

ONEONTA, NEW YORK - NOVEMBER 28, 2012 - 7:00 P.M.

REGULAR MEETING OF THE PLANNING COMMISSION PG. 1

PRESENT: Chair Dennis Finn
Commissioner Gary Herzig (Vice Chair)
Commissioner Becky Thomas
Commissioner Barry Holden
Commissioner Edmond Overbey
Council Member Maureen Hennessy

ABSENT: Commissioner Anna Tomaino
Commissioner Michelle Eastman

Chair Finn called the regular meeting to order and asked the Clerk to call the roll.

PETITIONERS

Chair Finn indicated there were no petitioners for matters other than items listed on the agenda.

CORRESPONDENCE

City Clerk Koury indicated there was no correspondence.

APPROVAL OF MINUTES

MOTION, made by Commissioner Herzig and seconded by Commissioner Holden, that the commission approves the minutes of the regular meeting held October 17, 2012.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Holden
Commissioner Overbey
Commissioner Thomas

Noes: None

Absent: Commissioner Tomaino
Commissioner Eastman

MOTION CARRIED

PUBLIC HEARING

The following Notice of Public Hearing was sent to The Daily Star for publication on November 21, 2012 and the agenda was faxed to the media on the following items of New Business. Proofs of said notifications are attached hereto.

- 1. Leonard Carson is requesting a Short Environmental Assessment Form (SEQR) and a Site Plan Review in order to demolish the dilapidated dwelling located at 6 Washburn Street, Oneonta, New York.*
- 2. Jennifer Howard, representing Stewart's Shops Corp., is requesting a Short Environmental Assessment Form and a Site Plan Review in order to construct a 20' X 40' addition, a 7'9" X 15'5" exterior freezer, a 10' X 14'6" stamped concrete patio and a 6' X 14' overhang for a new delivery area at the existing convenience store located at 43-47 Main Street, Oneonta, New York.*

NEW BUSINESS

1. Leonard Carson, 6 Washburn Street (300.07-5-41) – Required Action: Short Environmental Assessment Form (SEQR) and Site Plan Review Application: The applicant wishes to demolish this dilapidated dwelling.

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(New Business) continued

2. Jennifer L. Howard for Stewart's Shops Corp, 43-47 Main Street (300.09-1.84.01) – Required Action: Short Environmental Assessment Form (SEQR) and Site Plan Review Application: The applicant wishes to construct a 20' x 40' addition, a 7'9" x 15'5" exterior freezer, a 10' x 14'6" stamped concrete patio and a 6' x 14' overhang for a new delivery area on the existing convenience store.
3. Russell Scimeca & Jason Parrish, 175-177 Main Street (300.31-1-15) – Required Action: Sketch Plan Conference: The applicants wish to have a sketch plan conference to discuss what drawings the commission wants submitted for the zoning code review for the proposed project of a brewery and bistro on the 1st floor of this building.

Chair Finn addressed the items of new business as follows.

1. Leonard Carson, 6 Washburn Street (300.07-5-41)

The following Memorandum, dated November 14, 2012, was received from Ordinance Inspector Ferris:

“SUBJECT:	PROPERTY ADDRESS:	<i>6 Washburn Street</i>
	PROPERTY OWNER(S):	<i>Leonard Carson</i>
	TAX MAP #:	<i>300.07-5-41</i>
	APPLICANT(S):	<i>Owner</i>
	ZONING DISTRICT:	<i>C / I: Commercial / Industrial District</i>
	# OF DWELLING UNITS:	<i>1</i>

PROPOSAL: *The applicant wishes to demolish this dilapidated dwelling. Please note that this property has a septic system and is not connected to the City sewer system.*

1. SHORT ENVIRONMENTAL ASSESSMENT FORM (SEQR)

300-75 F: Compliance with SEQR. The Planning Commission shall not take final action on any site plan proposal until all SEQR requirements have been addressed in accordance with 6 NYCRR Part 617.

2. SITE PLAN REVIEW APPLICATION

300-62 F: Demolition of buildings and structures. Demolition of all buildings, structures, and parts thereof, in all zones, shall be subject to Article VII of this chapter entitled, "Site plan review and approval."

