

ONEONTA, NEW YORK – MAY 21, 2014- 7:00 P.M.
REGULAR MEETING OF THE PLANNING COMMISSION PG. 1

PRESENT: Chair Dennis Finn
Commissioner Gary Herzig
Commissioner Becky Thomas
Commissioner Anna Tomaino
Commissioner Edmond Overbey

ABSENT: Commissioner Barry Holden
Commissioner Michelle Eastman
Council Member Maureen Hennessy

ALSO IN ATTENDANCE: Robert Chiappisi, Code Enforcement Officer; Ed May, Chair, Zoning & Housing Board of Appeals.

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 April 16, 2014 meeting.

MOTION, made by Commissioner Herzig and seconded by Commissioner Tomaino that the commission approves the minutes of the regular meeting held April 16, 2014.

Voting Ayes: Commissioner Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Tomaino
Commissioner Overbey

Noes: None

Absent: Commissioner Eastman
Commissioner Holden

MOTION CARRIED

CORRESPONDENCE

There was no correspondence.

AGENDA ITEMS

Chair Finn opened consideration of the first agenda item, the Site Plan Review for 103 Elm Street. He asked who was present to represent the property. Mrs. Suzanne Miller, the owner, and Mr. Gocha Roklvadze, their contractor, identified themselves. Chair Finn summarized the purpose of the application, to construct a new carport at the property. The Board asked questions about the location and purpose of the carport. Mrs. Miller noted that this would allow covered parking for an additional car. She stated that the neighbors had been made aware of the proposal and had no objections. Chair Finn asked if others present had comments. Mrs. Joanna Singh, 33 East Street, stated that the proposal seemed reasonable. Mr. David Rissberger, 8 Normal Avenue, 3rd Ward Council Member, stated that as a neighbor he had no objections to the plan and believes other neighbors are also supportive.

Following the discussion, Chair Finn asked for a motion on the Site Plan Review.

MOTION, made by Commissioner Tomaino and seconded by Commissioner Herzig that the Commission approves the Site Plan as presented for the carport at 103 Main Street.

Voting Ayes: Commissioner Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Tomaino
Commissioner Overbey

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Noes: None
Absent: Commissioner Eastman
Commissioner Holden

MOTION CARRIED

Chair Finn then move to the 2nd agenda item, the Special Use Permit application for 17 Maple Street, Alpha Omicron Pi. There being no one present representing the applicants, Chair Finn postponed consideration and moved to the next agenda item, the Special Use Permit application for Tau Kappa Epsilon, 61 Elm Street. Nicholas Steffens identified himself as the President of Tau Kappa Epsilon. At Chair Finn's request, Code Enforcement Officer Chiappisi stated that TKE had met all the standard requirements for the permit. Mr. Steffens stated that Connie Anderson, 63 Elm Street, is TKE's advisor and he presented a note of support from Mr. Ed Leone, 74 Spruce Street.

Chair Finn asked whether anyone present had comments on the application. Charlotte and Jonathan Collett, 58 Elm Street, identified themselves and presented the Commission with a letter requesting denial of the Special Use Permit. Mrs. Collett summarized the letter, stating that they have witnessed the steady degradation of the 61 Elm Street property as near neighbors for the past eight years. The Colletts stated that bad behavior at 61 Elm Street has included students sitting on the porch roof drinking, loud music, shouted conversations and loud curses. They expressed concern that someone will fall off the pitched roof. They stated that college students belong on campus and that no homeowners should be subjected to the behavior exhibited at 61 Elm Street.

Commissioner Herzig asked Mr. Steffens to respond to the Collett's statement. Mr. Steffens apologized but stated that such things do happen. Council Member Rissberger stated that TKE members and other students should be able to modulate their voices and there is no excuse for such behavior. Commissioner Herzig asked why the Commission should approve the permit, given the neighbors' objections. Commissioner Tomaino noted that the official record indicates no fire reports and only one police report for noise. Joanna Singh, 33 East Street stated that a dialogue is need on the behavior of fraternity and sorority students in Center City neighborhoods.

Mr. Steffens indicated that he would address TKE members in his role as incoming President.

Commissioner Herzig stated that he would like approval to be contingent on a meeting with all TKE members and presentation of a plan to deal with prevention of behavioral problems identified by the neighbors.

Council Member Rissberger stated that last year the question at this house was outside maintenance, notably exterior paint. Commissioner Herzig and Mr. Steffens indicated that the house had been painted last summer. Pat Crowe, Myrtle Avenue, agreed that a dialogue is needed, but that non-Greek student residences are a greater problem. Council Member Mike Lynch, Ford Avenue, stated that he met with TKE several years ago but that the results of that meeting do not seem to have lasted over time. He would endorse a conditional permit. Chair Finn asked for a motion on the application.

