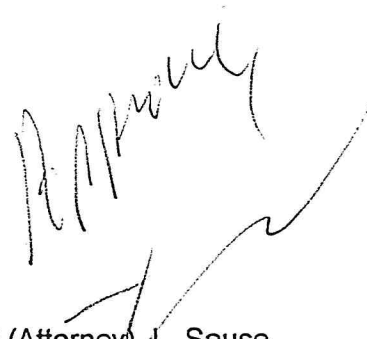


Town of Oneonta
Zoning Board of Appeals
Meeting Minutes
May 23, 2022



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

Absent: None

Others: David Cyzeski, Theresa Cyzeski, Michael Tannenbaum, Laura Gell, Kathryn Yager, Kenneth Dautrich, John & Jennifer Claflin, Tom Armao, Bridgette Shepardson, Nicole Schliermann, Rick Amo, Rich Abbott, Kirt Mykytyn, Gary Maffei, Charles Maffei, Barbara Monroe, Greta Taylor

A. Roll Call

- Acting Chair Prouty called the meeting to order at 7:05pm and called for the roll.
- Next meeting is scheduled for June 27, 2022

B. Minutes – April 25, 2022

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

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

C. New Applications:

- **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.

Kirt Mykytyn appeared for his application. He purchased the house across the street and would like to house his son who has special needs, a friend and either a caretaker or another person with special needs. They would be 3 unrelated persons living as a family in the house, each with their own bedroom.

MOTION: A motion was made by D. Allison and seconded by A. Black to set a public hearing for June 27, 2022 at 7:15pm or as soon as possible thereafter.

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 a use variance approval to their previous use variance approved July 26, 2021 use the additional business parking after tearing down the existing residential structure. 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." No site plan information is provided regarding the reputed existing driveway or the location of the proposed driveway.

Barbara Monroe spoke for the application. They would like to remove the stipulations of the previous decision for building a fence and would also like to use the driveway to pull cars out onto Country Club Road. Mr. Armao stated that the neighbor who would have been impacted by the change of the parcel to a parking lot, now would like to omit the fence from the requirements. He also believes that to use Country Club Road to pull out of the lot, would relieve congestion going onto Chestnut Street.

MOTION: A motion was made by Acting Chair, D. Prouty and seconded by A. Black to set a public hearing for June 27, 2022 at 7:30pm or as soon as possible thereafter.

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

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Approved
D

D. Public Hearings:

• **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 requested that the public hearing be continued next month in order for her to prepare all of her financial documentation.

MOTION: A motion was made by M. Stolzer and seconded by A. Black to table the public hearing until June 27, 2022.

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

• **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 public hearing began at 7:35pm and Acting Chair, D. Prouty read aloud the notice from "The Daily Star". Rick Amo From Cooperstown All Star Village represented the application. He would like to house his staff while the All Star Village is open from June 1 through August 31 and then close it down. He submitted a document specifying that the staff who lives there must follow guidelines to continue employment. Some comments from the audience: Bridget Shepardson, concerned about noise, property damage to surrounding properties and traffic. She also stated that other rental owners were denied multiple inhabitants and would like to keep the precedence that the code already has. She also mentioned that instead of a variance could CASV work to find other options such as housing the staff in other local rentals as Glimmerglass does.

Dave Cyzeski, believes that it is too close to other houses.

Gerry Moffit, submitted a letter against the proposal signed by the neighbors.

Mike Tannenbaum, said that there is a lack of specificity in the wording and would like a time limit and also that the law was created to stop student housing.

Bridget Shepardson, she would really prefer not to have college students.

Larry Harrison, noted that he applied for an apartment in his new barn in 2003 and was told he could only have family members. He also said that he was worried about the traffic, noise from the ball games and fireworks.

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Teresa Cyzeksi, does not understand why this is an issue. She was denied an archery shop because it would change the neighborhood.

R. Panasci noted that each case is decided on an individual basis and that no case will result in setting a precedence.

Greta Taylor, has concerns about the septic system with the creek and swimming hole.

Mr. Amo stated they have a variety of employees who will be housed there, one student, 2 staff members, restaurant workers, and baseball operations. Usually, they will work until 10:00pm with a shift 2-11pm for the restaurant workers. He said that currently there is a house with 3 workers and the neighbors have not had a complaint.

Greta Taylor, said that she is glad there are no current issues, but three in a house is not the same as eight. Charlie Moffet, said that there is no comparison of the two staff homes, due to driving back to the home. He asked about the rules, are the residents allowed to have guests?

Mr. Amo replied that no, they are not allowed to have guests as it would not be covered under the insurance.

Kathryn Yager, noted that the lighting is a concern. She said that in addition to the car lights there is a pole light shining into their bedroom.

Mr. Amo replied that there will be no extra lighting in the home.

Teresa Cyzeksi, said that the house is not monitored by adults and that with children in a house together does not believe that they would not have anyone stay overnight. She mentioned a camera for going in and out.

The board questioned Mr. Amo about the suggestion for placing staff in current local housing, but he said that the expense would be too great and that they already own this property and would like to use it. The board also questioned whether they could consider this on the condition that if there are complaints that they have to come back to the board and the extension could be revoked. The board also discussed the septic system but determined that the Dept. of Health and the code office is responsible for checking septic systems. The public hearing closed at 8:15pm.

MOTION: A motion was made by D. Cannistra and seconded by A. Black to close the public hearing.

DISCUSSION: None **VOTING:** 4 in favor, M. Stolzer: No. **Motion Carries**

The board discussed conditions that would be required in order to grant the variance and that any complaints should go to the code officer to document.

MOTION: A motion was made by Acting Chair, D. Prouty and seconded by D. Cannistra to approve the special extension with the following conditions:

- 1) The building will be occupied only from June 1 to Sept. 1.
- 2) Either change the parking or install trees on the north side of the property to create a barrier for head lights.
- 3) Limit of 8 people in the house provided that they are all employees of CASV.
- 4) No parties and no guests.
- 5) The approval is subject to revocation pursuant to Town Code Section 103-97.

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

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- **(Cont.) John B. Clafin 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.

The public hearing continued at 9:06pm and Mr. Clafin II submitted the original property listing that had stated that the property could be used as a commercial use thereby showing that the hardship was not self-created. He also submitted the estimate for agricultural use at 1,800 – 3,000 an acre and along with the expenses of the property submitted last month, he believes that he cannot get a reasonable rate of return with only an agricultural use, as he does not have full use of the land. Part of the land is a former landfill and cannot be restored. Mr. Clafin believes that his structure will not change the character of the neighborhood as there is nothing nearby. No one else addressed the matter and the public hearing closed at 9:15pm.

The board determined that the hardship was not self-created as he was misinformed upon purchasing the land. They believe that he is limited with what he can do with the land after exploring many other options, they did not find that the use would change the neighborhood and that the applicant's dollars and cents proof confirmed that he could not realize a reasonable rate of return on his investment.

MOTION: A motion was made by Acting Chair, D. Prouty and seconded by M. Stolzer to approve the use variance.
DISCUSSION: None **VOTING:** Unanimous. **Motion Carries**

There being no further business before the Board, the meeting was adjourned at 9:22pm.
Laura Sause,
Clerk of the Zoning Board of Appeals