Twelve (12) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

Mr. John Carson stated he would speak on behalf of his father Leonard Carson who was unable to attend the meeting due to having surgery. He said the request was to demolish the yellow house on the property at 6 Washburn Street that had a rotted roof structure and was unsafe. He said the structure was a hazard and they wanted to get it out of the way.

Chair Finn asked if the property had been condemned.

Code Enforcement Officer Chiappisi replied not officially. He said this house had been on Code Enforcement's vacant list for approximately 8 years.

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(6 Washburn Street) continued

Commissioner Holden questioned what would be done with the property after the building was torn down.

Mr. Carson responded that area would be filled in.

Council Member Hennessy asked if that was the only house on that parcel.

Mr. Carson replied yes, it was the only house and it was right next to the billboard.

Code Enforcement Officer Chiappisi stated that house was never on the municipal sewer system and that there was a septic tank on the property. He said he would like to see that removed. He said if anything was to be rebuilt on the property it would be required to be on the municipal sewer system.

Commissioner Overbey stated he did not see where the septic would be something the commission needed to address as part of this application.

Chair Finn stated that was something Code Enforcement would keep a record on and would address whenever someone comes for a permit for that property, i.e. it would need to be looked into by the Engineering Department for clearance if someone wanted to build there, etc.

Chair Finn asked the Clerk to lead the commission in the review of the Short Environmental Assessment Form (EAF).

After the review of the EAF Chair Finn asked if there were any questions of any of the points mentioned.

Hearing no questions or comments the Chair entertained a motion on the EAF.

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey, that after the review of the Short Environmental Assessment Form (EAF) in the application from Leonard Carson the commission issues a Negative Declaration as per all applicable and appropriate SEQR regulations to demolish the dilapidated dwelling at 6 Washburn Street (300.07-5-41).

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Holden
Commissioner Overbey
Commissioner Thomas

Noes: None

Absent: Commissioner Tomaino
Commissioner Eastman

MOTION CARRIED

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey, that in the review of the application from Leonard Carson for 6 Washburn Street (300.07-5-41) the commission approves the site plan as presented to demolish the dilapidated dwelling.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Holden
Commissioner Overbey
Commissioner Thomas

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(Voting) continued

Noes: None
Absent: Commissioner Tomaino
Commissioner Eastman

MOTION CARRIED

2. Jennifer L. Howard for Stewart's Shops Corp, 43-47 Main Street (300.09-1.84.01

City Clerk Koury stated that the applicant had requested a deferral of the application.

3. Russell Scimeca & Jason Parrish, 175-177 Main Street (300.31-1-15

The following Memorandum, dated November 14, 2012, was received from Ordinance Inspector Ferris:

"SUBJECT: **PROPERTY / BUSINESS ADDRESS:** 175-177 Main Street
 TAX MAP #: 300.31-1-15
 PROPERTY OWNER(S): Scimeca & Parrish, LLC
 BUSINESS OWNER(S): Roots Brewing Company, Inc.
 APPLICANT(S): Russell Scimeca & Jason Parrish
 ZONING DISTRICT: MU-1: Downtown Mixed-Use District
 # OF DWELLING UNITS: 4

PROPOSAL: *The applicant wishes to have a sketch plan conference with the Commission to discuss what drawings the Commission wants the applicant to submit for the zoning code review for the proposed project at the above referenced property.*

The proposed project is a brewery and bistro on the 1st floor of this building.

§ 300-74 E: *At the request of the applicant, a sketch plan conference may be held between the Planning Commission and the applicant to review the basic site design concept and generally determine the information to be required on the site plan."*

Mr. Russell Scimeca stated he owned 175-177 Main Street with Jason Parrish.

Mr. Parrish stated he brought some updated handouts for distribution that told a little more about who they were and the reason why they were before the commission as far as the proposal for a brewery and bistro. He said they did want to speed up the process as much as possible and had Engineer Jim Forbes attended the meeting as well, to make sure they get all the requisite questions discussed.

