

Draft
Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
June 27, 2022

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

Absent: None

Others: Sue Payton, Mary McKenna, Tom Armao, Barb Monroe, Tom Trelease, Jassely Rotolo, Barbara Mykytyn, Nicholas Mykytyn

A. Roll Call

- Chairman Cannistra called the meeting to order at 7:00pm and called for the roll.
- Next meeting is scheduled for July 25, 2022

B. Minutes – May 23, 2022

MOTION: A motion was made by M. Stolzer and seconded by D. Prouty to approve the minutes as corrected by the Zoning board's attorney.

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

C. New Applications:

- **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.

Eduvit Rotolo appeared for the application. His father purchased the property which is commercial on the 1st floor and a residence on the second. They would like to change the 1st floor to become a residence.

MOTION: A motion was made by D. Prouty and seconded by Chairman Cannistra to set a public hearing for July 25, 2022 at 7:15pm or as soon as possible thereafter.

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

D. Public Hearings:

- **Kirt & Barbara Mykytyn, Special Extension**

Tax Parcel No: 287.19-2-26.01
38 Jefferson Ave, Ext, Oneonta
Zoning: RA-20 (Residential)

Barbara & Kirt Mykytyn are seeking a special extension to allow 3 unrelated individuals to reside in the same dwelling as a family unit.

The public hearing began at 7:32pm and D. Prouty read aloud the notice from "The Daily Star" and the application. Barbara Mykytyn appeared to represent the application. She would like to use the property to house her son, another individual and their caretaker (or another individual if they're unable to get a caretaker to move in) the property that she recently purchased near her home. She stated that the intention is to have the occupants utilize the property as a family group, sharing the expenses and utilities. She said that this will be for a long-term situation and not a transient rental and also believes that this will preserve the harmony in the neighborhood. The changes planned are only for accessibility, such as a larger bathroom. She will be meeting the building codes and plans on this being full time with no temporary housing. Ms. Mykytyn believes that there is adequate parking with the 4-car driveway and 2 car garage and does not know of any factor that would show that the group will not be the functional equivalent of a family. The public hearing closed at 7:40pm.

MOTION: A motion was made by D. Prouty and seconded by M. Stolzer to approve the Special Extension to allow three unrelated people to live in one house.

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

- **Country Club Realty Holding Co., LLC (Tom Armao) Barbara Monroe (Authorized Representative, Use Variance**

Tax Parcel No: 299.06-1-74.01
5 Country Club Road, Oneonta
Zoning: RA-20 (Residential)

The applicant desires to modify conditions of a previous use variance approved July 26, 2021. The conditions to the 7/26/21 use variance, were: "No exit or entrance onto Country Club Road from the designated parcel(?). Place a fence along top portion of property."

MOTION: A motion was made by A. Black and seconded by D. Prouty to open the public hearing at 7:42pm.

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

D. Prouty read aloud the notice from the Daily Star and the application. Barbara Monroe represented the application. She would like to have the conditions removed from the Use Variance that states that a fence or trees be placed on the border of the property and that the driveway from the new parcel will not be utilized. She stated that the original neighbor who asked for the barrier no longer wants them to install it.

Sue Payton, a neighbor residing on Country Club Rd, spoke opposing using the driveway onto Country Club Road. She asked that if they are only adding to the existing parking lot, why can't they use the same driveway they are already using? Since, the lot is to be used as an employee parking lot, why do they want to pull cars out from there? They already have access and carriers are bringing cars in on a daily basis. She would like to maintain the residential neighborhood. She also said that she would like to hear from the neighbor that no longer wants the fence.

Mary Mckenna, another neighbor, stated that she would like to keep the fence condition as the lot is wide open. She said that with the employee parking, why pull cars out there?

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Tom Armao also represented the application and said that there are 3 driveways on Oneida Street and 1 existing on Country Club Road. The other driveways are on a different parcel with a separate use. He states that the purpose of using the driveway from the new parcel is to make it easier to pull out the trucks and carriers further down from the intersection and that sometimes pulling in or out near the intersection may cause a backup of traffic and a safety hazard. He states that using the driveway will not increase existing traffic, it will just make it safer. The distance from the current driveway is approximately 70 feet. No one else addressed the board.

MOTION: A motion was made by D. Prouty and seconded by Chairman Cannistra to close the public hearing at 8:07pm
DISCUSSION: None **VOTING:** Unanimous. **Motion Carries**

The board discussed that there have been accidents on Oneida Street by the intersection and that using the driveway may help alleviate congestion and that the fence or trees are not needed. They also discussed that using the driveway 50-70 feet down would not change the character of the neighborhood.

MOTION: A motion was made by Chairman Cannistra and seconded by A. Black to approve the Use Variance.
DISCUSSION: None **VOTING:** 3 in favor. D. Prouty and M. Stolzer: No **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 M. Stolzer to table the public hearing until July 25, 2022.

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

There being no further business before the Board, the meeting was adjourned at 8:22pm.

Laura Sause,
Clerk of the Zoning Board of Appeals