

ONEONTA, NEW YORK - APRIL 18, 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
Commissioner Michelle Eastman
ABSENT: Commissioner Gene Betterley
Council Member Maureen Hennessy

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 business on the agenda.

CORRESPONDENCE

City Clerk Koury stated there was no correspondence for matters other than business on the agenda.

APPROVAL OF MINUTES

MOTION, made by Commissioner Tomaino and seconded by Commissioner Eastman, that the commission approves the minutes of the regular meeting held March 21, 2012 as written.

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

MOTION CARRIED

NEW BUSINESS

43-47 Main Street (300.09-1.84.01): Sketch Plan Conference and Site Plan Review – Jennifer L. Howard (Applicant) for Stewart’s Shops Corp (Owner): The applicant/owner wishes to build a 7’ 9” x 23’ 9” addition on this convenience store. The addition will be used as an exterior freezer/storage.

The following Notice of Public Hearing was sent to The Daily Star for publication on April 11, 2012 and the agenda was faxed to the media on the following item of New Business. Proofs of said notifications are attached hereto.

43-47 Main Street (Tax Map No. 300-9-1-84.1) – Sketch Plan Conference and Site Plan Review – Jennifer L. Howard, representing Stewart’s Shops Corp., wishes to build a 7’9” X 23’9” addition on the convenience store. The addition will be used as an exterior freezer/storage. The applicant is requesting a sketch plan conference to discuss what drawings and information the Commission would like the applicant to submit for the site plan review. The applicant did submit a site plan review application and drawings for review.

§300-11 D(1) of the City of Oneonta Zoning Code – projects requiring Site Plan Review – all new additions existing buildings.

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(43-47 Main Street) continued

Let me also say that Stewart's is a good neighbor and asset to our neighborhood. The store is well-run, the exterior is always clean and attractive, and the staff is pleasant and friendly. They are also to be commended for their fund-raising during the holiday season. We are pleased that they are interested in expanding here. We hope that their plan will be able to address our concerns, and that the store will continue to be a valued part of our community.

Thank you"

Mr. Marshall stated he thought two concerns that were raised, lighting and noise, were addressed because the lighting Stewart's was going to use was recessed and down lit so it should not go over Main Street and the freezer addition was going to be on the back side of the building and he did not think the motors would create enough noise to be disturbing.

Mr. Lewis stated the LED lighting would be either much more likely less or much less and there was much less light that goes to where there was concern expressed.

Commissioner Overbey questioned if the addition was inside a fence.

Mr. Marshall responded it was right on the edge of the building and he did not think there was a fence.

Mr. Lewis stated the lights were usually on for 15-25 minutes while the person shuts down the store as a safety factor and there should be no lights whatsoever for a maximum of one-half hour after closing. He said if that did happen they would certainly make sure that the shop manager knows that there be no lights for more than one-half hour after closing. He said that was standard anywhere.

Commissioner Herzig questioned if the freezer compressor would be outdoors.

Mr. Lewis responded he did not think it was outside the building but if they needed to come back to the commission he would find out that information.

Chair Finn stated there were two ways for the commission to proceed, 1) the commission could consider this a Sketch Plan Review and give comments on what the commission would want to see added to the drawings by the engineer/architect or, 2) the commission could create a list of what it would like to see Stewart's have added to the drawings by their engineer/architect and grant contingent approval and that list would go to Code Enforcement for review for when the new drawings were submitted with the additions. He said when Code Enforcement says that the drawings had everything the commission recommended the project would be allowed to move forward and the applicants did not have to wait a whole month to come back to the commission because it was pre-approved.

Mr. Lewis stated in the unlikely event the commission asks for something Stewart's was not comfortable with they would have to come back to the commission to discuss it.

Chair Finn responded that was correct. He said the drawings had pretty much everything now but he would like to see more detail on the addition in terms of an exterior door.

Mr. Lewis responded he was sure there was no exterior door and that it was accessed from the inside.

Commissioner Tomaino questioned if that exterior freezer addition was just for employees.

Mr. Lewis responded yes, it was a freezer and storage only for people who worked inside the building. He said if there was something on the outside the engineer would have printed it on the drawing.

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(43-47 Main Street) continued

Commissioner Overbey questioned if this was a walk-in freezer.

Mr. Lewis responded it was like a big refrigerator/ice box, accessed from the inside.

Chair Finn stated if the compressor was inside it was possible that the new walls would be insulated to shield the noise.

Chair Finn asked that the engineer develop that new addition plan just a little more showing if the walls were insulated and the compressor inside as well as show on the drawing where the light from each light hits.

Commissioner Herzig stated if the compressor was on the outside he asked if something could be constructed around it to muffle the noise.

Mr. Lewis responded they could if it was an issue.

Chair Finn stated he felt if Mr. Lewis let the engineer know that there was a concern about noise at this time that he would address it at this point.

Code Enforcement Officer Chiappisi stated he thought if there were any issues in the terms of lighting it would be the 2 added poles in the rear of the property, the west side.

Mr. Lewis questioned if there were added or just replacing what was there.

Code Enforcement Officer Chiappisi responded there were 3 poles on the drawing and one says "existing pole lights to be replaced with LED pole lights and 2 say "proposed LED pole lights."

