

**Town of Oneonta Planning Board  
Board Meeting  
Monday, September 18, 2023 at 7pm**

**Present:** Tom Rowe; Dan Baker; Breck Tarbell; Jenny Koehn; Reggie McGuinness; Rob Lishansky; Joseph Camarata (Chairman)  
**Absent:** none

**Others Present:** Rob Panasci(Town Attorney); Janet Ballute; David Frame; Denise Wist; David Koehn; G. Farmer; Dana Clapper; Fred Clapper; Peter Exton; Ellen Blaisdell; Kim Downie; Phyllis O'Sullivan; Steve O'Sullivan; Tom Downie; Karen Brown; Richard Brown; Rodger Moran; Kris Boyce; Betty Lee; Lynn Stewart; Joseph Bailard; Maggie Bailard; Ronald Bettiol; Arlene Nealis; John Nealis; Bill Renwick; Scott Dowden; Margaret Clemons; Megan Youngs; BSA Troop 316; Micah & Noah Youngs; Luci & Annabelle Meyers; Janice Downie; Eamonn Hinchey; Raymond Holub; Susan Blass; Edward Blass; Bruce Downie; Eileen Hill; Peter Hill; Todd Hartman; Brenda L Seery; Heather Babbitt; Rich Babbitt; Karen Rowe; Rich Harlem; Laura Downie; Becca Downie; Allen Koehn

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

**Continuing Business:**

**PB000628 Todd Hartman TMP#300.00-3-61.02; 354 Southside Dr**

Special Use Permit Application for short term rental

Todd Hartman was present to request that he be allowed to continue to use this rental home as a short term rental. The board had reinstated the Special Use Permit conditionally for six months on March 6, 2023 and asked to reappear before the board at this meeting. There have been no new violations or complaints filed. The board agreed to remove the 6 month conditional from his operating permit and advised if no violations or complaints were made, his annual renewal would be due to renew in March 2024.

**PB000649 Emmons Farm Corp/Rodger Moran TMP#289.00-1-44.01; 5587 St Hwy 7**

Minor Subdivision Application

Rodger Moran, General Manager appeared before the board with mylar copy of updated survey map to separate the Price Chopper Plaza lots (TMP#289.00-1-42.02, 289.00-1-44.02, 289.00-1-42.03 & 289.00-1-44.03) and the Oneonta Sports Park lots (TMP#301.00-1-4.00 & 301.00-1-2.00), from the Farm House Restaurant properties (TMP#289.00-1-44.01) common deed. There will be a deed for property to North side of Rte 7 (TMP#289.00-1-44.01), a deed for Price Chopper lots South of Rte 7 (TMP#289.00-1-42.02, 289.00-1-44.02, 289.00-1-42.03 & 289.00-1-44.03), and a deed for Oneonta Sports Park lots off Co Hwy 47 (TMP#301.00-1-4.00 & 301.00-1-2.00). The board tabled the decision on August 21, 2023 in order to allow time for review and comment from Otsego County and NYDOT. Otsego County returned the application for local action: No significant county-wide or inter-community impacts. NYSDOT replied that the access to all parcels shall be through the existing approved access drives and any future modification of access to the State Highway will require NYSDOT review and approval; a copy of the letter was given to applicant and attorney present.

**Motion** made by Tom Rowe 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 Reggie McGuinness and seconded by Jenny Koehn to approve the Minor Subdivision Application to separate deeds per survey maps provided. Conditioned by mylar copy of surveys with deed descriptions to be filed at the County within 60 days of approval. Copies of filed approved maps and receipt of filing to the Town Code Enforcement Office.

**VOTING:** Unanimous. **MOTION CARRIES**

**Public Hearings:**

**PB000646 David & Lisa Frame TMP#287.00-1-57.01 & 287.00-1-59.00; 189 Winney Hill Rd**

Minor Subdivision Application

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

**VOTING:** Unanimous. **MOTION CARRIES**

**APPROVED**  
**BY THE PLANNING BOARD**  
**TOWN OF ONEONTA**

*Oct 2, 2023*  
  
CHAIRMAN

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David Frame was in attendance and the notifications were verified. Chairman Camarata opened the public hearing for the minor subdivision application to subdivide 5+/- acres off their combined parcels 50.759 acres and asked if anyone was present to speak for/or against the application. No one came forward. Otsego County returned the application for local action: No significant county-wide or inter-community impacts. The survey map provided was prepared by Lawson Surveying & Mapping with revision date of 7/23/23 for a 4.766 acres parcel.

**Motion** made by Rob Lishansky and seconded by Tom Rowe to close the public hearing.

**VOTING:** Unanimous. **MOTION CARRIES**

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

**VOTING:** Unanimous. **MOTION CARRIES**

**Motion** made by Jenny Koehn and seconded by Rob Lishansky to approve the Minor Subdivision Application map prepared by Lawson Surveying and Mapping, revision date 7/23/23. The survey map and deed descriptions to be filed with the County within 60 days of approval. Receipt for filing to be forwarded to the Town Code Enforcement Office.

