

ONEONTA, NEW YORK - JANUARY 18, 2012 - 7:00 P.M.

REGULAR MEETING OF THE PLANNING COMMISSION PG. 1

PRESENT: Commissioner Anna Tomaino
Commissioner Dennis Finn
Commissioner Gary Herzig
Commissioner Gene Betterley
Commissioner Edmond Overbey
Council Member Maureen Hennessy
ABSENT: Commissioner Barry Holden
Commissioner Michelle Eastman

Commissioner Tomaino called the regular meeting to order and asked the Clerk to call the roll.

PETITIONERS

Commissioner Tomaino indicated there were no petitioners.

CORRESPONDENCE

City Clerk Koury stated there was no correspondence.

APPROVAL OF MINUTES

MOTION, made by Commissioner Finn and seconded by Commissioner Herzig, that the commission approves the minutes of the regular meeting held November 16, 2011.

Voting Ayes: Commissioner Finn
Commissioner Herzig
Commissioner Betterley
Commissioner Tomaino
Noes: None
Abstain: Commissioner Overbey
Absent: Commissioner Holden
Commissioner Eastman

MOTION CARRIED

NEW BUSINESS

Nominations for Chair
Nominations for Vice Chair

Commissioner Tomaino nominated Commissioner Dennis Finn for Chair.

Commissioner Finn nominated Commissioner Gary Herzig for Chair.

Commissioner Herzig stated he would be willing to be Chair but also had a sense that Commissioner Finn would be good as Chair. He expressed his concern about the commission not being particularly involved with the upcoming housing summit and said he thought the future of the Planning Commission needed to be proactive and involved in actual planning and that had to be done in a thoughtful way. He said if he was elected Chair the first thing he would do since Commissioner Finn had done a lot of work researching what a Planning Commission could and could not do it would be to ask him to have a committee of commissioners to do research, talk to the Mayor, Common Council, Engineering and Code Enforcement and come back to the commission with a recommendation on how the commission could play a stronger role and be more proactive in terms of defining planning. He said he did not want to be Chair unless everybody was thinking along those same lines.

Commissioner Finn stated when he spoke with Commissioner Herzig earlier he told him that he had

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(New Business) continued

previously talked with then-Chair Robinson and the Mayor there was a misunderstanding as to who would appoint commission Chairs and the Mayor at that time asked if he wanted to be Chair of the commission and he said yes if the commission voted him in. He said after some research he found the procedure was that the commission Chair had to be appointed by the commission itself. He said that was when he did do some research in State and City law on the commission and found they were not consistent.

Commissioner Herzig stated that the commission had to find what worked for Oneonta in 2012 and apply them and find the niche that the commission could fill that was in conjunction with those thoughts and the ideas.

Council Member Hennessy stated that the city also had the new charter and a new city manager coming in and he or she was going to have a lot power in terms of such things.

Commissioner Finn stated he had distributed papers to the commission and in them they would see that a quick view of the City of Oneonta and what the power and duties of the Planning Commission were. He said he felt in looking them over the commission was going to say they never did some of those things. He said he totally agreed with Commissioner Herzig that the commission should be looking into this and see what they were supposed to be doing, what they had been doing and try to consolidate them together.

Commissioner Tomaino stated she thought that for years the commission has been the way it was and felt Commissioner Herzig wanted to take it another step, which was good, but she did not know if everybody was ready for that. She said she wondered if that was the direction the Mayor and Common Council wanted them to go.

Commissioner Herzig stated he completely agreed with her on that but his point was that he thought the commission should setup some communication with the Mayor and Common Council and perhaps the commission could then be more valuable.

City Clerk Koury stated that the state enabling legislation identified various things but it also gave the commission a lot of flexibility to do other things. He said it enables the commission to plan.

Commissioner Overbey stated that the City Code listed the commission's responsibilities.

Commissioner Herzig stated all of those responsibilities when one reads through them merely results in making recommendations to the Common Council.

Commissioner Overbey stated but that did not absolve them of making the effort.

Commissioner Herzig stated that he was not saying no but was just saying that it would be smart for the commission to talk first with the Common Council and have a sense of the commission going in a direction they were comfortable with instead of spending a whole lot of energy and time working on something which they knew the Council did not agree.

Commissioner Overbey stated maybe the Council liaison, Council Member Hennessy could help the commission with that.