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey that the special use permit for Tau Kappa Epsilon, 61 Elm Street be approved with the following stipulations:

1. The group develops a plan 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;
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.

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Provided that, in the judgment of the Planning Commission, these two conditions are met, the conditions below will apply:

3. The Special Use Permit will expire on May 31, 2015;
4. The premises holds a current Certificate of Substantial Compliance and that the group stays current on required household Code Enforcement inspections including but not limited to sprinkler systems, smoke and fire detection and alarm systems, and electrical and heating systems, and immediately handles outstanding Code issues. Copies of all inspection reports shall be provided to the City upon completion;
5. The group conducts monthly on-site fire safety inspections performed by a qualified, non-resident adult. The reports shall be submitted in writing to the Code Enforcement Office. These inspections will include, but are not limited to, assuring that all fire apparatus and smoke detectors are in working order, removal of obstruction and/or blockage of any entrance or exit; and correcting violations of house smoking or other regulations;
6. Each member of the group will learn and implement the college's and chapter's risk management policies, especially regarding alcohol, personal and fire safety issues;
7. The group will meet with the Oneonta Police Department and the Oneonta Fire Department for an educational session during September 2014 or as requested. Attendance sheets signed by the city official conducting the session shall be delivered to the Code Enforcement Office upon completion of this requirement;
8. At the start of the fall semester, the group will obtain the neighbors' notification list for the Special Use Permits from the City Clerk's Office and will mail or deliver a letter to all neighbors or property owners and the 3rd and 4th Ward Council Members. Such letter will include a list of organizational officers, resident advisor and/or college liaison, and their phone numbers;
9. The group agrees to initiate the Special Use Permit process by obtaining an application from the Code Enforcement Office no later than February 1, 2015 and by filing their application by March 1, 2015.
10. The Special Use Permit is subject to revocation for non-compliance.

Voting Ayes: Commissioner Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Tomaino
Commissioner Overbey

Noes: None

Absent: Commissioner Eastman
Commissioner Holden

MOTION CARRIED

Mr. Ed May suggested to the Commission that they might consider amending the motion just passed to require that the plan proposed be "acceptable to the Planning Commission." Chair Finn asked for a motion to do that.

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey that the special use permit for Tau Kappa Epsilon, 61 Elm Street be amended so that the first stipulation reads: "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."

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Voting Ayes: Commissioner Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Tomaino
Commissioner Overbey

Noes: None

Absent: Commissioner Eastman
Commissioner Holden

MOTION CARRIED

Chair Finn emphasized to Mr. Steffens that TKE must submit the City Clerk with the required plan by September 3. He also emphasized that TKE must ensure that nobody sits on the roof due to the danger of a fall.

Chair Finn then moved to consideration of the Special Use Permit application for Gamma Phi Delta, 23 Elm Street. Allie Sigadel identified herself as the representative for Gamma Phi Delta.

In response to the Chair's question, Code Enforcement Officer Chiappisi indicated that a number of fire calls were due to a monitoring system fault that has been corrected. All requirements have been met.

Chair Finn asked for comments. Joanna Singh, 33 East Street, stated that her concerns apply to all Greek houses in the City. Ms. Sigadel stated that she is very willing to communicate if anyone has problems with the sorority. She stated that the members always contact neighbors at the beginning of each school year. Council Member Rissberger stated that he had heard no negative comments this year.

Chair Finn asked for a motion.

MOTION, made by Commissioner Herzig and seconded by Commissioner Tomaino that the special use permit for Gamma Phi Delta Sorority, 23 Elm Street be approved with the following stipulations:

1. The Special Use Permit will expire on May 31, 2015;
2. The premises holds a current Certificate of Substantial Compliance and that the group stays current on required household Code Enforcement inspections including but not limited to sprinkler systems, smoke and fire detection and alarm systems, and electrical and heating systems, and immediately handles outstanding Code issues. Copies of all inspection reports shall be provided to the City upon completion;
3. The group conducts monthly on-site fire safety inspections performed by a qualified, non-resident adult. The reports shall be submitted in writing to the Code Enforcement Office. These inspections will include, but are not limited to, assuring that all fire apparatus and smoke detectors are in working order, removal of obstruction and/or blockage of any entrance or exit; and correcting violations of house smoking or other regulations;
4. Each member of the group will learn and implement the college's and chapter's risk management policies, especially regarding alcohol, personal and fire safety issues;
5. The group will meet with the Oneonta Police Department and the Oneonta Fire Department for an educational session during September 2014 or as requested. Attendance sheets signed by the city official conducting the session shall be delivered to the Code Enforcement Office upon completion of this requirement;
6. At the start of the fall semester, the group will obtain the neighbors' notification list for

