

**Town of Oneonta Planning Board
Board Meeting
Monday, May 20, 2024 at 7pm**

Present: Edward Dower; Dan Baker; Breck Tarbell; Jenny Koehn; Reggie McGuinness; Rob Lishansky; Joseph Camarata (Chairman)

Absent: none

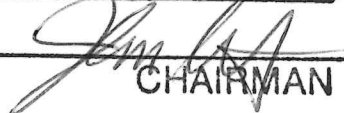
Others Present: Theresa & David Cyzeski; Kim Downie; Tom Downie; Linda Wilcox; Tom Rowe; Nathan Mann; Kurt Warkentin; Eric Ball; Freddie & Theresa Torres; Nadine J Karns; Vicky Klukkert; Denise Wist; David Koehn; Eileen Hill; Peter Hill; Jon Anderson; Karen Rowe; Cana Clapper; Fred Clapper; Tia Clapper; Teresa Prior; Stephen Roese; Arlene Nealis; Susan Blass; Edward Blass; Janice Downie; Bruce Downie; John Nealis; Jon Hansen; Heather Babbitt; Rich Babbitt; Joseph Ballard; Whitney Baehanas

APPROVED
BY THE PLANNING BOARD
TOWN OF ONEONTA

The meeting was called to order at 7:05 PM.

Public Hearings:

PB000671 Nadine Karns/R Braun TMP#300.00-3-36.00; 938 Swart Hollow Rd
Minor Subdivision Application

June 3, 2024

CHAIRMAN

Motion made by Reggie McGuinness and seconded by Jenny Koehn to open the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Eric Ball of R Braun, Land Surveyor was present and the notifications were verified. Chairman Camarata opened the public hearing and asked if anyone appeared to speak for or against the proposed minor subdivision application to subdivide 25.14+/- acres from parcel, leaving existing single-family residence on remaining 2.2+/- acres. No one came forward and the board had no additional questions.

Motion made by Breck Tarbell and seconded by Rob Lishansky to close the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Breck Tarbell and seconded by Dan Baker that the Minor Subdivision Application will not have a negative impact on the environment

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Dan Baker and seconded by Rob Lishansky to approve the Minor Subdivision Application, per survey map prepared by R. Braun, Land Surveyor dated 3/14/24. Map and deed descriptions to be filed at Otsego County within 60 days of approval and receipt of filing forwarded to Town of Oneonta Code Enforcement.

VOTING: Unanimous. **MOTION CARRIES**

PB000672 Nathan Mann TMP#300.00-3-20.00; 232 Southside Dr
Special Use Permit Application for short term rental

Motion made by Breck Tarbell and seconded by Reggie McGuinness to open the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Nathan Mann was present and the notifications were verified. Chairman Camarata opened the public hearing for a Special Use Permit application for short term rental of his 3-bedroom personal residence and asked if anyone was in attendance to speak for or against the application. No one came forward to speak and the board had no additional questions. Applicant verified there were no questions regarding the "checkoff" form.

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JUNE 3, 2024

CHAIRMAN

Motion made by Reggie McGuinness and seconded by Ed Dower to close the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Breck Tarbell and seconded by Rob Lishansky that the Special Use Permit Application will not have a negative impact on the environment

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Rob Lishansky and seconded by Reggie McGuinness to approve the Special Use Permit Application for short term rental.

VOTING: Unanimous. **MOTION CARRIES**

PB000673 Stephen & Jacqueline Roesse TMP#299.06-1-40.00; 5 Cove Ave

Special Use Permit Application for short term rental

Motion made by Rob Lishansky and seconded by Jenny Koehn to open the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Stephen Roesse was present and the notifications were verified. Chairman Camarata open the public hearing for a Special Use Permit application for the short term rental of 2 bedroom single family residence and asked if anyone appeared to speak for or against the application. No one came forward and Mr. Roesse advised it must have been the nice letter he sent out that included his personal cell phone number. Board agreed that was a good start. Chairman Camarata advised there were a few short term rentals in the neighborhood and that the main thing was to keep the kids in the yard and no team parties.

Motion made by Dan Baker and seconded by Breck Tarbell to close the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Breck Tarbell and seconded by Jenny Koehn that the Special Use Permit Application will not have a negative impact on the environment

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Reggie McGuinness and seconded by Jenny Koehn to approve the Special Use Permit Application for short term rental.

VOTING: Unanimous. **MOTION CARRIES**

Continuing Business:

PB000653 Dana & Fred Clapper TMP#275.00-1-63.01; 184 Lower Reservoir Rd

Site Plan Review Application

Jenny Koehn recused herself and removed herself from the podium. Planning Board Attorney Rob Panasci advised that the board had received a letter today from the attorney for the petitioners in the ZBA action (David Koehn et al. v. Town of Oneonta Zoning Board of Appeals et al, Index No EF2024-219. He advised the board that they should go into executive session, because there is a request from the petitioner's attorney that the board has to stay the planning board's decision while that action is pending. Chairman Camarata stated he would entertain a motion to go into executive session.