Council Member Hennessy stated she would absolutely be willing to do that. She said she could bring it Council for discussion or the commission could draft a letter for her to give to them. She said she thought the Mayor would be willing to come and meet with the commission if invited to attend discussion about that. She said she did not think that the commission as volunteers that it was their job to go out a recruit for things but maybe it being proactive in planning she would be happy

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(Nominations of Chair and Discussion) continued

to bring whatever ideas the commission had to the Mayor or Council or have the Mayor attend a commission meeting.

The commission held a brief discussion on the matter and the information distributed by Commissioner Finn.

Commissioner Finn stated that the commission meetings were attended by Code Enforcement but never sees anybody from Engineering.

Council Member Hennessy stated that was a good point and she questioned if Rehab Building Specialist House ever attends meetings.

Commissioner Herzig responded no. He said the commission had to realize that the more it wanted to take on the more they had responsibility amongst themselves to have the expertise to do so, which could mean more training.

City Clerk Koury stated he thought the first good step would be to reach out to the Common Council to get their ideas of what the commission could do and then build on that, pick a few things and just start working on those.

Commissioner Betterley stated in regard to what was said he thought the scope of this commission needed to be kind of line with the level of activity and what was going on in the community. He said the commission did not go out and generate activity so it was a responsive agency because a lot of what the Code says was it would take what was presented to it. He said he thought the Code gave the commission all of the room that it needed to make some interpretation, emphasize some aspects of it and de-emphasize others. He said he was totally in line with the laws that the commission had to make sure it was executing such as the SEQR process. He said regarding communication he said he was not sure the commission ever defined what they wanted to do and what they wanted to emphasize so going to the Council and asking those questions he did not think would really reveal much because it did not think the Council was that focused on something until it comes up in their district that had a point of friction or discussion. He said the communication may be just through the liaison or directly and maybe the commission should open up a channel that was more direct and say these were the things out of the Code as written that the commission believes were their duties, needed to be on top of, what the commission would like to be engaged in and use that as the framework for a response.

City Clerk Koury stated with having the Comprehensive Plan he thought this body could be the main oversee of that to gauge the implementation of the plan. He said the city has had that plan for about 5 years now and he did not think this body has looked at that to see how the city was progressing with the implementation.

Commissioner Betterley stated what had frustrated him was that the commission had very little time to have strategic discussions because it usually had property projects to deal with.

Commissioner Herzig stated he thought it was important that City Attorney Merzig gives the commission some training on some legal parameters of a Special Use Permit and its other duties.

Commissioner Tomaino stated in the past the commission had met earlier to have discussion before a meeting or had stayed after the regular meeting. She said City Attorney Merzig would probably be attending the commission's February meeting to give training and she questioned if that would be during the regular meeting.

Code Enforcement Officer Chiappisi questioned if the commission had the ability to go into an Executive Session.

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(Nominations – Discussion) continued

City Clerk Koury responded only under very tight parameters.

Commissioner Betterley suggested that since the commission was going to be dealing with more Special Use Permits that it makes that an objective and say the first order this year was that they wanted to understand the Special Use Permit process, the limits and definitions.

Code Enforcement Officer Chiappisi stated that there has been a change to the application of Special Use Permit by fraternities and sororities and now all of those permits expire May 31st. He said his goal was to get all those inspections done and either approved or not approved by the April and May meeting so the commission's meetings those months would be taken up with those applications instead of the Common Council. He said the commission would also be responsible for the revocation of those permits. He questioned if the commission could schedule a special meeting for Special Use Permit application requests.

City Clerk Koury responded yes but that would be a public hearing.

The commission held a brief discussion on the matter.

Commissioner Overbey suggested that the commission return to the topic of the nomination of Chair. He said to respect the Mayor's opinion the commission's vote on a Chair should reflect the commission's confidence or lack of confidence in the Mayor's choice. He said he thought it was important to support the Mayor's recommendation of Dennis Finn as Chair. He said he thought these two interested people were equally capable people and willing to serve in that capacity but from his point of view it was important to respect the Mayor's opinion.

City Clerk Koury stated he thought the Mayor would respect whatever the commission did in terms of the Chair.

MOTION, made by Commissioner Tomaino and seconded by Commissioner Betterley, that the commission elects Dennis Finn as Chair of the commission for the year 2012.