Mr. Scimeca stated he was a licensed social worker and Jason Parrish was a medicinal chemist. He said they had decided that they needed to build a brewery and bring that and a bistro, also know as a brew pub, to Oneonta. He said they were proposing to build a 155 gallon brewery in the city that would produce 10 barrels at a time and put in a kitchen so they could also serve food to the patrons as well. He said they had a lot of things to iron out and make sure were in place. He said they would like to put Oneonta on the map. He said there were 4 other breweries in Otsego County and nothing in the City of Oneonta. He said most cities in New York State have breweries. He said submitted was an updated drawing of the layout of the restaurant, tables, etc and a letter of support from Davidson Brothers Brewpub of Glen Falls. He said they had spoken with the Mayor and Senator Seward's office and received a lot of support.

Commissioner Herzig asked about how many people they would be able to serve.

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(175-177 Main Street) continued

Mr. Scimeca replied that was something they were working out with their engineer and they were looking at about 120 depending on how much of a build-out they do of the kitchen and the brew house itself and how much space would be left for customers. He said their intention was not to pack the house and have a late night drinking establishment or party place. He said they were relatively young men with young children. He said they wanted to have a more mature crowd that would appreciate the craft beer they would be producing.

Chair Finn asked if this would be a 7-day operation.

Mr. Scimeca replied at this point they were planning on 4 days a week and eventually 5 days.

Commissioner Herzig stated this application was for a sketch plan conference which means it would be determined by the commission what the applicants needed to do. He said the Zoning Code allowed for a bar but if it was going to accommodate more than 50 people it would require a Special Use Permit. He asked if the applicants had been shown the Code and the requirements of a Special Use Permit.

Mr. Scimeca replied yes.

Commissioner Herzig stated the requirements were in §300-29. He said the question would be if there was anything on the site plan requirement that the commission would waive.

Code Enforcement Officer Chiappisi stated there was a landscaping plan, a color rendering, a site plan for the building that takes up the entire lot. He said there was a bar section of the Zoning Code, 300-36, which had requirements for all bars and there were additional requirements for operation. He said this was an approved use but just required a permit and the intent of the Code seemed to be to make sure plans were in place by the management to control the bar. He spoke briefly on the items of control under "G" of that section.

The commission held a brief discussion on the liquor license, food to be served and children's area.

Commissioner Holden asked Code Enforcement Officer Chiappisi if this would be called a bar or a restaurant.

Code Enforcement Officer Chiappisi stated this was initially presented to him as a brew pub which he said bar but the State Liquor Authority would make a determination whether this was a restaurant with an accessory bar. He said he did not know how they make those determinations.

Commissioner Herzig questioned if the only alcohol that would be served would be the beer they brew.

Mr. Scimeca stated that was correct. He said his understanding was that they would have to be a micro-brewery/brew pub/restaurant/brewery because otherwise a brewery could not serve alcohol for consumption on the premises, only to sell. He said technically it would be restaurant as far as the State Liquor Authority would be concerned.

Code Enforcement Officer Chiappisi stated he would have to do more research into that.

Commissioner Herzig asked if there would also be a bar set up where people could only order beer as opposed to tables where people could order food and beer.

Mr. Scimeca replied absolutely.

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(175-177 Main Street) continued

Chair Finn questioned if both men were owners of the company.

Mr. Scimeca responded yes, the owners Scimeca & Parrish, LLC/Roots Brewing Company Inc. would be applying for license.

Commissioner Overbey questioned if the commission was being asked to deem this either a restaurant or a bar.

Mr. Scimeca stated they would prefer it be deemed a restaurant being that was what the State Liquor Authority needed them to be deemed.

Commissioner Overbey stated the city's definition of a restaurant was an establishment primarily engaged in serving meals to guests for compensation in which has suitable kitchen facilities connected therewith. He said there was also a mention of a restaurant under the definition for bar.

Commissioner Herzig stated the city's definition of a bar was that it was an establishment primarily engaged in the sale and service of alcoholic beverages for on premise consumption as permitted by the New York State Liquor Authority. The incidental sale or provision of food or snacks shall entitle such a use to be considered a restaurant under the provision of this code. Synonyms include tavern, saloon, barroom, pub, watering hole, drinking hole, gin mill, tap room.

Council Member Hennessy stated she thought this brewery/bistro was in a category by itself.

