

**ONEONTA, NEW YORK – SEPTEMBER 17, 2014- 7:00 P.M.  
REGULAR MEETING OF THE PLANNING COMMISSION PG. 1**

**PRESENT:** Chair Dennis Finn  
Commissioner Gary Herzig  
Commissioner Anna Tomaino  
Commissioner Barry Holden (arrived 7:08 pm)  
Commissioner Edmond Overbey  
Commissioner Michelle Eastman  
Council Member Maureen Hennessy

**ABSENT:** Commissioner Becky Thomas

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

**MINUTES**

Chair Finn then asked for a motion to approve the minutes of the August 20, 2014 meeting.

**MOTION**, made by Commissioner Herzig and seconded by Commissioner Tomaino that the commission approves the minutes of the regular meeting held August 20, 2014.

**Voting Ayes:** Commissioner Finn  
Commissioner Herzig  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

**Noes:** None

**Absent:** Commissioner Thomas

**MOTION CARRIED**

**CORRESPONDENCE**

There was no correspondence.

**AGENDA ITEMS**

Chair Finn opened consideration of the first agenda item, the request of Len Carson for an extension of time to complete construction of a billboard at 2 Bridge Avenue for which the Commission approved a Special Use Permit on May 16, 2012. Chair Finn read from Mr. Carson's letter which explained that he had been unable to complete the project due to delays in receiving regulatory approval from other agencies.

**MOTION**, made by Commissioner Herzig and seconded by Commissioner Eastman, that the Special Use Permit for construction of a billboard at 2 Bridge Avenue be extended for 2 years.

**Voting Ayes:** Commissioner Finn  
Commissioner Herzig  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

**Noes:** None

**Absent:** Commissioner Thomas

**MOTION CARRIED**

Chair Finn stated that he would depart from the order of the agenda to consider the application of David Weaver for demolition of a garage at 19 Center Street, a rental property. Chair Finn recognized Mr. Weaver, who described his proposal. He plans to demolish a dilapidated two-car garage. The space formerly occupied by the garage would become two parking spaces.

**ONEONTA, NEW YORK – SEPTEMBER 17, 2014 - 7:00 P.M.**  
**REGULAR MEETING OF THE PLANNING COMMISSION PG. 2**

Commissioner Herzig asked whether the demolition would result in an addition of one or more parking spaces, which is prohibited in the R-2 Zone. CEO Chiappisi stated that since the garage represents 2 parking spaces, no new spaces would be created. Mr. Weaver indicated that the location adjacent to Silver Creek makes addition of parking spaces impossible. After discussion and consultation of the Code, Commissioner Overbey reported that he saw no reason not to approve the request.

**MOTION**, made by Commissioner Tomaino and seconded by Commissioner Overbey, that the Commission approves the proposal of David Weaver to demolish the garage located at 19 Center Street.

In additional discussion, Commissioner Herzig expressed the belief that there are two parts to the discussion, first the demolition and second, use of the concrete pad as 2 parking spaces. After discussion, he stated that he favored demolition and that the matter of the parking spaces was for future Code Enforcement interpretation. Patrick Muller, co-owner of 19 Center Street, stated that there was no intent to add parking spaces.

Hearing no further discussion, Chair Finn asked the Clerk to call the roll.

**Voting Ayes:** Commissioner Finn  
Commissioner Herzig  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

**Noes:** None

**Absent:** Commissioner Thomas

**MOTION CARRIED**

Chair Finn then moved to consideration of the application of Thomas Travisano, 28 State Street, who would like to demolish an existing enclosed porch and replace it with an addition. Chair Finn asked who represented the property. Mr. Thomas Travisano identified himself and Chair Finn asked him to describe his proposal. Mr. Travisano stated that he and his wife would like to demolish an existing, dilapidated enclosed porch and replace it with a 4-season addition. He directed the Commissioners' attention to submitted drawings that indicate the new addition is within the required setbacks. The current porch is structurally unsound and the proposed addition would meet many needs for the Travisanos, who have lived in the house for 30 years.

The Chair asked if there were comments from the members of the public present. Hearing none, Chair Finn and the Commissioners examined the application materials. Chair Finn stated that he had visited the site; the existing porch is on the side of the house and is dilapidated. The Travisanos would like to bring the new addition a little further out from where the existing porch stands. Chair Finn stated that he understood that the Travisanos might wish to excavate under the area of the new addition and include a pass-through from the existing basement and asked whether they planned to revise the drawings to reflect this. Mr. Travisano stated that their contractor raised the question and that they would consider it if it did not slow down the process. Chair Finn told Mr. Travisano that he should revise the drawings to reflect this if they wished to excavate. CEO Chiappisi indicated that he would accept the change if the revised drawings are submitted.

Commissioner Overbey asked whether the Commission would be moving to approve the application with the excavation contingent upon receipt of revised drawings.

**MOTION**, made by Commissioner Overbey and seconded by Commissioner Holden that the Commission approves the Site Plan for 28 State Street with the addition of excavation under the new addition, the latter contingent upon submission of revised drawings to the Code Enforcement Officer.

