

DRAFT
Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
August 22, 2022

Present: A. Black, D. Prouty, M. Stolzer, Chairman Cannistra, L. Sause (Clerk),

Absent: D. Allison, Rob Panasci (Attorney)

Others: Greg Ward (Jassely Rotolo/Jamie Agurto), Len Carson (DC Marketing)

A. Roll Call

- Chairman Cannistra called the meeting to order at 7:02pm and called for the roll.
- Next meeting is scheduled for September 26, 2022.

B. Minutes – July 25, 2022

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

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

C. New Applications:

- **Saxton Sign Corp., Special Sign Permit**

Tax Parcel No: 300.11-1-1-21.00

772 St. Hwy 28

Zoning: HDD (Highway Development District)

Applicant is requesting a special sign permit to place a freestanding sign along Courtyard Drive.

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: Buffalo Wild Wings (freestanding and façade); Starbuck's (façade).

The proposed signs need special sign permit approval because:

1. The requested sign exceeds the allowable number of freestanding signs on the parcel.

Darren Katz from Saxton Signs spoke for the application. He would like to place a new directional sign for Starbucks in order to for customers to find them. He stated that the business is set too far back and the sign is needed for more visibility among the other businesses.

MOTION: A motion was made by D. Prouty and seconded by M. Stolzer to set a public hearing for September 26, 2022 at 7:15pm or as soon as possible thereafter.

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

D. Public Hearings:

- **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.

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The public hearing opened at 7:16pm and Chairman Cannistra read aloud the notice from “The Daily Star”. Leonard Carson from DC Marketing appeared for the application. He would like to build three signs to advertise small businesses in the area. He stated that there is a unique hardship due to the location off Rt. 205. The sign must be large enough to be seen from the road. He believes that the signs will not be much different than other signs in the area and that they will be in general harmony with the neighborhood. No one else addressed the matter and the public hearing closed at 7:40pm.

The board did not find the request substantial and believe that the signs will fit in with other businesses in the area.

MOTION: A motion was made by Chairman Cannistra and seconded by A. Black to approve the Special Sign Permit.
DISCUSSION: None **VOTING:** Unanimous. **Motion Carries**

- **(Cont) 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.

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 public hearing opened at 7:41pm and Chairman Cannistra read aloud the notice in “The Daily Star”. Gregory Ward represented the application. He would like to change the first floor to a residence. He stated that there has been no business there in 10 years and there is not enough parking to support a business. Mr. Ward submitted documentation to support his hardship. He submitted the expenses and taxes being paid on the building, and with the first floor empty, he believes he has a financial hardship. He also submitted rental comps that he stated, shows that if he were to change the space to a residence, he would be able to rent it out quickly and should be

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able to recoup the costs of renovating and ongoing maintenance of the building. No one else addressed the matter and the public hearing closed at 8:00pm. The board determined that there is a financial hardship and did not find any other negative impacts for the use.

MOTION: A motion was made by M. Stolzer and seconded by D. Prouty to approve the Use Variance.
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, 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 Chairman Cannistra and seconded by D. Prouty to table the public hearing until September 26, 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