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Motion made by Reggie McGuinness and seconded by Rob Lishansky to go into Executive Session to discuss litigation regarding this matter.

Abstain: Jenny Koehn

VOTING: Unanimous. **MOTION CARRIES**

Chairman Camarata called for a motion to come out of Executive Session.

Motion made by Rob Lishansky and seconded by Breck Tarbell to come out of Executive Session.

Abstain: Jenny Koehn

VOTING: Unanimous. **MOTION CARRIES**

The Planning Board's attorney stated that the Board had received a letter from the petitioner's attorney claiming that NYS Town Law Section 282 requires the Board stay all matters until the ZBA action pending is decided. Section 282 applies to decisions of the Board. No decision has been made by the Board, therefore no requirement to stay. He also advised that there was a court conference on May 17, 2024 that was requested by the petitioner's attorney to address the Petitioner's request for a stay. The Court did not require a stay. As a result, it was the Board's attorney's legal opinion that the board should be moving forward and asked if anyone had any question.

It has been a long time since Site Plan was first presented, due to the appeal for an interpretation from the Zoning Board of Appeals to determine if the proposed "agricultural pursuits" are permitted per Town Code. The Zoning Board of Appeals determined that agricultural pursuits include agritourism and that the proposed cabins were a part of the agritourism. Planning Board's Attorney advised the board that they were looking a site plan, solely based on the Zoning Board of Appeals interpretation. Since the cabins are part of the agricultural use, there is a strong argument that Site Plan Review is not required, because Town Code Section 103-16 states that agricultural pursuits are a permitted use and do not require site plan review. The Board has spent a significant amount of time on this application, members of the Board visited the site, held a public informational meeting and allowed members of the public to speak, even though public comment is not required under Town Law or Town Code.

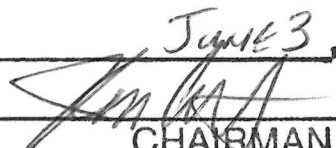
The next step for the Board is to consider whether the proposed project will have an impact on the environment. The Board took a hard look, reviewing each question on Part 2 of the Short Environmental Assessment Form, stating proposed project would not have an impact or that there would be a small impact, or moderate to large impact regarding community, environment and traffic. Attorney Panasci then referred to NYS Town Law 274-a for items to consider to mitigate potential small impacts. The Board identified the potential impact to traffic and the Board Chairman advised that he had spoken with the Superintendent of Highway James Hurtubise, whom would be willing to put up signage i.e. campground ahead, children at play. Board agreed that signage was a good idea and noted that the potential impact to traffic will be addressed via signage on Part 3 of the Short Environmental.

Motion made by Breck Tarbell and seconded by Rob Lishansky to issue a negative declaration under SEQRA because the Site Plan Review Application will not have a significant impact on the environment

VOTING: Ayes 5, Nays 1 (McGuinness) **MOTION CARRIES**

After issuing the negative declaration, the Board's attorney discussed the factors to consider when reviewing the site plan. Since there are no specific site plan elements set forth in the Town Code, the Board can consider the list elements set forth in NYS Town Law 274-a. The elements include the following:

Parking - Each cabin will have separate parking.

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Means of Access - The customers will access the property via Lower Reservoir Road and use proposed gravel driveway to the cabins. Chairman Camarata asked to possibly consider a sign to exit to the right, eliminating sharp curve section of road and board concurred to make a condition of the Site Plan approval.

Screening and Landscaping - The site plan shows existing vegetation within the property that can be used as form of screening. The Board will require the applicant to maintain the existing vegetation.

Architectural features and dimensions of the Cabins - The Board was satisfied with the features and size of cabins as shown on the site plan.

Adjacent Land Used and Physical Features – The Board had nothing to add, as previously discussed the location on property, the distance, size of cabins and existing vegetation.

Motion made by Breck Tarbell and seconded by Dan Baker to approve the Site Plan Review Application with conditions to install a sign “exit to the right”, all existing buffering/vegetation shall remain and be maintained, and the cabins sizes no bigger than what was stated on the site plan by Kenneth Andela PE revision date 4/29/24.

VOTING: Ayes 5, Nays 1 (McGuinness) **MOTION CARRIES**

PB000637 Wist Development/Denise Wist TMP#287.00-1-20.01; 4063 St Hwy 23
Site Plan Review Application

Denise Wist was in attendance to proceed with her Site Plan Review Application for a phased development project to start with 3, one bedroom/one bath cottages for short/long term rental. As requested, Ms. Wist forwarded a copy of the SWPPP via email, perk/septic plan, light pole data and lights plotted on site plan along the drive. Applicant and Paul Neske (Code Enforcement Officer) met separately with Walt Schmitt (West Oneonta Fire Chief) and he stated he was good with the driveway plan. The event center will be down the road, but for SEQRA purposes looking at overall site plan. If there are any changes applicant will be required to come back to the Planning Board for a modification.

