

**Town of Oneonta Planning Board
Board Meeting
Monday, March 2, 2020 at 7pm**

Present: Tom Rowe; Kirt Mykytyn; Breck Tarbell; Jenny Koehn; Reggie McGuinness; Rob Lishansky; Joseph Camarata(Chairman)

Absent: none

Others Present: Rob Panasci(Town Attorney); Dan Mahar; Anita Mahar; Phil Cooper; Tina Cooper; Emily Cooper; Rick Amo; Brian Belknap; John Anderson; Angie Eichler; Graig Eichler; Kathleen Hartman; Susan Reed; Todd Reed

The meeting was called to order at 7:06 PM.

APPROVED
BY THE PLANNING BOARD
TOWN OF ONEONTA

Public Hearings:

PB000529 Brian & Barbara Belknap TMP#287.15-1-33.00; 104 Sprague Road Spur

Special Use Permit Application for Short Term Rental

March 16, 2020

[Signature]
CHAIRMAN

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

VOTING: Unanimous. **MOTION CARRIES**

Brian Belknap was in attendance 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. Phil Cooper identified himself and stated that before he could decide for or against he would like some clarification, as the notice only stated short term rental. Mr. Cooper stated he did not have a problem if it was the garage apartment only with owner on site, but not teams. Chairman Camarata clarified that the application was for garage apartment only, only one family allowed per dwelling unit and that approval would be for year round short term rental, not just baseball season. Chairman Camarata asked Mr. Belknap to step forward. The chairman stated that he wanted to make it perfectly clear, as perhaps they hadn't, that the ad for his personal residence was to be taken down and wasn't to date. Mr. Belknap stated the ad was still up, as was waiting to see if he got a booking before he took the ad down. He again stated he was only interested in renting out his personal residence for the Hall of Fame week. Board advised that was not the process. He agreed to take the ad down. The board advised that they were concerned, therefore were in agreement to table until the next meeting and that the ad for his residence was to be taken down tomorrow and he could come back before the board for a decision. The Town Attorney once again clarified that the ~~the~~ only application pending for the board is for the garage apartment and they would not have ability to rent out their home without applying and going thru this process all over again.

Motion made by Rob Lishansky and seconded by Tom Rowe to table the discussion and keep the public hearing open until the next scheduled meeting Monday, March 16, 2020.

VOTING: Unanimous. **MOTION CARRIES**

PB000533 Graig & Angie Eichler TMP#299.07-4-75.00; 1 Elmwood Ave

Special Use Permit Application for Short Term Rental

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

VOTING: Unanimous. **MOTION CARRIES**

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 and no one came forward. Graig and Angie Eichler were present and the notifications were verified. It was noted that ad was for one bed and pullout sofa. Mr. Eichler verified there was a smoke detector in living room with the pullout sofa and welcomed a re-inspection to verify. Mr. Eichler will call the Code Enforcement Office for inspection appointment.

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Motion made by Kirt Mykytyn and seconded by Reggie McGuinness to close the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Motion made by Rob Lishansky 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 Kirt Mykytyn and seconded by Tom Rowe to approve the Special Use Permit Application for short term rental one family and a re-inspection to verify smoke detector in living room with sleeper sofa.

VOTING: Unanimous. **MOTION CARRIES**

PB000531 Jon Anderson TMP#300.11-1-45.00; 229 Southside Dr

Special Use Permit Application for Short Term Rental

Motion made by Breck Tarbell and seconded by Jenny Koehn to open the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Chairman Camarata opened the public hearing and asked if anyone was in attendance to speak for or against the Special Use Application for the short term rental and no one came forward. Jon Anderson was in attendance and the notifications were verified.

Motion made by Kirt Mykytyn and seconded by Rob Lishansky to close the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

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

VOTING: Unanimous. **MOTION CARRIES**

New Application:

PB000536 Cooperstown All Star Village TMP#287.00-1-33.00; 4158 St Hwy 23

Site Plan Review Application

Rick Amo (Facility Manager) was present to represent the Cooperstown All Star Village Site Plan Review Application to add 3 covered shuttle stops for guests. He stated structures will be approximately 5'x 14'. Attorney Panasci advised application must be referred to the County for 239m review because it is within 500 feet of a state highway. As soon as the response is received from the County, he can reappear before the board. Mr. Amo requested an email stating date and time to reappear.