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the Special Use Permits from the City Clerk's Office and will mail or deliver a letter to all neighbors or property owners and the 3rd and 4th Ward Council Members. Such letter will include a list of organizational officers, resident advisor and/or college liaison, and their phone numbers;

7. The group agrees to initiate the Special Use Permit process by obtaining an application from the Code Enforcement Office no later than February 1, 2015 and by filing their application by March 1, 2015.

8. The Special Use Permit is subject to revocation for non-compliance.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Tomaino
Commissioner Overbey

Noes: None

Absent: Commissioner Eastman
Commissioner Holden

MOTION CARRIED

Chair Finn moved to consider the Special Use Permit application for Phi Sigma Phi, 6 Myrtle Avenue. Bria Middleton and Nicole Schepisi identified themselves as representatives of Phi Sigma Phi.

CEO Chiappisi noted that the sorority had met all requirements. Pat Crowe, 10 Myrtle Avenue, asked that the sorority include contact information for the incoming officers, not the outgoing. Otherwise, she had no complaints. Council Member Rissberger suggested putting these contacts on the City website.

Commissioner Herzig noted that he works for Opportunities for Otsego and is aware that Phi Sigma Phi has volunteered to help out on a number of occasions and expressed appreciation for that volunteer work.

Chair Finn asked for a motion on the application.

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey, that the special use permit for Phi Sigma Phi Sorority, 6 Myrtle Avenue be approved with the following stipulations:

1. The Special Use Permit will expire on May 31, 2015;
2. The premises holds a current Certificate of Substantial Compliance and that the group stays current on required household Code Enforcement inspections including but not limited to sprinkler systems, smoke and fire detection and alarm systems, and electrical and heating systems, and immediately handles outstanding Code issues. Copies of all inspection reports shall be provided to the City upon completion;
3. The group conducts monthly on-site fire safety inspections performed by a qualified, non-resident adult. The reports shall be submitted in writing to the Code Enforcement Office. These inspections will include, but are not limited to, assuring that all fire apparatus and smoke detectors are in working order, removal of obstruction and/or blockage of any entrance or exit; and correcting violations of house smoking or other regulations;
4. Each member of the group will learn and implement the college's and chapter's risk management policies, especially regarding alcohol, personal and fire safety issues;

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5. The group will meet with the Oneonta Police Department and the Oneonta Fire Department for an educational session during September 2014 or as requested. Attendance sheets signed by the city official conducting the session shall be delivered to the Code Enforcement Office upon completion of this requirement;

6. At the start of the fall semester, the group will obtain the neighbors' notification list for the Special Use Permits from the City Clerk's Office and will mail or deliver a letter to all neighbors or property owners and the 3rd and 4th Ward Council Members. Such letter will include a list of organizational officers, resident advisor and/or college liaison, and their phone numbers;

7. The group agrees to initiate the Special Use Permit process by obtaining an application from the Code Enforcement Office no later than February 1, 2015 and by filing their application by March 1, 2015.

8. The Special Use Permit is subject to revocation for non-compliance.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Tomaino
Commissioner Overbey

Noes: None

Absent: Commissioner Eastman
Commissioner Holden

MOTION CARRIED

Commissioner Herzig noted that he works for Opportunities for Otsego and is aware that Phi Sigma Phi has volunteered to help out on a number of occasions and expressed appreciation for that volunteer work.

Chair Finn then opened consideration of the Special Use Permit application for Phi Kappa Psi Fraternity, 56 Maple Street. Richard Cebada identified himself as the Philanthropy and Community Relations Chairman of Phi Kappa Psi. Chair Finn asked whether there was any correspondence on this application. The Clerk reported that two emails were received, one from Joanna Singh, 33 East Street and the other from Douglas and Mary Moubray, 48 Maple Street and distributed to the Commission members prior to the meeting. Council Member Rissberger stated that he would like speak to both emails as he had received them from the Clerk. Chair Finn recognized Council Member Rissberger. He stated that this fraternity had had its ups and downs over the past 10 years. He indicated that last summer the fraternity left and did not mow the lawn until it was very high. He also indicated that the fraternity had been using a large dumpster on the Spruce Street side of the building for garbage; Council Member Rissberger stated that Code Enforcement staff had suggested that the fraternity use garbage cans rather than the dumpster. Otherwise, Council Member Rissberger had heard no complaints this year until receiving the two emails. One of the emails reported that Phi Kappa Psi members and visitors had been loud and disrespectful and publicly drunk and had blocked traffic on Spruce Street during OHFest, including cars with small children. Council Member Rissberger stated that his endorsement for the fraternity is dependent on being a good neighbor and doing community service. Although the fraternity has done a lot of hedge trimming and mulching, neighborliness goes beyond that. There has been no evidence of local community service this past year. The Council Member reminded Mr. Cebada that Phi Kappa Psi is responsible for the behavior of everyone at the house, not just members. Based on these factors, Council Member Rissberger stated he could not endorse the Special Use Permit this year.