Mr. Lewis stated he was sure the lighting will not go off sight and he will have the engineer show the limits of illumination around the light poles.

Chair Finn asked Code Enforcement Officer Chiappisi about the part on the NYS Department of Environmental Conservation regarding the tanks.

Code Enforcement Officer Chiappisi replied that he received the Petroleum Bulk Storage (PBS) Notification for Tank Installation, Closing, Repair or Reconditioning from the NYS Department of Environmental Conservation and that seemed to be in order. He said the DEC did say to him to make sure the piping size was correct because he thought the incorrect number put by the project architect was probably an oversight.

Chair Finn stated the additional information needed on the plans was for the engineer to develop detailed plans for the new addition and whether it was inside or outside, the limit of illumination of the lights to be sure they do not cross Main Street and the machine noise be explained. He said the other, which may be a clerical error was the clarification of the correct pipe size according to the NYS Department of Environmental Conservation.

Mr. Lewis stated that they would pin that down.

Commissioner Tomaino asked the store would be closed while the work was being done.

Mr. Lewis replied no.

Chair Finn asked about when the work was intended to be started.

Mr. Marshall replied he did not know how much notice was needed after the plans.

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(43-47 Main Street) continued

Code Enforcement Officer Chiappisi stated when the plans are complete he would need a building permit application filed and a sign permit.

Chair Finn stated that approval of a Site Plan is valid for 2 years for the project to begin.

MOTION, made by Commissioner Herzig and seconded by Commissioner Tomaino, that the Planning Commission approves the Site Plan as discussed for the addition to Stewart's convenience store at 43-47 Main Street, Oneonta contingent on review and approval by the Code Enforcement Officer of the additional detailed information requested by the commission, as follows:

1. The engineer to develop detailed plans for the new addition and indicates whether it was inside or outside and explain the machine noise.
2. The limit of illumination of the lights indicated making sure they do not cross Main Street.
3. Clarification of the correct piping size for the tanks according to the NYS Department of Environmental Conservation.

Voting Ayes: Chair Finn

Commissioner Herzig
Commissioner Tomaino
Commissioner Holden
Commissioner Overbey
Commissioner Eastman

Noes: None

Absent: Commissioner Betterley

MOTION CARRIED

OLD BUSINESS

Tasks For Planning Commissioners

Chair Finn stated discussed at the March meeting was an agenda of suggested tasks for Planning commissioners and it was agreed to address that agenda when the regular agenda permits the time. He said that Commissioner Eastman has agreed to do the task of the agenda items and take care of the orientation package being put together to give to new commissioners. He said as mentioned at the March meeting Commissioner Overbey had agreed to head the item of the in-house in-service education. He said the agenda items left were external training, proposals and decision(s) follow-up.

Chair Finn stated he received some planning training material that he would be distributing to the commission shortly.

Commissioner Eastman asked about when the commission would discuss the Special Use Permits for sororities and fraternities.

City Clerk Koury stated that a workshop meeting of the commission has been scheduled for May 2nd at 7:00 p.m. to review the Special Use Permit applications only. He said the public hearing on the Special Use Permits would be held at the regular meeting of the Planning Commission on May 16th.

The commission held a brief discussion on the matter.

Review Implementation Chapter of Comprehensive Plan

Chair Finn stated in the Implementation Chapter of the Comprehensive Plan there were lists of items by priorities and some of it has been done but most have not been done.

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(Review of Implementation Chapter of Comprehensive Plan) continued

Commissioner Eastman questioned if Stewart's and Paul van der Sommen's Tennis Courts project would continue under Old Business on the Tasks agenda until it was totally done.

Chair Finn responded yes.

Commissioner Herzig questioned why the Tennis Courts project would stay on the agenda when Code Enforcement Officer Chiappisi was monitoring that.

Chair Finn stated he suggested keeping these projects on the tasks agenda for following up on decisions when project plans need to go to Engineering, Code Enforcement, so the commission could track what was approved with conditions by the commission was being done.

Zoning Board of Appeals Chair Ed May stated tracking variances the board grants conditionally or with stipulations had been a concern of his for a long time.

The commission held a brief discussion on the matter and how to institute a system to track these projects.

City Clerk Koury questioned what it was exactly the Zoning Board of Appeals Chair was looking for with tracking.

Zoning Board of Appeals Chair May responded the concern from the board and what he was hearing from the Planning Commission was that the decisions that were made that result in building permits being issued by the Code Enforcement Office are in fact not tracked for compliance with the decisions of the commission or board. He said there was a 2-year timeframe for Planning Commission decisions and a Zoning Board of Appeals decision which goes in perpetuity. He said that it was more with those in perpetuity that the information be kept available in the Code Enforcement Office.

Commissioner Herzig stated he had no interest in seeing all the details and follow-ups on what happens on each of the items that the commission approves and was just interested in knowing that there was an enforcement system in place that works.

Zoning Board of Appeals Chair May stated he agreed with the commissioner because it was really not the job of the commission or board to do that.

Chair Finn questioned if the Common Council or the city needed to be notified that system was not working.

City Clerk Koury stated that he would talk to Code Enforcement Officer Chiappisi about the matter. He said he was with Zoning Board of Appeals Chair May because he was really not sure what the purpose was of tracking other than wanting to know.

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