

ONEONTA, NEW YORK - AUGUST 15, 2012 - 7:00 P.M.

REGULAR MEETING OF THE PLANNING COMMISSION PG. 1

PRESENT: Chair Dennis Finn
Commissioner Gary Herzig (Vice Chair)
Commissioner Anna Tomaino
Commissioner Barry Holden
Commissioner Edmond Overbey
Council Member Maureen Hennessy
ABSENT: Commissioner Michelle Eastman

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

PETITIONERS

The Chair indicated there were no petitioners.

CORRESPONDENCE

City Clerk Koury stated there was no correspondence.

APPROVAL OF MINUTES

The commission approved the minutes of the regular meeting held July 18, 2012 without benefit of a motion with a correction made by Commissioner Herzig to the motion he made on page 12 of the removal of “pending review by the City Attorney” because that should not have been part of the motion.

PUBLIC HEARING

The following Notice of Public Hearing was sent to The Daily Star for publication on August 7, 2012 and the agenda was faxed to the media on the following item of New Business. Proofs of said notifications are attached hereto.

Raymond Krone is requesting a Sketch Plan Conference, Site Plan Review and Short Environmental Assessment Form in order to demolish the garage located at 32 Gilbert Street, Oneonta, New York.

NEW BUSINESS

Raymond Krone, 32 Gilbert Street (299.16-3-09) – Required Action: 1) Short Environmental Assessment Form, 2) Sketch Plan Conference and 3) Site Plan Review: The applicant wishes to demolish the garage.

Chair Finn addressed the item of new business as follows.

Raymond Krone, 32 Gilbert Street

The following Memorandum, dated August 1, 2012, was received from Ordinance Inspector Ferris:

“SUBJECT: **PROPERTY ADDRESS:** 32 Gilbert Street
 PROPERTY OWNER(S): Raymond Krone
 TAX MAP #: 299.16-3-09
 APPLICANT(S): Raymond Krone
 ZONING DISTRICT: R-2: Moderate Density Residential District
 # OF DWELLING UNITS: 3

PROPOSAL: *The applicant wishes to demolish the garage located at the above referenced property.*

1. SHORT ENVIRONMENTAL ASSESSMENT FORM (SEQR)

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(32 Gilbert Street – Memorandum) continued

300-75 B (7) (b): Requirements for site plan shall include ... State Environmental Quality Review (SEQR) information and forms.

2. SKETCH PLAN CONFERENCE

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.

3. 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.""

Thirty-seven (37) 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.

Chair Finn recognized Mr. Krone and he asked him to explain briefly to the commission about what he would like to do to the garage.

Mr. Krone stated that the garage was not in very good condition and he would like to take it down.

Chair Finn stated in the packet was a sketch plan conference request, a site plan review request and the Short Environmental Assessment Form (EAF) and hopefully the commission could do all of those at this time. He suggested that the commission start with the sketch plan conference request form. He said that explained what Mr. Krone wanted to do which was take down the 2-car garage and then it explained what the required drawings were. He said Mr. Krone has provided sketches and pictures in the plans. He asked if there were any questions regarding that.

Hearing none the Chair moved on to the site plan review application.

Chair Finn stated Mr. Krone's site plan review application was basically the same thing indicating that he proposed to take down the garage storage building. He said the unit on the property next to the garage was a rental unit and there were 3-units in that building. He said Mr. Krone had completed the questions in that application. He asked if there were any questions for that.

Commissioner Overbey stated it was not specifically stated in the application but because the permeable surface was getting smaller he was assuming that where the garage was would turn into lawn.

Commissioner Tomaino asked about how soon the garage would be demolished if approval was granted.

Mr. Krone replied he would do it weather permitting and depending on others time schedules when he found somebody to take it down. He said he also wanted to coordinate with somebody to bring in topsoil and grade it right away and put down grass seed.

Council Member Hennessy asked if there was a timeframe on commission approval of site plans for these projects.

Chair Finn responded there was a 2-year timeframe.

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(32 Gilbert Street) continued

Chair Finn stated that Part I of the Short Environmental Assessment Form was completed correctly by the applicant.

City Clerk Koury led the commission in the review of Part II of the Short Environmental Assessment Form that resulted in a negative declaration.

