

ONEONTA, NEW YORK - MARCH 21, 2012 - 7:00 P.M.

REGULAR MEETING OF THE PLANNING COMMISSION PG. 1

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

ABSENT: Commissioner Barry Holden

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

PETITIONERS

Chair Finn indicated there were no petitioners.

CORRESPONDENCE

City Clerk Koury stated there was no correspondence.

APPROVAL OF MINUTES

MOTION, made by Commissioner Herzig and seconded by Commissioner Betterley, that the commission approves the minutes of the regular meeting held February 15, 2012.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Betterley
Commissioner Tomaino
Commissioner Overbey
Commissioner Eastman

Noes: None

Absent: Commissioner Holden

MOTION CARRIED

NEW BUSINESS

1. *Consideration to submit a request to the Common Council, from the Planning Commission, to delete the following from the city's Zoning Code:*

300.62 G.(1) For projects requiring site plan review and zoning variance(s): review and decision by the Zoning Board of Appeals only on both the site plan and the zoning variance(s)

Chair Finn stated this matter for consideration was requested by Commissioner Herzig.

Commissioner Herzig stated this one sentence in the Zoning Code as it was currently written meant that in the future there could be the highest impact possible project brought to the city and completely bypass the Planning Commission. He said he did not think that was the intent of the city. He said the new Zoning Code really clarified the difference and responsibilities between the Zoning Board of Appeals and the Planning Commission. He said the Planning Commission had no say in whether something could or could not be built because if it was a permitted use it could be built but if it was not it was up to the Zoning Board of Appeals to make that decision. He said the Planning Commission's say was only in the details of how it was built. He said he would like the Planning Commission to make a recommendation to the Common Council to delete the sentence because he thought it was an oversight.

The commission held a brief discussion on the matter.

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(New Business – Consideration of Zoning Code change) continued

Commissioner Overbey questioned if Commissioner Herzig was concerned that the Zoning Board of Appeals would not exercise the same kind of oversight that the commission would on the way something could be built and the details.

Commissioner Herzig stated he was not saying that they would not but was saying that the Planning Commission was set up for the purpose of doing site plan reviews. He said it made no sense to him to lock the Planning Commission out of the most important site plan reviews.

Commissioner Overbey stated there was going to be pushback on some large projects and if a project had to sit for an extra 30-days for another meeting the chances were very good that the city could lose that project.

The commission held a brief discussion on the matter related to the variance and site plan review process and what a particular project may need.

Commissioner Tomaino asked Council Member Hennessy how the Council felt about removing things like this from the Code.

Council Member Hennessy replied she was not sure but if this commission recommended it the Council would need to consider it. She said she had been on both sides of this issue and had seen projects come in where they were delayed and the city lost the opportunity of the projects. She said from her experience the Planning Commission always had oversight over development projects and sometimes that was good and sometimes that was not.

Commissioner Betterley stated he saw Commissioner Herzig's point but he thought that section in the Code was pretty clear and thought it was fine the way it was.

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey, that the commission recommends to the Common Council to delete the following from the city's Zoning Code:

300.62 G.(1) For projects requiring site plan review and zoning variance(s): review and decision by the Zoning Board of Appeals only on both the site plan and the zoning variance(s)

Voting Ayes: Commissioner Herzig
Noes: Commissioner Finn
Commissioner Betterley
Commissioner Tomaino
Commissioner Overbey
Commissioner Eastman
Absent: Commissioner Holden

MOTION DENIED

2. Discussion of Memorandum of Understanding with County Planning Department

Chair Finn stated that Code Enforcement Officer Chiappisi sent the commission an e-mail with attached documentation for review on the Memorandum of Understanding with the county.

Code Enforcement Officer Chiappisi and City Clerk Koury explained briefly that the city had signed a Memorandum of Understanding (MOU) with the Otsego County Planning Board delineating those projects the city felt should not be referred to the County Planning Board for further review. The

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(New Business – Memorandum of Understanding) continued

elimination of certain referrals is authorized under General Municipal Law. In 2011 the County Planning Board was disbanded and its official duties delegated to the staff of the Otsego County Planning Department (OCPD). The OCPD has requested that the city update the MOU and that there be a signoff from the Planning Commission and the Zoning Board of Appeals.