**ONEONTA, NEW YORK – SEPTEMBER 17, 2014 - 7:00 P.M.**  
**REGULAR MEETING OF THE PLANNING COMMISSION PG. 3**

Chair Finn asked CEO Chiappisi to confirm the setbacks for the side yard. He stated that the side yard setback is 10 feet in the R-2 Zone.

Hearing no further discussion, Chair Finn asked the Clerk to call the roll.

**Voting Ayes:** Commissioner Finn  
Commissioner Herzig  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

**Noes:** None

**Absent:** Commissioner Thomas

**MOTION CARRIED**

Chair Finn then moved to discuss the proposal of Michael Minutolo to build a 25' X 30' garage at this property. There is an existing single-family dwelling at this property. The driveway will be changed to access the garage.

The Commission discussed setbacks with CEO Chiappisi and Mr. Minutolo. The setbacks for the new garage will be 20' on the side (minimum is 15'). At the rear the minimum setback is 25'; the property extends for 2-3 acres, so there is plenty of room at the rear.

**MOTION**, made by Commissioner Herzig and seconded by Commissioner Tomaino that the Commission approves the Site Plan for 2 Suncrest Terrace to build a 25' X 30' garage at this property.

Hearing no further discussion, Chair Finn asked the Clerk to call the roll.

**Voting Ayes:** Commissioner Finn  
Commissioner Herzig  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

**Noes:** None

**Absent:** Commissioner Thomas

**MOTION CARRIED**

Chair Finn moved to consider the request of Annemarie Hosnedl for a Sketch Plan Conference to consider the possible development of co-housing at 272 & 274 River Street. Chair Finn recognized Ms. Hosnedl who reported that she no longer proposed co-housing at this site but that she would like to discuss other possible changes. Because she had only discussed co-housing with Code Enforcement prior to the meeting, the Commission asked that she discuss her alternate plans with CEO Chiappisi and return to a future meeting.

Chair Finn then moved to consider additional information requested from the Alpha Omicron Pi sorority, 17 Maple Street when the Commission issued a Special Use Permit for the property at its May meeting. Thomas Fox identified himself as a local representative of CSL Management, which manages all national AOII properties and stated that he had been authorized to discuss carriage house,

Chair Finn asked whether it was still the national organization's intent to demolish the structure. Mr. Fox stated that was the intent 2 years ago. The carriage house has been emptied and sealed. He said the AOII had been told at that time they could not add beds if they renovated the carriage house so renovation was not cost effective for the national organization.

**ONEONTA, NEW YORK – SEPTEMBER 17, 2014 - 7:00 P.M.  
REGULAR MEETING OF THE PLANNING COMMISSION PG. 4**

Chair Finn asked whether anyone present had comments. Betty Powell, 18 Maple Street, stated that she had attended the 2012 meeting and that the international organization had neglected its responsibility for maintenance of the carriage house for many years. She recalled the Zoning Board chair had called it ‘benign neglect,’ and she added that the international had no vested interest in the building although the students did.

Mr. Fox read from an email from Woody Ratterman of CSL Management, who stated that it was not financially viable to restore the Carriage House.

Council Member Rissberger noted that the students are victims of their own international organization. He stated that the City should not allow demolition by neglect. He asked what had been done since the May meeting.

Commissioner Herzig stated that the current issue is whether to continue the Special Use Permit.

Council Member Rissberger asked whether that approval was tied to action on the Carriage House.

Council Member Hennessy asked whether it would be appropriate to grant the SUP contingent on action on the Carriage House.

Commissioner Eastman stated that the Carriage House is inseparable from the rest of the property and that the owners should have maintained it over the decades.

Mrs. Powell stated that the students of the sorority have not caused any problems.

Commissioner Herzig asked if the carriage house could be approached from a different angle; perhaps the owners could submit a plan that will allow the owner to save the carriage house, while meeting the income requirements of the owners. He asked that they bring forward a proposal that would justify the expense of restoration. He acknowledged that this would probably include a use not ordinarily allowed in this zoning district, so an appearance before the Zoning Board would likely be needed.

**MOTION**, made by Commissioner Herzig and seconded by Commissioner Tomaino that the Commission continue the Special Use Permit for Alpha Omicron Pi at 17 Maple Street for the 2014-15 school year and require that the owners submit a plan for the Carriage House that would justify the cost of renovation.

Hearing no further discussion, Chair Finn asked the Clerk to call the roll/

**Voting Ayes:** Commissioner Finn  
Commissioner Herzig  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

**Noes:** None

**Absent:** Commissioner Thomas

**MOTION CARRIED**

Chair Finn then moved to consider whether Tau Kappa Epsilon, 61 Elm Street, had fulfilled the following conditions of the Special Use Permit approved at the May meeting:

“1. The group develops a plan acceptable to the Planning Commission that addresses concerns raised by neighbors and other members of the public about conditions and behavior at 61 Elm Street at the Planning Commission meeting of May 19, 2014. This plan must be submitted to the City Clerk by September 3, 2014;

**ONEONTA, NEW YORK – SEPTEMBER 17, 2014 - 7:00 P.M.**  
**REGULAR MEETING OF THE PLANNING COMMISSION PG. 5**

2. All TKE members must attend the September 17, 2014 meeting of the Planning Commission, where the plan developed by the group will be discussed.”