Chair Finn asked if there were any other questions or comments.

Hearing none the Chair entertained a motion on the request.

MOTION, made by Commissioner Tomaino and seconded by Commissioner Overbey, that the commission approves the sketch plan and site plan as presented and submitted by Raymond Krone for 32 Gilbert Street (299.16-3-09) to demolish the garage and issued a Negative Declaration as per applicable and appropriate SEQR regulations.

Voting Ayes: Chair Finn
Commissioner Finn
Commissioner Tomaino
Commissioner Holden
Commissioner Overbey

Noes: None

Absent: Commissioner Eastman

MOTION CARRIED

Commissioner Herzig questioned why a sketch plan conference and a site plan review for that request were both listed on the agenda and should it not be one or the other.

Code Enforcement Officer Chiappisi responded theoretically yes but they ask for a sketch plan conference which was a simple process but it requires a site plan review.

Commissioner Herzig stated he understands that a sketch plan conference was if somebody was not sure what documents they needed to provide for a site plan review. He said that was what the commission did at its July meeting for the Bresee's redevelopment project when the applicant came in to talk about the project and the commission confirmed what was needed for the site plan review.

Code Enforcement Officer Chiappisi stated that was correct.

Commissioner Herzig questioned why the commission had to do a sketch plan conference instead of just a site plan review.

Code Enforcement Officer Chiappisi responded there were 7 drawings that were supposed to be submitted, such as the grading plans, landscaping plans, color renderings, plot plans at the meeting but stated all those were not necessary for this project. He said he could not waive them and could not tell the applicant they did not have to do certain components as set forth in the code.

Commissioner Overbey stated that the commission did not waive them and really should have.

Chair Finn stated that the commission's approval waived them.

Ordinance Inspector Ferris stated technically the commission was supposed to list every single thing that it was waiving.

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(Discussion on required action) continued

Commissioner Herzig stated if a sketch plan conference and a site plan review were listed the commission should actually do those two distinct operations and during the first discussion decide if the commission was waiving a document.

Code Enforcement Officer Chiappisi stated and if the commission decided not to waive a document the applicant would have to come back with the drawings the commission requested.

Chair Finn questioned if the commission made an approval would it have to cite everything or just approve as submitted.

Ordinance Inspector Ferris responded the commission could do a basic approval indicating everything submitted was acceptable and waive everything else instead of listing them.

Code Enforcement Officer Chiappisi stated that it was a little different than the SEQR form provided by the state and the options were detailed with only 4 ways a SEQR could go and there were only 3 ways a sketch plan conference could go.

City Clerk Koury questioned how an applicant would know what the commission would waive and that essentially that would make the applicant come back twice.

Chair Finn stated the applicant would be taking a chance that what they provided was sufficient.

Commissioner Overbey stated if all the applicant was doing was knocking the props out from under a garage that was trying to fall over he thought they could be pretty much assured that the commission would waive everything.

City Clerk Koury stated he would think with a big project an applicant would have all the drawings.

Commissioner Overbey stated that was not the case with the tennis club project.

Commissioner Herzig stated that the commission needed to tighten up because the commission has also had cases where it just said sketch plan on the agenda and went ahead and approved it. He said in those cases the neighbors were not notified because there was no site plan review listed on the agenda. He said he thought the commission needed to pay more attention to these two different procedures.

Code Enforcement Officer Chiappisi stated that was an interesting point about notification.

The commission held a brief discussion on the matter, previous applications and actions.

Ordinance Inspector Ferris stated she tried to list the action required on the memo in the application in the order that they were supposed to be covered by the commission.

Code Enforcement Officer Chiappisi stated that the SEQR should be the first action.

Commissioner Herzig asked Code Enforcement Officer Chiappisi to explain what was done on the SEQR.

Code Enforcement Officer Chiappisi gave a brief explanation of the SEQR process.

City Clerk Koury stated that the Part I was always completed by the applicant and Part II was completed by the lead agency, which was the commission to determine whether there was an impact or not.

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(Discussion on required action) continued

Chair Finn asked if there was any information about training on this.