**VOTING:** Unanimous. **MOTION CARRIES**

**PB000645 Campbell Apartments LLC/Eamonn Hinchey TMP#276.00-1-26.00; 305 Emmons Hill Rd**

Special Use Permit Application for short term rental

**Motion** made by Breck Tarbell and seconded by Tom Rowe to open the public hearing.

**VOTING:** Unanimous. **MOTION CARRIES**

Eamonn Hinchey was present and the notifications were verified. Chairman Camarata opened the public hearing and asked if anyone was in attendance to speak for/or against the Special Use Permit Application for the short term rental of 3 bedroom single family rental. Phyllis O'Sullivan came forward questioning liability, as she owns the property behind this parcel, which is a wooded area. Chairman Camarata stated liability is an insurance issue. The land is marked "POSTED", but a recent survey revealed that the O'Sullivan land actually extends onto the Applicant's lawn. Applicant agreed to make it clear in guidelines, not to go beyond the grass. It was clarified that there were no bedrooms in the basement. The Planning Board received an email from neighboring parcel owner Leslie Hollander, that expressed concern with transient occupancy, that it might be difficult to provide a safe residential environment and that it may have a negative impact on property values.

**Motion** made by Reggie McGuinness and seconded by Rob Lishansky to close the public hearing.

**VOTING:** Unanimous. **MOTION CARRIES**

**Motion** made by Jenny Koehn and seconded by Breck Tarbell 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 with stipulations that renters are not to enter the woods and no basement occupancy, be incorporated in their notice to renters.

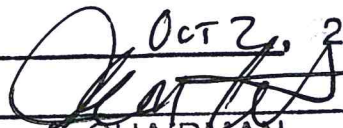
**VOTING:** Unanimous. **MOTION CARRIES**

**PB000648 DL Wist Enterprises LLC TMP#287.00-1-20.01; 4063 St Hwy 23**

Minor Subdivision Application


Denise Wist was present and turned in her notifications, it was noted that hearing notices had not been sent certified/return receipt. Chairman Camarata advised Ms. Wist that unfortunately the hearing notices would need to be redone, mailed certified/return receipt to advise hearing to be held October 2, 2023 at 7:15 PM.

**APPROVED  
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*Oct 2, 20 23*  
  
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New Applications:

PB000652 Verizon Wireless/Pyramid Network Services, LLC-Kris Boyce TMP#288.00-2-38.03; 224 Cemetery Hill Rd  
Special Use Permit Application for Cell Tower Modification Waiver

Kris Boyce of Pyramid Network Services, LLC appeared before the board as authorized representative for Verizon for a Special Use Permit waiver request for a cell tower modification to upgrade equipment on existing tower. The upgrade consists of removing 3 sector mounts, 3 antennas, 9 RRH's, 6 combiners, 2 OVP's, and 6 Coax cables. The equipment upgrade consists of installing 3 new sector frames, 3-5G antennas with integrated RRH's, 6RRH's and 1 OPV at 170' centerline on tower and 2 LLCC4's on ground base. The existing 3 spacing brackets, 6 antennas and 2-6x12 hybrid cables will remain. The compound and the height of the tower shall remain the same. A structural analysis was provided for the 250' tower. Once approved, the job will go out to bid and start as soon as possible.

**Motion** made by Reggie McGuinness 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 Jenny Koehn and seconded by Rob Lishansky to grant an administrative waiver of the Special Use Permit requirements set forth in the Town Code to allow Verizon Wireless to complete the modifications set forth in its August 1, 2023 application.

**VOTING:** Unanimous. **MOTION CARRIES**

PB000647 Brooks House of Barb-B-Q/Livingston Energy Group TMP#289.00-1-29.00; 5560 St Hwy 7  
Site Plan Review Application

Lynn Stewart of Livingston Energy Group was in attendance to represent the Site Plan Review Application for the installation of 4 EV (EVM) charging stations in the restaurant parking lot. She advised that an average of 30% of drivers use easy chargers. Brooks BBQ expressed an interest as felt it was an ideal spot to sit and eat, while their car is charging. The site plan is for 4 Livingston Energy EV charging ports, on 2 dual port charging stations, with protective bollards and signage. Units are manufactured in Rotterdam and by law all easy charging stations have to be uniform. Their L2 chargers typically charge 35-40% in a 2 hour period. At this point they are unsure of the cost. They will defer to the Town's wishes on signage if parking spaces are EV only or open, as they don't want to take any parking spaces away. NYSEG just gave them their approval. They do pull a lot of power, so only installing 4, as they don't want to tax the grid. Chairman Camarata advised that the application needed to go for 239 review to the County and NYSDOT, as property is along a State Highway. The Town will advise as soon as responses are received and the application will be placed on the next available agenda.