Chair Finn recognized Mr. Cebada. He stated that the house had had no activities during OHFest although the adjacent apartment building across Spruce Street had done so. He stated that members who had been observed acting in a lewd or irresponsible manner have been fined and subject to membership review. He added that he had distributed his card to neighbors and had

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received no calls. He indicated that if neighbors have a problem with the fraternity's behavior he would like to hear from them. He stated that there has been a leadership change with new officers because previous officers were not doing their jobs.

Dorothy Wisneski, 97 Spruce Street, indicated that she had not been contacted by the fraternity. She indicated that her children play on the sidewalk and witness Beer Pong games, bottles dropped on the sidewalk, marijuana smoking, and hear everything that happens at the fraternity. The children are aware that dangerous things are going on, not all the time but on occasion. She asked that Mr. Cebada try to put himself in the shoes of parents trying to be sure their children feel safe in their neighborhood when there are 20-30 clearly intoxicated people. This is a difficult situation for neighbors to try to start a conversation. Council Member Rissberger added that fraternity members should ask themselves how much of their behavior did they witness as young children.

Mr. Cebada offered apologies for past behavior at the house and stated that although he would not be living on the property this coming year, he would ensure that this would not happen again. Council Member Rissberger noted that neither the President, Vice President nor anyone would be residing at the fraternity were present, he could not believe Mr. Cebada's assurances. Mr. Cebada stated that their school year was over and suggested that Phi Kappa Psi would be willing to develop a plan similar to that required of Tau Kappa Epsilon earlier in the meeting.

Commissioner Tomaino made the suggestion that a similar stipulation be required of Phi Kappa Psi. She emphasized that the Commission will need to really see change and care in the plan. Commissioner Overbey added that the plan has to include a community service component. Mr. Cebada indicated that he would be in Oneonta all summer planning community service programs.

Code Enforcement Officer Chiappisi noted that the house has a Certificate of Compliance. He asked what the plan for grass cutting this summer, as he does not want a repeat of last year's problem. Mr. Cebada stated that the Vice President of Undergraduate Relations for their housing corporation, Paul Habernick, who works at Hartwick College, will be maintaining the lawn. Mr. Cebada indicated that no one would be living at the property this summer. CEO Chiappisi asked the Commission to require the fraternity to present a plan to remove a dying maple tree from the property in addition to any other requirements. Mr. Cebada indicated that the housing corporation does not have funds to remove the tree this summer but plans to in October or November. Commissioner Overbey stated that November should not be acceptable.

MOTION, made by Chair Finn and seconded by Commissioner Tomaino that that the special use permit for Phi Kappa Psi, 56 Maple Street be approved with the following stipulations:

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.

Provided that, in the judgment of the Planning Commission, these three conditions are met, the conditions below will apply:

3. The Special Use Permit will expire on May 31, 2015;

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4. The premises holds a current Certificate of Substantial Compliance and that the group stays current on required household Code Enforcement inspections including but not limited to sprinkler systems, smoke and fire detection and alarm systems, and electrical and heating systems, and immediately handles outstanding Code issues. Copies of all inspection reports shall be provided to the City upon completion;
5. The group conducts monthly on-site fire safety inspections performed by a qualified, non-resident adult. The reports shall be submitted in writing to the Code Enforcement Office. These inspections will include, but are not limited to, assuring that all fire apparatus and smoke detectors are in working order, removal of obstruction and/or blockage of any entrance or exit; and correcting violations of house smoking or other regulations;
6. Each member of the group will learn and implement the college's and chapter's risk management policies, especially regarding alcohol, personal and fire safety issues;
7. The group will meet with the Oneonta Police Department and the Oneonta Fire Department for an educational session during September 2014 or as requested. Attendance sheets signed by the city official conducting the session shall be delivered to the Code Enforcement Office upon completion of this requirement;
8. At the start of the fall semester, the group will obtain the neighbors' notification list for the Special Use Permits from the City Clerk's Office and will mail or deliver a letter to all neighbors or property owners and the 2nd, 3rd and 4th Ward Council Members. Such letter will include a list of organizational officers, resident advisor and/or college liaison, and their phone numbers;
9. The group agrees to initiate the Special Use Permit process by obtaining an application from the Code Enforcement Office no later than February 1, 2015 and by filing their application by March 1, 2015.
10. The Special Use Permit is subject to revocation for non-compliance.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Tomaino
Commissioner Overbey

