

**Town of Oneonta Planning Board  
Board Meeting  
Monday, February 3, 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); Jon Anderson; Brian Belknap; JoAnne Smith; Fred Falco; Karen Falco; Allen Hinkley; Mark Utter; James Hurtubise; Lori Baldanza

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

The meeting was called to order at 7:02 PM.

**Continuing Business:**

**PB000508 James Hurtubise TMP#286.00-2-42.00; 3028 Co Hwy 8**  
Special Use Permit Application for Short Term Rental

Feb. 17, 2020  
  
CHAIRMAN

James Hurtubise was present to continue the Special Use Permit process for this rental property. He had appeared before the board on May 20, 2019 requesting a Special Use Permit for short term rental and was advised to renew the expired building permits on the property, to correct violations cited and reappear once completed. He has completed the permits and had the required Property Maintenance/Fire Inspection performed on 1/28/2020 with a Fire Inspection Certificate issued. He would like to rent this 3 bedroom, 2 bath residence as a vacation rental for 6 occupants. He resides locally and currently has one other short term rental in the Town.

**Motion** made by Kirt Mykytyn and seconded by Tom Rowe to set a public hearing for February 17, 2020 at or about 7:05 PM.

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

**Public Hearing:**

**PB000527 Lori Baldanza TMP#299.07-4-46.00; 19 Ceperley Ave**  
Special Use Permit Application for Short Term Rental

**Motion** made by Tom Rowe 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. Lori Baldanza was in attendance and the notifications were verified. JoAnne Smith came forward to present a list of 3 residents that were opposed to the short term rental. She expressed concern as houses were close together on small lots and worried about damages. Mark Utter was present questioning why he was not notified. Per Otsego County mapping, his parcel is 5 parcels away and over the 200 linear feet requirement for notifications. He expressed concern for small kids in neighborhood riding bikes etc. Chairman Camarata advised it is an allowable use by code and that the approval was good for one year. If there were any violations, they would be asked to reappear. Board reassured they have had very little complaints on short term rentals and that this is small house to be rented to one family and no team parties. The required Fire Inspection Certificate has been issued. Applicant advised local contact information for Stacey Frazier is on the door placard and will be supplied to board as well.

**Motion** made by Kirt Mykytyn and seconded by Breck Tarbell to close the public hearing.

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

**Motion** made by Tom Rowe 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 Reggie McGuinness and seconded by Kirt Mykytyn to approve the Special Use Permit Application for short term rental for one family.

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

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**New Applications:**

**PB000529 Brian & Barbara Belknap TMP#287.15-1-33.00; 104 Sprague Road Spur**  
Special Use Permit Application for Short Term Rental

Brian Belknap was present to represent their Special Use Permit application for a short term rental of their existing one bedroom apartment behind and above garage. Board questioned listing on Airbnb for residence and Cooperstown Stay for apartment. Mr. Belknap advised they had listed their personal residence on Airbnb themselves for the Hall of Fame weekend only, but if that was not allowed he would pull ad down. The board questioned if the Property Maintenance Inspection included the single family residence and applicant advised no. After discussion, Mr. Belknap said he would pull ad and if they decided to pursue, they would do so with a new application to the Board. The property maintenance/fire inspection of the garage apartment was performed on January 7, 2020 with one violation cited. Violation was cleared per re-inspection January 29, 2020 and a Fire Inspection Certificate was issued for garage apartment. He also added he has a cottage in the city that he uses as a short term rental and has never had any damage.

**Motion** made by Reggie McGuinness and seconded by Rob Lishansky to set a public hearing for March 2, 2020 at or about 7:05 PM.  
**VOTING:** Unanimous. **MOTION CARRIES**

**PB000530 Verizon c/o Emily Garland TMP#299.00-1-4.01; 101 Browne St**  
Special Use Permit Application for Cell Tower Modification

Allen Hinkley (Site Acquisition Contractor authorized representative for Network Building & Consulting) appeared before the board to represent the Verizon Special Use application for cell tower modification. Scope of work to include: removing 9 antennas, 9 RRUs, 1 OVP, 1 hybrid line and install 12 new antennas, 9 new RRUs, 3 new mounts, 2 OVP and 1 hybrid line. Modification will utilize existing framework and the components will actually be smaller than those replacing.