Motion made by Reggie McGuinness and seconded by Jenny Koehn that the Site Plan Review Application will not have a negative impact on the environment

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Jenny Koehn and seconded by Breck Tarbell to approve the Site Plan Review Application for the phased project, per updated site drawing received on 1/15/24 prepared by Delta Engineers dated 2023.09.17 and any changes will be required to come back to Planning Board for a modification.

VOTING: Unanimous. **MOTION CARRIES**

New Applications:

PB000670 Theresa & Freddie Torres TMP#300.00-3-7.04; 575 St Hwy 28
Special Use Permit Application for short term rental

Theresa & Freddie Torres appeared before the board to represent his Special Use Permit Applicant for short term rental of 3-bedroom single family residence. The required property maintenance/fire inspection was completed and passed on 5/8/24. Applicant came forward and completed the “checkoff” sheet, as requested. They plan to hire a local company to oversee rental. Chairman Camarata advised they have to have a local contact and that they would need to supply the board with the local contact information before they could approve the Special Use Permit.

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John J. Camarata

CHAIRMAN

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Motion made by Rob Lishansky and seconded by Reggie McGuinness to set a public hearing for June 3, 2024 at or about 7:05 PM.

VOTING: Unanimous. **MOTION CARRIES**

PB000674 Heritage Structures TMP#300.00-3-82.00; St Hwy 23

Site Plan Review Application

Kurt Warkentin of Heritage Structures appeared to represent the Site Plan review application to lease the parcel to place roughly 30 storage buildings for display and sales, on vacant lot next to Lowe's. One of the sheds will be finished for an office, a port a potty, and possibly put in a gravel drive. The application was been forwarded to Otsego County and NYSDOT. The NYSDOT response was received and forwarded to applicant. Their response stated that only one driveway to site will be permitted, any work in State right-of-way will require a NYSDOT Highway Work Permit and that no items are to be placed with the State right of way. Otsego County returned for local action: No significant county-wide or inter-community impacts.

Motion made by Breck Tarbell and seconded by Jenny Koehn that the Site Plan Review Application will not have a negative impact on the environment

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Reggie McGuinness and seconded by Rob Lishansky to approve the Site Plan Review Application subject to NYSDOT requirements.

VOTING: Unanimous. **MOTION CARRIES**

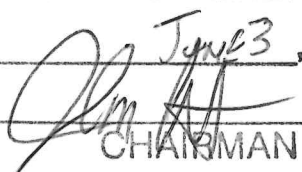
PB000677 Rainbow Enterprises/Homewood Suites TMP#300.11-1-19.01; Courtyard Dr

Sketch Plan Review Application

Lisa Wennberg of Keplinger Freeman Associates, Dave Merzig and Bilal Ahmad were in attendance for the Site Plan review application for a Homewood Suites hotel 4-story 55,000+/-sf. Ms. Wennberg stood to give an overview of proposed for the 4 story/17600sf per floor, 90 guest rooms hotel, with 90+/- parking spaces. The Zoning Board of Appeals held a public hearing earlier, for an area variance for a 3 parking space reduction (90 to 87 spaces), parking stall width 9ft and parking within the front yard. The fire department requested that they remove 2 spaces on their site plan in order for them to get to the side of building. They will have air conditioning roof top units with screening, fenced trash enclosure, public water and sanitary. Fencing is in the design phase, as well as the Geotech plans. The stormwater for the Holiday Inn Express was oversized, so both sites should have enough drainage. Plan includes a minor lot line change for drive and applicant was advised that would go before the Planning Board as well. It was verified that all trees on the Southside Drive side would remain. Chairman Camarata advised the board that the application was subject to GML239 and the board agreed application should be referred to Otsego County and NYSDOT for their review and comment. Once responses are received, they will be forwarded to applicant and be placed on the next available Planning Board agenda. The property is located in an HDD zone and butts up against residential properties, so notifications would need to be sent to those residential property owners. The Planning Board decided the more communication the better and that a public informational meeting would be set once the additional information is submitted and 239 responses are received.

Discussions: none

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CHAIRMAN

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Minutes:

Minutes were reviewed by the board from May 6, 2024 board meeting.

Motion made by Reggie McGuinness and seconded by Dan Baker to approve the minutes.

Abstain: Jenny Koehn

ALL IN FAVOR MOTION PASSED

Adjournment:

Motion made by Reggie McGuinness and seconded by Rob Lishansky to adjourn at 9:01 PM, with the next scheduled meeting June 3, 2024 at 7:00PM.

ALL IN FAVOR MOTION PASSED

Respectfully Submitted,

Wendy Cleaveland
Planning Board Clerk

APPROVED
BY THE PLANNING BOARD
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[Signature]

CHAIRMAN