Code Enforcement Officer Chiappisi replied he was trying to arrange a training with City Attorney Merzig for 6:00 pm before the 7:00 pm commission meeting on September 19th. He said he sent everyone including Zoning and Housing Board of Appeals Chair May a PowerPoint the NYS Department of Environmental Conservation giving a background overview of what a SEQR was.

The commission held a brief discussion on the matter.

OLD BUSINESS

Discussion with Code Enforcement Officer Chiappisi on the Zoning Code amendment for grade level residential occupancy in the MU1 zone.

Code Enforcement Officer Chiappisi stated since speaking to the commission at their June meeting about this he discussed it with the Community Improvement Committee at their July meeting and they suggested that he move it forward to the Planning Commission. He said in the old Zoning Code there was a provision for no residential occupancy on Main Street buildings on the 1st floor. He said that was overlooked in the revision of the Code and was not indicated in the new Zoning Code. He said in addition to other attempts to try to rectify the matter there was a proposed ordinance to amend Chapter 300 of Zoning Code, §300-10 (E) to include “residential occupancy at grade level for buildings located in the MU-1 Zone is expressly prohibited.”

Commissioner Herzig questioned why they would want to restrict grade level occupancy in the entire MU-1 Zone, which covers a whole lot of areas.

The commission reviewed a map of the zone and discussed the matter.

Commissioner Overbey stated for a point of information it was not an oversight to omit that provision it was a conscious decision. He said it was the consensus of the Zoning Task Force to change the Zoning Code to allow first floor occupancy.

Commissioner Herzig stated his second objection to the proposed ordinance was for Main Street and somebody saying they wanted to rent just the rear part they go to the Zoning and Housing Board of Appeals and get a variance because he really was not in favor of using variances that way. He said variances were forever and goes with the property when a property is sold.

Commissioner Overbey stated this was a use variance so in effect it was rezoning.

Commissioner Herzig stated he would prefer to see something to the effect of that it would require a special use permit.

Commissioner Tomaino questioned if it could be designated to just the downtown Main Street.

Council Member Hennessy stated she thought that was where the Zoning Task Force had intended it.

Commissioner Tomaino stated that if the commission wanted to keep the integrity of downtown with retail and the value of the buildings. She said they would not want apartments in the storefronts on Main Street.

Commissioner Herzig stated it may be appropriate a first floor apartment behind a storefront and did not want to write something that was so broad that it would prohibit somebody from putting in an apartment that met regulations behind a short storefront.

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(Discussion on MU1 zone) continued

Commissioner Tomaino questioned if the City Attorney could be asked if the restriction could be made in just a specific area.

Commissioner Overbey stated that was done with the bars.

The commission held a brief discussion on the matter.

Commissioner Overbey stated he agreed with what Commissioner Herzig had said.

Code Enforcement Officer Chiappisi stated this has now turned into a question for City Attorney Merzig of whether they could spot some of the Main Street buildings and how to word it to the front. He said if the commission feels that way he questioned if he would have to go back to the Community Improvement Committee.

Commissioner Herzig stated right now it was allowed to have residential on the first floor but maybe another way of approaching this with more flexibility was to make that use require a special use permit.

Council Member Hennessy stated but then there was not a way of denying it if they met all the conditions.

Commissioner Herzig stated there was no condition to meet but would be denied because it was not consistent with the Comprehensive Plan. He said the Comprehensive Plan calls for a retail business district.

Council Member Hennessy stated she thought the Comprehensive Plan was just a guideline.

Commissioner Herzig stated that it could be used as a basis for a decision.

Commissioner Herzig suggested that the commission have Code Enforcement Officer Chiappisi take the proposed ordinance back and work on the wording.

Code Enforcement Officer Chiappisi stated he would inform the City Attorney of the commission's discussion and decision and ask him to rewrite it.

Commissioner Overbey suggested that a Planning Commission member meeting the Code Enforcement Officer Chiappisi and City Attorney Merzig to discuss it.

The Chair asked Commissioner Herzig if he could do.

Commissioner Herzig stated he could and for Code Enforcement Officer Chiappisi to let him know when he was needed.

The commission held a brief discussion on the regulations, zones and stipulations.

There being no further business to come before the commission, Chair Finn adjourned the regular meeting at approximately 7:30 p.m.

JAMES R. KOURY, City Clerk

JRK/pab