**Motion** made by Kirt Myktyyn 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 Rob Lishansky and seconded by Reggie McGuinness to grant an administrative waiver of the Special Use Permit requirements set forth in the Town Code to allow Verizon to complete the modifications set forth in its January 10, 2020 application.  
**VOTING:** Unanimous. **MOTION CARRIES**

**PB000531 Jon Anderson TMP#300.11-1-45.00; 229 Southside Dr**  
Special Use Permit Application for Short Term Rental

Jon Anderson was present to represent his Special Use Permit application for a short term rental of his 3 bedroom home. He will be residing locally at Deer Haven Campground. Mr. Anderson advised intent for one family, a maximum of 8 people and the storage room will be locked containing their personal belongings. The required Property Maintenance/Fire Inspection was performed on January 23, 2020 and a Fire Inspection Certificate has been issued.

**Motion** made by Rob Lishansky and seconded by Tom Rowe to set a public hearing for March 2, 2020 at or about 7:15 PM.  
**VOTING:** Unanimous. **MOTION CARRIES**

**PB000532 Fred & Karen Falco TMP#299.07-1-49.00; 427 Chestnut St**  
Special Use Permit Application for Short Term Rental

Fred & Karen Falco were present to represent their Special Use Permit application for a rental property they purchased, renovated and would like to list for short term rental. There is an existing 3 story single family residence and 2 - 2 bedroom apartments in the back building. Property has a common driveway with Oneonta Bookkeeping, of which has been surveyed. The fourth bedroom is located on the 3<sup>rd</sup> floor and per the Town Code no bedrooms for transient use shall be located above the second story. Applicant stated he would be locking the door to the third floor. The applicants live locally and will be listing the property with Cooperstown Stay. The required Property Maintenance/Fire Inspection was performed on January 24, 2020 and a Fire Inspection Certificate has been issued.



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**Motion** made by Kirt Mykytyn and seconded by Rob Lishansky to set a public hearing for February 17, 2020 at or about 7:10 PM.

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

**Discussions:**

Pursuant to Section 103-97(A)(1), the Code Enforcement Officer investigated a complaint where the Planning Board had approved a special use permit for a short term rental with specific conditions and completed a report, dated January 29, 2020 ("CEO Report").

Todd & Kathleen Hartman TMP#300.00-3-61.02; 354 Southside Drive, Special Use Permit, dated March 18, 2019

The Board reviewed the CEO Report for this property and pursuant to Section 103-97(A)(2), the Board determined that there is sufficient basis to pursue revocation of the special use permit because of the failure of the special use permit holder to comply with the conditions imposed at the time of the issue of the special use permit. The evidence in the CEO report includes information that the special use permit holder was renting the third floor space in violation of the special use permit and Town Code. The Board directed the Planning Board Clerk to issue a notice to the special use permit holder of the Planning Boards intention to revoke the special use permit. The notification will state that the reason for the revocation is due to the special use permit holders failure to comply with the condition that the third floor of the structure not be rented and will advise the special use permit holder that there will be a public hearing on March 2, 2020 at 7:25PM to address the revocation. The Planning Board clerk is also directed to cause of notice to be advertised in the Daily Star of the date, time and place of the public hearing.

**Minutes:**

Minutes were reviewed by the board from January 20, 2020 board meeting.

**Motion** made by Reggie McGuinness and seconded by Rob Lishansky to approve the minutes.

**Abstain:** Breck Tarbell

**ALL IN FAVOR**

**MOTION PASSED**

**Adjournment:**

**Motion** made by Rob Lishansky and seconded by Reggie McGuinness to adjourn at 8:49 PM, with the next scheduled meeting February 17, 2020 at 7:00 PM.

**ALL IN FAVOR**

**MOTION PASSED**

Respectfully Submitted,  
Wendy Cleaveland  
Planning Board Clerk

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

FEB 17 20 20  
  
CHAIRMAN