Mr. Scimeca stated the plans for the brewery were a lot more detailed than the kitchen because it took a lot more work to establish the brew house then it did to build a kitchen. He said that was where the focusing on first and then the kitchen flushed out later.

Chair Finn asked if there were comments from the public.

Mr. Peter Friedman, Maple Street and former Code Enforcement Officer stated it seemed like when the zoning task force did the definitions it did not consider a brew pub because they did not know about it. He said he thought this type of use was a very advantageous use, advantageous use of having it downtown and certainly not a student bar which were what all of the definitions were based on. He said he thought it would behoove the Planning Commission for the benefit of the city to interpret this as something that was not a bar that did not require a Special Use Permit.

Chair Finn questioned not requiring a Special Use Permit if the occupancy was about 120.

Mr. Friedman stated as long as the commission's stipulation was that it was beer sold on the premises and not a full liquor license.

Chair Finn stated there were other towns in the state that went through this. He said Saratoga Springs went through it last year and they called it a brew pub.

Commissioner Overbey stated brewery/bistro was a really good choice of terms because a bistro was a restaurant.

Council Member Hennessy stated she agreed and that they all served some kind of food.

Commissioner Herzig stated it seemed the applicants wanted to open a restaurant that would serve their homemade brew.

Ms. Scimeca stated that was the short of it, yes.

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(175-177 Main Street) continued

Chair Finn stated if the applicants owned the building they had the basement and 3 floors and he asked if they planned to do anything with those other than the 1st floor.

Mr. Parrish stated they were rented out for housing and there was a private studio and on the 2nd floor. He said that would not encompass the brewery/bistro at this point.

Commissioner Herzig stated if there was no objection to a motion by the commission to define this as a restaurant serving homemade brew he would move that.

Commissioner Overbey stated he thought that was a good idea.

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey, that in its sketch plan conference and review of the basic site design submitted for the proposed brewery and bistro on the 1st floor at 175-177 Main Street (300.31-1-15) by Russell Scimeca and Jason Parrish, the commission defines this as a restaurant serving homemade brew.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Holden
Commissioner Overbey
Commissioner Thomas

Noes: None

Absent: Commissioner Tomaino
Commissioner Eastman

MOTION CARRIED

Code Enforcement Officer Chiappisi stated that restaurants were an approved use in this MU-1 zone he asked if that required anything from the Commissioner.

Commissioner Herzig replied no.

Code Enforcement Officer Chiappisi stated that the applicants needed to work with the Code Enforcement Office on the project.

Mr. Friedman stated he did not want to see the applicants have to come back and he asked if there were any other triggers that would require a site plan review.

Chair Finn replied there should not be any because a restaurant was an approved use.

Commissioner Overbey stated he would encourage the applicants to look at the design guidelines for a Mixed-Use District in the Zoning Code. He said the applicants' idea to modernize was good but the design guidelines recommend that it harmonize with the neighboring properties and businesses.

OLD BUSINESS

Code Enforcement Officer Chiappisi spoke briefly on the proposed amendment to the Zoning Code regarding §300.10. MU-1 Downtown Mixed Use District of the grade level dwelling units being prohibited within 50' of the public right of way on Main and Chestnut Streets to Elm. He said he found some areas were not taken into consideration and discussed this with the City Attorney and City Manager Long. He said he further reviewed it and found that there were several steps up, then

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(Old Business) continued

that grade level would no longer apply and would eliminate a lot of those houses in MU-1. He said when he went back through this and tried to figure out how to fix this he finally ended up combining the two amendments that were written initially and with some rewording for the goal being to make it permissible with the commission's approval he managed to do that in "*D. Projects requiring site plan review – all grade level dwelling units not prohibited elsewhere in this code*", and then in *G. grade level dwelling units within 50' of the outer edge of the public right of way are prohibited.*" He said that left the whole back of the buildings open subject to site plan review.

The commission held a discussion on the matter. There were suggestions only that these grade level dwelling units possibly require a Special Use Permit with a site plan review but the matter was under further review.

There being no further business to come before the commission, Chair Finn adjourned the regular meeting at approximately 8:00 p.m.

JAMES R. KOURY, City Clerk

JRK/pab