Chair Finn welcomed the TKE members present and recognized Nicholas Steffens, President of the fraternity. Mr. Steffens summarized the TKE house’s written plan (as presented to the Commission) addressing the concerns. He outlined plans to introduce themselves to their neighbors, ensure good communication and enforce acceptable standards of behavior. This includes prohibiting use of the front porch after 9 pm, prohibiting sitting on the roof, sanctions for anyone known to have driven under the influence, regular fire safety inspections, better handling of trash removal and zero tolerance of disorderly behavior.

Chair Finn asked whether anyone present had comments. Charlotte Collett, 58 Elm Street, stated that she had complained about TKE’s behavior at the May meeting but that as far as she is concerned, the TKE should keep doing what they are now doing. All is well so far this year.

Mr. Steffens thanked her for her comments and emphasized that the rules have been changed to ensure continued good behavior.

**MOTION**, made by Commissioner Herzig and seconded by Commissioner Tomaino that the Commission continue the Special Use Permit for Tau Kappa Epsilon, 61 Elm Street, for the 2014-15 school year.

Hearing no further discussion, Chair Finn asked the Clerk to call the roll.

**Voting Ayes:** Commissioner Finn  
Commissioner Herzig  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman  
**Noes:** None  
**Absent:** Commissioner Thomas

**MOTION CARRIED**

Chair Finn then moved to consider whether Phi Kappa Psi, 56 Maple Street, had fulfilled the following conditions of the Special Use Permit approved at the May meeting:

“1. The group develops a plan acceptable to the Planning Commission that addresses concerns raised by neighbors and other members of the public about conditions and behavior at 56 Maple Street at the Planning Commission meeting of May 19, 2014. This plan must be submitted to the City Clerk by September 3, 2014;

2. The group presents to the City Clerk by September 3, 2014 a signed contract for removal of the dying sugar maple on the Spruce Street side of the property at 56 Maple Street, referenced in the enclosed letter from Jeffrey Broek, Town and Country Tree Experts to Robert Chiappisi, Code Enforcement Officer.

3. All Phi Kappa Psi members must attend the September 17, 2014 meeting of the Planning Commission, where the plan developed by the group will be discussed.”

Chair Finn welcomed the Phi Kappa Psi members and recognized Terry Shine, Phi Kappa Psi President, who summarized the written plan (presented to the Commission). He outlined the chapter’s efforts to make amends to neighbors for past behavior. He emphasized that the house has a judicial process to sanction brothers who engage in unacceptable behavior. He also outlined the chapter’s plans for community outreach in Oneonta. He did state that some unacceptable behavior in the neighborhood during OHFest emanated from an apartment house across Spruce Street, as the fraternity purposely did not schedule social events at the house that

day. In addition, Mr. Shine indicated that the sugar maple tree on the Spruce Street side of the property had been removed.

**ONEONTA, NEW YORK – SEPTEMBER 17, 2014 - 7:00 P.M.  
REGULAR MEETING OF THE PLANNING COMMISSION PG. 6**

Chair Finn asked if anyone present had comments. Council Member Rissberger stated that in May he had concerns about the lack of volunteer work in the community and the issues with OHFest. He commented that he has been impressed with the level of local volunteer work the last few weeks and urged the fraternity to keep up the good work. He emphasized that this is a high-profile house and that they should take pride in it and maintain it. Also he urged the group to keep in mind that there are a lot of children in the neighborhood.

**MOTION**, made by Commissioner Tomaino and seconded by Commissioner Overbey that the Commission continue the Special Use Permit for Phi Kappa Psi, 55 Maple Street, for the 2014-15 school year.

Hearing no further discussion, Chair Finn asked the Clerk to call the roll.

**Voting Ayes:** Commissioner Finn  
Commissioner Herzig  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

**Noes:** None

**Absent:** Commissioner Thomas

**MOTION CARRIED**

**OTHER BUSINESS**

Patricia Crow, 10 Myrtle Avenue, noted that despite discussion at the May meeting, the sorority on Myrtle Avenue (Phi Sigma Phi) had not provided contacts of officers for 2014-15 (except via a handwritten note). She asked that the sorority be required to send out letters.

CEO Chiappisi reported that the City Attorney had informed him that 71 & 73 West Street were not on the tax rolls, so the clause in the motion approving the demolition of those structures by Hartwick College related to taxation was not relevant.

There being no further business to come before the commission, Chair Finn adjourned the regular meeting at approximately 8:45 p.m.

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DOUGLAS KENDALL, City Clerk

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