Noes: None

Absent: Commissioner Eastman
Commissioner Holden

MOTION CARRIED

Chair Finn asked whether anyone was present to represent Alpha Omicron Pi, 17 Maple Street, which had been skipped earlier in the meeting. Alexa Melendez, President, identified herself and apologized for her tardiness due to a final exam and confusion about the meeting time.

Chair Finn asked if there were any comments on the application. Council Member Rissberger asked Ms. Melendez about the status of the carriage house on the property. Code Enforcement Officer Chiappisi stated that the Planning Commission had denied a demolition permit for the structure and added that because it is in a Residential Zone, there are few options for use of the building. He recalled that it was suggested that Alpha Omicron Pi work with the City to come up with a proposal, but that in all probability any proposal would have to go to the Zoning Board of Appeals for a variance. Mr. Chiappisi stated that the carriage house is a well-built structure.

Ms. Melendez stated that the parent organization had denied the sorority funds to repair the carriage house. She suggested that the Planning Commission contact the parent organization directly, as the local members are caught between them. She added that the local members would like to be able to use the carriage house and feel it is a beautiful part of the property.

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Chair Finn indicated that he would like Alpha Omicron Pi to pursue a solution to the carriage house problem. Ms. Melendez asked whether there might be grant funds available for any repairs. She was referred to Acting Community Development Director Jeff House for information.

Code Enforcement Office Chiappisi indicated there are no structural problems with the Carriage House.

Council Member Rissberger added that he had heard no complaints about the sorority this year, but encourages greater community involvement.

After discussion, Chair Finn asked for a motion.

MOTION, made by Commissioner Herzig and seconded by Commissioner Tomaino that that the special use permit for Alpha Omicron Pi, 17 Maple Street be approved with the following stipulations:

1. Alpha Omicron Pi International Headquarters must develop a plan that addresses the condition of the Carriage House at 17 Maple Street in a manner satisfactory to the Planning Commission and submit this plan to the City Clerk by September 3, 2014;
2. The Special Use Permit will expire on May 31, 2015;
3. The premises holds a current Certificate of Substantial Compliance and that the group stays current on required household Code Enforcement inspections including but not limited to sprinkler systems, smoke and fire detection and alarm systems, and electrical and heating systems, and immediately handles outstanding Code issues. Copies of all inspection reports shall be provided to the City upon completion;
4. The group conducts monthly on-site fire safety inspections performed by a qualified, non-resident adult. The reports shall be submitted in writing to the Code Enforcement Office. These inspections will include, but are not limited to, assuring that all fire apparatus and smoke detectors are in working order, removal of obstruction and/or blockage of any entrance or exit; and correcting violations of house smoking or other regulations;
5. Each member of the group will learn and implement the college's and chapter's risk management policies, especially regarding alcohol, personal and fire safety issues;
6. The group will meet with the Oneonta Police Department and the Oneonta Fire Department for an educational session during September 2014 or as requested. Attendance sheets signed by the city official conducting the session shall be delivered to the Code Enforcement Office upon completion of this requirement;
7. At the start of the fall semester, the group will obtain the neighbors' notification list for the Special Use Permits from the City Clerk's Office and will mail or deliver a letter to all neighbors or property owners and the 3rd and 4th Ward Council Members. Such letter will include a list of organizational officers, resident advisor and/or college liaison, and their phone numbers;
8. The group agrees to initiate the Special Use Permit process by obtaining an application from the Code Enforcement Office no later than February 1, 2015 and by filing their application by March 1, 2015.
9. The Special Use Permit is subject to revocation for non-compliance.

In addition, the Commission directs that the City Clerk send a letter to Alpha Omicron Pi National Headquarters indicating that the Special Use Permit is conditional upon a satisfactory response on the matter of the carriage house.

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Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Tomaino
Commissioner Overbey

Noes: None

Absent: Commissioner Eastman
Commissioner Holden

MOTION CARRIED

There being no further business to come before the commission, Chair Finn adjourned the regular meeting at approximately 8:24 p.m.

DOUGLAS KENDALL, City Clerk

/dk

DRAFT