

DRAFT  
Town of Oneonta  
**Zoning Board of Appeals**  
Meeting Minutes  
June 26, 2023

**Present:** A. Black, D. Allison, D. MacClintock, K. Wilde, Chairman Prouty, Laura Sause (Clerk)

**Absent:** R. Panasci (Attorney)

**Others:** Jared Wood (Muddy River), Thomas Fox, Christina Wood (Muddy River), Marcia L. Browne, Josh Schlafer (SSH Alliance/Muddy River)

**A. Roll Call**

- Chairman Prouty called the meeting to order at 7:02pm and called for the roll.
- The next meeting is scheduled for July 24, 2023

**B. Minutes**

• **December 19, 2023**

**MOTION:** A motion was made by A. Black and seconded by K. Wilde to approve of the minutes.

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

• **May 22, 2023**

**MOTION:** A motion was made by A. Black and seconded by Chairman Prouty to approve of the minutes.

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

**C. New Applications: None**

**D. Public Hearings:**

• **Thomas Fox, Area Variance**

**Tax Parcel No: 299.07-2-37.00**

14 Jackson Ave, Oneonta, NY

**Zoning:** R-20 (Residential District)

The applicant requests an area variance to place a new 2 family residence on the lot. The code office has denied the application because the proposed development does not comply with the town code.

**CODE REVIEW:**

Building location and setbacks with public sewer for principal use and structure.

<u>Setback</u>	<u>Required</u>	<u>Proposed</u>
Front yard	30 ft	29 ft 7 in
Side yard	15 ft	10 ft
Rear yard	25 ft	20 ft
Lot Coverage	25%	37%

The public hearing opened at 7:15pm and Chairman Prouty read aloud the notice from the "Daily Star." Thomas Fox appeared for his application. He would like to build a 1 story - 2 family residential rental on the property with 4 off street parking spaces. As a result of the size of the building it will be placed deeper into the lot. He does not believe that it will cause an undesirable change to the neighborhood as he had taken down an older home and the lot is currently vacant. Mr. Fox stated that he cannot achieve the benefit in any other way due to the layout of the building and the required square footage of the dwelling. He chose to put off street parking on the lot and cannot go wider on the lot so he is placing it deeper. He stated that it is not a substantial request as he is only looking at 3 inches over in the front and 5 feet in the rear and that he is planning to do family rentals and not baseball camps. He believes that Oneonta needs more housing and that there are no adverse effects on the environment. The sewer, water and gas are nearby so there is no need for drilling wells or septic. No one else addressed the matter and the public hearing closed at 7:28pm.

The board determined that the application meets all the criteria and is not a substantial request.

**MOTION:** A motion was made by D. MacClintock and seconded by A. Black to approve the area variance.

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

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- **Muddy River Farm Brewery. Area Variance**

**Tax Parcel No: 287.19-1-2.02**  
107 Winney Hill Rd, Oneonta, NY  
Zoning: B-2 (General Business)

Applicant requests an area variance for the construction of a sunken outdoor seating area on the parcel. The code office has denied the application because the proposed development does not comply with the Town Code. CODE REVIEW: Building location and setbacks.

<u>Setback</u>	<u>Required</u>	<u>Proposed</u>
Front yard	30 ft	5.5 ft
Side yard	10 ft	no change
Rear yard	10 ft	no change
Frontage	100 ft	no change

The public hearing opened at 7:30pm and Chairman Prouty read aloud the notice from the “Daily Star.” Jared Wood spoke for the application with the owner, Josh Schlafer also present. Mr. Wood submitted written documentation of the hardship. He would like to place a sunken outdoor space to increase seating for their business. He does not believe there would be an undesirable change to the neighborhood as the new addition will not be seen by nearby residents and most of the nearby properties are commercial. Mr. wood states that there is no other method to achieve this because of the location of the business being 25 feet from the Chestnut Street right-of-way. He does not believe that the request is substantial as the patio is about one-third of the depth of the building and there should be no negative effects on the surrounding area. He is looking to increase business and use it as an insurance policy for possible future events as seen in the recent pandemic. No one else addressed the matter and the public hearing closed at 7:38pm.

The board did not find any issues with this application. They did not find it to be substantial and cannot be done in any other way. The criteria have all been met, it will help to promote tourism and will keep the plaza growing with an established business.

**MOTION:** A motion was made by Chairman Prouty and seconded by D. MacClintock to approve the area variance.

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

There being no further business before the Board, the meeting was adjourned at 7:38pm.

Laura Sause,  
Clerk of the Zoning Board of Appeals