APPROVED
BY THE PLANNING BOARD
TOWN OF ONEONTA

March 16, 20 20


CHAIRMAN

**Town of Oneonta Planning Board
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Public Hearings:

PB000488 Todd & Kathleen Hartman TMP#300.00-3-61.02; 354 Southside Dr

Revocation of Special Use Permit Application for Short Term Rental

Chairman Camarata opened the public hearing to pursue revocation of the special use permit approved 3/18/2019. The Special Use Permit was issued with condition: Certificate of Compliance for outstanding building permit and issuance of fire inspection certificate with no occupancy above the second floor with gate installed at bottom of stairs to third floor and privacy locks on all third floor doors. Code Enforcement issued a Cease and Desist Order on 1/28/2020 as listing was for 7 bedrooms and included pictures of the 3rd floor. On 2/2/2020 Todd Hartman emailed Paul Neske (Code Enforcement Officer) that in complete admission of guilt of violations and that the appropriate adjustments have been made to VRBO and Airbnb listings. While owner did redo listings to state 5 bedrooms, the number of guests was not changed and one of the ads still states 3rd floor bedrooms. Ms. Hartman stated she thought she rectified, but takes full responsibility and will correct tonight. While they have reservations in July and August, she has had no reservations since they received the notice. When board questioned why listing included the 3rd floor, Ms. Hartman stated she did it and didn't know why she did it. She stated she thought they would be fined, not have permit revoked. Chairman Camarata advised its unsafe, putting people in danger and that it is the board's job to enforce and follow the code. After discussion of revoking permit for a year, board agreed upon baseball season 2020 and applicants could reapply in September 2020.

Motion made by Rob Lishansky and seconded by Kirt Mykytyn to revoke the Special Use Permit for short term rental for the baseball season 2020 and that the applicant(s) can reapply in September 2020.

VOTING: Unanimous. **MOTION CARRIES**

PB000512 H4 Properties LLC TMP#300.00-3-8.01; 612 St Hwy 28

Special Use Permit Application for Short Term Rental

Motion made by Kirt Mykytyn and seconded by Tom Rowe to open the public hearing.

VOTING: Unanimous. **MOTION CARRIES**

Chairman Camarata opened the public hearing and asked if anyone was in attendance to speak for or against the Special Use Permit Application for short term rental and no one came forward. The Code Enforcement office has received a call from Jackie Yarborough on February 20, 2020 advising that she and her husband had no problem with the action as applicants have been doing it for over a year and have had no problems. Susan and Todd Reed were in attendance as authorized representatives of H4 Properties LLC and notifications were verified. Board once again clarified application was for 4 bedroom home, as the 5th bedroom has been changed into a storage room and would be locked. Rental is to be for one family, per Town Code.

Motion made by Kirt Mykytyn 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 Jenny Koehn and seconded by Kirt Mykytyn to approve the Special Use Permit Application for short term rental for one family and fifth bedroom to be locked.

VOTING: Unanimous. **MOTION CARRIES**

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TOWN OF ONEONTA

MARCH 16 2020

CHAIRMAN

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Continuing Business: none

Discussions: none

Minutes:

Minutes were reviewed by the board from February 17, 2020 board meeting.

Motion made by Reggie McGuinness and seconded by Jenny Koehn to approve the minutes.

ALL IN FAVOR MOTION PASSED

Adjournment:

Motion made by Rob Lishansky and seconded by Reggie McGuinness to adjourn at 8:10 PM, with the next scheduled meeting March 16, 2020 at 7:00 PM.

ALL IN FAVOR MOTION PASSED

Respectfully Submitted,

Wendy Cleaveland
Planning Board Clerk

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BY THE PLANNING BOARD
TOWN OF ONEONTA

MARCH 16, 20 20

CHAIRMAN