterprises primarily engaged in providing related services to the basic uses and not to employees of said uses. Customary on-site employee services shall not be permitted.

Denise Wist appeared for the application. A letter of authorization is included in the application from Otsego Now, who owns the property, to allow Denise Wist to represent them. She would like to purchase 2 lots on Corporate Drive to put up a venue for weddings, events, etc. for up to 300 people. The property is in zone ID-2 which is not a permitted use for entertainment and recreation. She would like to put up a one-story structure and as it is on the outskirts of town, close to hotels and along I-88, it would be very visible for incoming traffic to see. Ms. Wist also stated that the water and septic are on the property and she believes that the future site plan will show the parking requirements.

R. Panasci told the applicant that she must meet the standard and work with the owners to show that they cannot make a reasonable rate of return.

MOTION: A motion was made by D. Allison and seconded by M. Stolzer to set a public hearing for May 23, 2022 at 7:15pm or as soon as possible thereafter.

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

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- **CASV, Special Extension**
Tax Parcel No: 286.00-2-24.01
2955 Co Hwy 8, Oneonta
Zoning: RA-40 (Residential – Agricultural)

See Memo attached to application: Special extension to allow more than two unrelated individuals to occupy the single-family residence.

The code office mapped out two options, Option 1 is for the Special Extension to allow more than two unrelated individuals to occupy the SFR or Option 2 for a Use Variance to allow the dwelling to be used as a R-1 occupancy in accordance with the NYBC. With this option there are more regulations such as sprinklers and inspections. Mr. Amo would like to proceed with Option 1.

Rick Amo From Cooperstown All Star Village represented the application. He stated that the house was previously a residence, but more recently occupied by Lawson Surveyors. He would like to have 8 - 10 employees use the property as a residence for the time period of June 4 – Aug. 27 and be closed during the rest of the year. He said that it will not be used as student housing but only for the staff members at CASV. R. Panasci suggested that the extension should be limited to May 15 through September 15 to ensure that it not be open during the school year.

MOTION: A motion was made by M. Stolzer and seconded by Acting Chair, to set a public hearing for May 23, 2022 at 7:30pm or as soon as possible thereafter.

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

D. Public Hearings:

- **John B. Claflin II, Use Variance**
Tax Parcel No: 287.00-1-17.01
645 State Highway 205, Oneonta
Zoning: RA-40 (Residential – Agricultural)

The applicant desires a use variance to allow the construction of a new structure to be used as a winery. The following town code section will be violated:
103-8. Permitted and prohibited uses. In all districts, uses not specifically listed as permitted shall be deemed 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 for creation of said use, except as provided under Article XIV hereinafter.

Questions 2A & 2B remain unanswered on the application.

The public hearing continued at 7:45pm and Mr. Claflin II submitted some paperwork showing the records of some of the expenses of owning the property, such as mowing and grading that has been done to make the land more usable. He purchased it with the intent of reclamation, but did not know that most of the land is too unstable to be used for many purposes. He does not believe that he will get a reasonable rate of return without a commercial use. Other than a hay field he believes that there is not enough suitable land for other options such as a residential or farming. Mr. Claflin II, in exploring the possibility for NY farm loans does not believe that he could meet the rules for the having enough usable space for many of the crops and even for a winery it will take years for the vines to become established enough to produce a product.

Because the realtor could not put an estimate on the value of the property for his use, the board could not determine suitable uses and has agreed to extend the public hearing until the next meeting in order for the applicant to further show proof of hardship.

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MOTION: A motion was made by D. Allison and seconded by M. Stolzer to extend the application until the next meeting on May 23, 2022 in order for the applicant to produce additional financial evidence.

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

There being no further business before the Board, the meeting was adjourned at 8:20pm.

Laura Sause,
Clerk of the Zoning Board of Appeals