PB000651 Betty Lee TMP#309.00-1-10.01; 101 Hamilton Farm Rd  
Special Use Permit Application for short term rental

Betty Lee was present to represent her Special Use Permit Application for short term rental of her 4 bedroom single family residence. She will be listing as a 3 bedroom rental, as bedroom #2 is going to be used for storage only. Applicant's intent is to rent her personal residence as a summer rental, while residing locally. It was verified that the bedroom being used for storage would be locked. She plans to rent and manage the property herself.

**Motion** made by Rob Lishansky and seconded by Reggie McGuinness to set a public hearing for October 2, 2023 at or about 7:05 PM.

**VOTING:** Unanimous. **MOTION CARRIES**

PB000650 Dana & Fred Clapper TMP#275.00-1-63.01; 184 Lower Reservoir Rd  
Special Use Permit Application for short term rental

Chairman Camarata announced to everyone from East St and Lower Reservoir, that at this time the Clapper's would be presenting 2 applications to the board. The board will then determine if a public hearing or public information meeting will be required. The audience will not be able to speak, but are welcome to listen. The Planning Board Members, Tom Rowe and Jenny Koehn recused themselves from considering the application. Fred and Dana Clapper came forward to present to the Special Use Permit Application for short term rental of 2 bedroom single family residence. They reside in their home in Charlottesville (25 minutes away), but are on site every AM and



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PM in order to care for their animals. Ms. Clapper works from home and her daughter lives in the City of Oneonta, whom will be the assistant property Manager in her absence. They proposed to list on Airbnb targeting a family for a farm experience, but do not want to discriminate against baseball families, nor will they be responsible for chores. They currently have sheep, a couple beef cattle, chickens, goats and horses. The stables are attached to the house, but the stables will be secured before they leave and the door to the stable loft will be locked. It was clarified that the door is secondary and not necessary. Chairman Camarata pointed out the Property Maintenance/Fire inspection had been completed and passed.

Chairman Camarata advised the applicants that they have 2 applications before the board for 2 uses. Per our Town Code only one use is allowed. Mr. Clapper stated they would stop the Airbnb if the campground was approved, as they will be living in the house while campground is open (April thru October). Chairman Camarata stated that the Planning Board can only look at Code and that they can't grant both. They would have to apply for a Use Variance for a 2<sup>nd</sup> use with the Zoning Board of Appeals. Town Attorney Rob Panasci advised they did not have to make a decision right now. Mr. Clapper stated he was withdrawing the request for a short term rental.

Due to the limited microphone capacity of the Assembly Room and audience inability to clearly hear, Attorney Panasci announced that the applicants cannot have 2 uses on the same property, so they are withdrawing the application for Special Use Permit for short term rental and are seeking the Site Plan Review for a campground.

**PB000653 Dana & Fred Clapper TMP#275.00-1-63.01; 184 Lower Reservoir Rd**  
Site Plan Review Application

Fred Clapper presented the Site Plan Review Application for a 10 site campground. They are proposing 16' round bell tents on removable pressure treated platform or 12'x24' single room mini cabins on pressure treated skids. There will be 2 parking spaces per site. Plans include a shower and restroom facility approximately 12'x30' and a possible inground pool installed in the future. They are financially still looking at what they can afford to do, but would like to do the cabins. They have submitted septic plans. Each unit will accommodate 2 adults and 2 children, fully furnished with a bed, dresser, couple of night stands, trundle bed, ac unit and a firepit. There is an overhead light in parking lot and each unit will have a small outside light, no flood lights.

Chairman Camarata stated he would like to make a site visit, as well as others on the board. Attorney Panasci advised that there cannot be more than 3 board members present at a time and the times were arranged. Chairman Camarata advised that a site plan does not require a public hearing, but that they would be holding a public information meeting. The public informational meeting will not be held at the next meeting October 2, 2023, but may be on following meeting agenda for October 16, 2023. Residents will be asked to share their comments, questions and concerns at that time. Chairman Camarata advised that application needed to be forwarded to the City of Oneonta Fire Department regarding fire protection. Mr. Clapper advised that there was a conservation easement on the property and that someone from the conservation group stated that they were in support of what they are proposing to do. Attorney Panasci advised that the board needs to look at the definition of a camp vs campground. He needs to look into current farming/agritourism operation. He is also aware that the Code Enforcement office is looking into a few complaints.

**Discussions:** none


**Minutes:**

Minutes were reviewed by the board from August 21, 2023 board meeting.  
**Motion** made by Reggie McGuinness and seconded by Rob Lishansky to approve the minutes.  
**ALL IN FAVOR                      MOTION PASSED**

**Adjournment:**

**Motion** made by Rob Lishansky and seconded by Reggie McGuinness to adjourn at 8:30 PM, with the next scheduled meeting October 2, 2023.  
**ALL IN FAVOR                      MOTION PASSED**

Respectfully Submitted,  
  
Wendy Cleaveland  
Planning Board Clerk

**APPROVED**  
BY THE PLANNING BOARD  
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CHAIRMAN  
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