

DRAFT  
Town of Oneonta  
**Zoning Board of Appeals**  
Meeting Minutes  
July 25, 2022

**Present:** D. Allison, A. Black, D. Prouty, L. Sause (Clerk)

**Absent:** M. Stolzer, Chairman Cannistra, Rob Panasci (Attorney)

**Others:** Teresa Desantis (5 Center Street, West Oneonta), Len Carson (DC Marketing)

**A. Roll Call**

- Acting Chair, D. Prouty called the meeting to order at 7:05pm and called for the roll.
- Next meeting is scheduled for August 22, 2022

**B. Minutes – June 27, 2022**

**MOTION:** A motion was made by D. Allison and seconded by A. Black to approve the minutes as presented.

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

**C. New Applications:**

- **DC Marketing LLC, Special Sign Permit**

**Tax Parcel No:** 299.00-1-26.01 and 299.00-1-22.01

Co. Hwy 60

**Zoning:** ID (Industrial District) 299.00-1-26.01 and ID-2 (Industrial 2 District) 299.00-1-22.01

Applicant is requesting a special sign permit to place three (3) freestanding signs along Co. Hwy 60 on lands of Norfolk Southern Railway.

Allowable # of signs: 1 freestanding sign per lot.

Allowable area of signs: 250 SF max per sign allowed

Allowable height: 35 feet above finished grade

Existing Signage: None

The applicant states he has spoken with NYSDOT – Terry Pritchard regarding their approvals of the signs. The applicant further states that NYSDOT has told him they have no rules regarding the signs because the roadway is designated a “900 road”. I have requested any correspondence he has regarding this. The applicant contacted NYSDOT and requested the same. The proposed signs need special sign permit approval because:

1. The three (3) requested signs will be off premises signage.
2. The three (3) requested signs each are larger than the max SF allowed.
3. The requested signage on TMP 299.00-1-26.01 exceed the allowable number of freestanding signs per lot.

Len Carson, the owner of DC Marketing appeared for the application. He would like to build three signs to advertise for small businesses in the area along county Hwy 60.

**MOTION:** A motion was made by D. Allison and seconded by Acting Chair, D. Prouty to set a public hearing for August 22, 2022 at 7:15pm or as soon as possible thereafter.

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

**D. Public Hearings:**

- **Rotolo, Use Variance**

**Tax Parcel No:** 287.09-1-71.00

2862 Co Hwy 8, Oneonta

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

The applicant desires a use variance approval to place a second residential unit in their existing structure. 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 for creation or continuation of said use, except as provided under Article XIV herein under.

DRAFT  
Town of Oneonta  
**Zoning Board of Appeals**  
Meeting Minutes  
July 25, 2022

103-30 Permitted uses, subject to sketch plan review or site plan review and special use permit [Amended 9-11-1985;1-22-1986 by L.L. No. 1-1986; 6-14-1989; 8-8-1990 by L.L. No. 6-1990; 2-12-1992 by L.L. No. 5-1992]

- A. The following uses are permitted, subject to sketch site plan review or site plan review, at the discretion of the Planning Board (see Article XVI):
- (1) All nonresidential uses permitted in the Business B-1 District. (see 103-27)
  - (2) Drive-in restaurants, drive-in theaters and similar services which are designed to offer goods and services to be consumed within an automobile.
  - (3) Auto showroom, car lot, truck dealer, farm equipment dealer, mobile home sales, snowmobile sales, motorcycle sales and like vehicular sales and service land uses.
  - (4) Car wash.
  - (5) Hotels and motels.
  - (6) Building materials supply and other wholesale businesses and storage.
  - (7) Shopping Center.
  - (8) All accessory buildings which are necessary and incidental to the operator of the above business activities.

The existing structure has been vacant for some time. Previously there was a residential use on the second floor and business on the first floor.

The exact location of the well and septic system is not known.

There is one off street parking space for the parcel.

The hearing opened at 7:20pm and Gregory Ward appeared for the application and submitted a letter from the owner to represent him. Jassely Rotolo also appeared. They would like to change the use of the first floor from a business to a residence. The notifications to the neighbors were incomplete, so she agreed to postpone the public hearing until next month in order to provide the required notifications. Ms. Rotolo agreed to waive the 62 day notice for the board to act upon the application.

Teresa Desantis, a neighbor, spoke regarding the notification process. She did not believe that the Rotolos followed the correct procedure. The Rotolos came in person and verbally told her about the public hearing. Ms. Desantis would have preferred to receive the hard copy of the notice and would not sign the notification sheet. She also stated that she believes that the property is in a B-1 district and not B-2 and questioned the parking requirements for a residence.

The board clarified that signing the notification sheet does not infer that she agrees with the application's intent, it simply implies that she was notified of the public hearing, should she wish to attend.

**MOTION:** A motion was made by D. Allison and seconded by A. Black to table the public hearing until August 22, 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**

• **(cont.) 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,

DRAFT  
Town of Oneonta  
**Zoning Board of Appeals**  
Meeting Minutes  
July 25, 2022

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 did not attend the meeting and the board decided to extend the public hearing to next month.

**MOTION:** A motion was made by A. Black and seconded by Acting Chair, D. Prouty to table the public hearing until August 22, 2022.

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

There being no further business before the Board, the meeting was adjourned at 8:05pm.  
Laura Sause,  
Clerk of the Zoning Board of Appeals