Voting Ayes: Commissioner Tomaino
Commissioner Herzig
Commissioner Betterley
Commissioner Overbey

Noes: None

Abstain: Commissioner Finn

Absent: Commissioner Holden
Commissioner Eastman

MOTION CARRIED

Commissioner Finn nominated Commissioner Herzig as Vice Chair.

The commission held a brief discussion on electing a Vice Chair.

MOTION, made by Commissioner Finn and seconded by Commissioner Betterley, that the commission elects Gary Herzig as Vice Chair of the commission for the year 2012.

Voting Ayes: Commissioner Finn
Commissioner Betterley
Commissioner Tomaino
Commissioner Overbey

Noes: None

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(Voting) continued

Abstain: Commissioner Herzig
Absent: Commissioner Holden
Commissioner Eastman

MOTION CARRIED

Commissioner Finn stated Commissioner Herzig and he were both looking in the same way as to where the commission wanted to go. He said he would like the commission to meet to discuss this and then put it in a letter to Council and to discuss the Special Use Permit process.

Commissioner Tomaino questioned if the commission could hold a special meeting and use that as training to go over Special Use Permits and other issues.

City Clerk Koury responded yes if the City Attorney Merzig was going to give a training session.

The commission held a brief discussion on the Special Use Permit process with Code Enforcement Officer Chiappisi.

City Clerk Koury stated if the commissioners were not receiving copies of the New York State Planning Federation newsletter he would update the list so they would.

Commissioner Finn stated when the commission passes a property use contingent upon Code Enforcement Office, Engineering, working something out he questioned if the commission received the results of what that outcome was.

Code Enforcement Officer Chiappisi responded that the commission had not in the past. He said sometimes projects get passed in the Planning Commission or Zoning Board of Appeals and they never go anywhere and he does not hear from the applicants.

Commissioner Finn stated in working with some of the commissioners he would get together a letter or something to Code Enforcement Officer Chiappisi just so there was a feedback to the commission.

Code Enforcement Officer Chiappisi stated it might be easier for him or Code Enforcement Office to address a project as a follow-up if it was an agenda item under old business and he could look into it and prepare a report.

Commissioner Overbey stated in regard to the mention earlier about taking on additional responsibilities he questioned if it was possible to establish a committee or task force that would focus on some of these specifics, i.e. do some research and put together the information the commission needs and then e-mail it to everyone and present it at a meeting rather than having specials meetings two or three times a month to do these things. He said he knew the training could not be done that way.

Commissioner Finn stated they would definitely be setting up a committee. He said the commission would also have workshop meetings to discuss topics for training, etc.

Commissioner Betterley suggested they have prepared outlines of topics they wanted to discuss at the workshop meetings.

The commission held a brief discussion on the matter.

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(Discussion) continued

City Clerk Koury stated that the commission would be receiving individual invitations to attend the upcoming Housing Summit. He said in addition to those invited the Summit was open to the public.

Commissioner Herzig suggested that whatever comes out of the Housing Summit should be given to the Planning Commission to review first and then the commission should make a recommendation to the Common Council.

City Clerk Koury stated that the Common Council has already given authority for the Summit to the Community Improvement Committee.

Council Member Hennessy stated the idea was to have this Summit as the first forum to generate ideas and interest and then hopefully have a task force come out of that. She said if there was a task force that would be a good place for somebody from the Planning Commission to be a designated member.

Code Enforcement Officer Chiappisi stated one of the reasons he had asked Ordinance Inspector Ferris to attend the meeting with him was because most of the application requests the commission sees was generated through the Code Enforcement Office, Ordinance Inspector Ferris specifically, and if the commission had any questions about the process his office uses and the form presented.

Ordinance Inspector Ferris stated she would appreciate input from the commission on anything that she could do to make it easier for the commission for presentation to the commission.

Code Enforcement Officer Chiappisi stated applicants have already been told that drawings on napkins, placements, etc were not acceptable.

Commissioner Tomaino stated based on what was listed on the agenda she questioned if a representative from Code Enforcement would be attending all the commission meetings or did the commission need to ask them to come.

Ordinance Inspector Ferris responded they were going to try to come to all of the meetings but if there was anything anyone on the commission wanted to know when her data is received she should be contacted before the meeting and she would do what she could to try to get the information.

After a brief discussion on when to hold a workshop session Commissioner Finn stated that the commission agreed to meet February 1st at 7pm in the Mayor's Conference Room for a workshop. He said the next regular meeting would be February 15th.

JAMES R. KOURY, City Clerk

JRK/pab