Code Enforcement Officer Chiappisi stated the Planning Commission was responsible for review of site plans, special use permits and special exemptions. He said he reviewed the MOU and recommended leaving the content unchanged.

Chair Finn stated City Attorney Merzig reviewed the matter. He said he had discussion with City Attorney Merzig and he read the following motion suggested and prepared by Mr. Merzig for the commission to consider.

The commission held a brief discussion on the MOU.

MOTION, made by Commissioner Herzig and seconded by Commissioner Betterley, that the Chair of the Planning Commission be authorized to sign a Memorandum of Understanding between the City of Oneonta Planning Commission and the Otsego County Planning Department regarding the waiver of the requirement to refer certain applications to that office for consideration and recommendation as authorized under the provisions of General Municipal Law Section 239-m.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Betterley
Commissioner Tomaino
Commissioner Overbey
Commissioner Eastman

Noes: None

Absent: Commissioner Holden

MOTION CARRIED

OLD BUSINESS

Chair Finn stated that in the past the commission had talked about future meetings and discussion of action items when there was no other business on the agenda. He suggested that the commission go through the list of high priority action items listed on page 52 in the Comprehensive Plan. He said these were items the commission could look at and could be brought up at future meetings for discussion. He said also when members go around the city and see an area they might want to bring up for consideration by the commission to please do so.

Commissioner Betterley stated some of the items may already be available and others may know more about them. He said maybe in some cases the commission should reach out to other agencies or entities in the city, state or county and get a better briefing on what was available. He said maybe some of the actions were to set up a connection with other people.

Chair Finn stated he agreed. He said he had prepared and distributed the following for the commission to review and participate in. He said he had gotten Commissioner Overbey involved with one item already:

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(Old Business) continued

“DRAFT

SUGGESTED TASKS FOR PLANNING COMMISSIONERS

1. AGENDA

In addition to the monthly standard review agenda items, prepare, with the input from Commission members, a supplemental agenda to include items such as in-service training, long range planning, developmental opportunities, etc. Share with City Clerk in a timely manner.

Maintain and update the orientation packages for new Commissioners.

Generate package of orientation materials for new Planning Commission members.

Identify list of potential Planning Board Commissioners to share with the Mayor.

2. IN-HOUSE IN-SERVICE EDUCATION (Ed Overbey has agreed to head up this effort)

Identify in-service education needs and make resources available.

Create an implementation calendar.

3. EXTERNAL TRAINING

Communicate up-coming training opportunities with Commissioners (including dates, times and locations).

Facilitate registration with City Clerk. Send reminders to interested attendees.

Keep record of training hours each Commissioner has accrued.

4. PROPOSALS

Develop priority list of development opportunities.

Record and maintain proposals file.

Record actions forwarded to Common Council and track responses.

5. DECISION(S) FOLLOW-UP

Record decisions reached by Planning Commission.

Insure that decisions requiring follow-up by Code Enforcement,

Engineering etc. are tracked through adjudication phase.

Assure that status of decisions, until work is accomplished, is included as part of the Commission's agenda.

For clarification;

A list of developments – This would be a list of developments/projects, we as Commissioners put together. It would consist of projects and public improvements within the City that we felt needed a closer look at by the Common Council. It could also include changes we feel are needed to the Comprehensive Plan. These are listed on the Planning Commission's Powers and Duties under chapter 35-2 of the City General Code.

As for a follow-up – what happens as a result of our decisions... were they followed through as directed? Having this information may help us decide to continue current procedures and/or tweak /change them in order to be more effective.

Suggesting possible new members to the Mayor is just that – suggested names for consideration, or not. The Mayor had asked me if I knew of anyone who might be interested in giving up his or her free time to volunteer. Having such a list would be helpful in responding to such inquiries in the future.”

Chair Finn asked the Clerk the date of the upcoming Planning Federation training session.

City Clerk Koury stated that session was scheduled for April 15th, Sunday to Tuesday.

Chair Finn asked the Clerk to place the review of the Comprehensive Plan Implementation Chapter on the April agenda under Old Business.

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(Old Business) continued

The commission held a brief discussion on the importance of having a full commission and the Chair asked the Clerk to contact Commissioner Holden to see if he was still interested in being on the commission.

Commissioner Overbey stated that the Chair asked him to work on the task of education and as part of that he wondered how the commission would feel about having discussions with some people from the community who might have ideas that the commission could use for developing the undeveloped areas like the rail yards. He said those people could talk about what the commission could do to make things better from their point of view. He said he thought about Wayne Treffeisen because he remembered his disappointment when the city decided not to do the biomass plant in the Roundhouse area and he thought he might be someone who could contribute ideas about how the commission could make it easier to develop that area.

Commissioners Tomaino and Betterley indicated they thought it was a good idea and made suggestions that the commission be fair and indicate it was soliciting citizen input in a brief 15-minutes presentation of ideas on how to improve the commission's ability to work with the citizens, etc something with framework that was around the commission.

Commissioner Herzig stated all of the commission's meetings were open to the public and anybody could come in and have their say. He suggested instead of inviting people maybe the commission should let them know they were welcome to come anytime.

Commissioner Eastman stated she felt after the city did not allow the biomass plant it became the county of "no" because in talking to businesses there was a reason counties like Chenango, Delaware, etc were expanding and it was not here. She said she was not saying inviting citizens was a bad idea but was saying the commission was not the body that needed convincing.

Council Member Hennessy stated she thought this was a good idea because when people have a really good idea they do not know where to start. She said the city had a lot of resources and could offer assistance. She said Carolyn Lewis of Economic Development in coordination with Main Street Oneonta hold business meetings and do things like that but it was geared mostly to people who were already in business and not geared to people who might be thinking about it. She said Carolyn was a great resource and maybe the commission could invite her to come and speak to the commission.

Commissioner Betterley stated her's was one of 115 agencies in the state that had their own lobbying outfit in Albany. He suggested inviting commission members from Chenango and Delaware counties to compare contracts.

The commission held a brief discussion on the matter.

Code Enforcement Officer Chiappisi stated his office was getting applications from fraternities and sororities for Special Use Permits. He said the plan in 2011 was to get the groups all settled in with their Special Use Permit by the end of May. He said the commission's May meeting was on the 16th and in order to vote on them then he asked if the commission could schedule a special meeting for May 2nd to review the information. He said he kept the rules and regulations for the Special Use Permits that the Common Council had but the commission could change that. He said there was one group, 62 Elm Street, that may need to have them changed in order to control them better.

Commissioner Betterley stated he understood that Code Enforcement Officer Chiappisi was going to present all the details and make a recommendation to the commission based upon what information was received. He questioned the commission's role and if it was to either approve or disapprove the Special Use Permit based upon Code Enforcement Officer Chiappisi's recommendation and any questions or concerns the commission may have.

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(Old Business) continued

Code Enforcement Officer Chiappisi responded yes and the community would be invited to that meeting to express their concerns. He said there were 6 groups and they could be done together or 3 groups done at one time.

The commission held a brief discussion on the matter.

Commissioner Herzig asked Code Enforcement Officer Chiappisi to send the commission the 6 current Special Use Permit letters that were sent granting approval so commission members could review them.

Commissioner Betterley suggested viewing all 6 of them on May 2nd and then do all of them on May 16th.

City Clerk Koury stated that he would advertise the May 2nd meeting that would be for discussion on the applications and no action to be taken. He said he would then advertise the public hearing for the commission's May 16th meeting, send out area property owner letters, and the commission would hear comments and take action to approve or disapprove the Special Use Permits at that meeting.

Chair Finn stated they would meet May 2nd at 7:00 p.m. with Code Enforcement Officer Chiappisi for discussion of the applications.

There being no further business to come before the commission, Chair Finn adjourned the regular meeting at 8:15 p.m.

JAMES R. KOURY, City Clerk

JRK/pab