

ONEONTA, NEW YORK - MAY 16, 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
ABSENT: Commissioner Barry Holden
Commissioner Michelle Eastman
Council Member Maureen Hennessy

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

PETITIONERS

Chair Finn asked if there were any petitioners for matters other than items listed on the agenda.

Hearing none the Chair asked the Clerk if there was any correspondence.

CORRESPONDENCE

City Clerk Koury gave a brief summary on the following correspondence that has been entered as written:

•The following letter was received from Cynthia G. Thayer, 59 Elm Street, Oneonta, dated May 14, 2012:

“To Whom It May Concern:

I am writing this letter in support of Tau Kappa Epsilon. I have not had any problems with this frat for several years now. The brothers fit well into this neighborhood and do their utmost to do so.

Any parties they have are very well controlled and usually break up by 11 PM. I have only asked once this year to take it inside and this was done immediately with an apology.

When my husband Terry Thayer passed away all of the brothers came to my house with flowers and a beautiful card with a heartfelt note.

All frats in the area should use this house as an example of how to be good neighbors.

Sincerely,”

•The following was received from Art and Barb Torrey, 56 Elm Street, Oneonta, dated May 14, 2012:

“Mr. Koury:

Barbara and I have no objection to the request for a Special Use Permit by Tau Kappa Epsilon Fraternity at 61 Elm St. Thank You.”

•The following was received from Nancy Kleniewski, President, Netzer Administrative Building, State University of New York, Oneonta, dated May 3, 2012:

“Dear Mayor Miller:

I write on behalf of the brothers of Phi Kappa Psi Fraternity who have applied for a special use permit to allow them to maintain a house on Maple Street. I have frequently worked with members of the fraternity who are active in student organizations. The current Student Association President,

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(Correspondence) continued

Evan Englander, a brother of Phi Kappa Psi, works closely with me and has been an outstanding student leader during his entire career at SUNY Oneonta. Jake Donnell, another member, served this year as Vice President of the Student Association. They follow in a tradition of members who have been elected to leadership positions and inducted into the Omicron Delta Kappa Leadership Honorary Society.

As you know, Greek organizations at SUNY Oneonta do not generally have houses off campus. In fact, Phi Kappa Psi is the only SUNY Oneonta fraternity to maintain a group house. This fraternity has high standards academically and socially. The group is accredited with honors by their national association and the members performed approximately 4000 hours of community service during the current academic year. According to our Director of Judicial Affairs, there have been no allegations of hazing or complaints of other kinds directed toward them.

Because you are their neighbor, I assume you know many of the members of Phi Kappa Psi. I hope that your experience with them leads you to the same good opinion that I have of the group. You and I have both undoubtedly had our share of negative experiences with other Greek letter organizations and can distinguish among those that are in the "Animal House" mold and those that are gentlemen. Every contact I have had with Phi Kappa Psi members has indicated that they are respected, responsible campus citizens and good students.

In sum, I urge you to grant the special use permit that Phi Kappa Psi is seeking. Please feel free to contact me for any other information you might need.

Sincerely,"

•The following was received from Bob Brzozowski, Executive Director, Greater Oneonta Historical Society, P.O. Box 814, 183 Main Street, Oneonta, dated May 11, 2012:

*"Robert Chiappisi
Code Enforcement Officer*

Dear Robert,

I am pleased to recommend the SUNY Oneonta chapter of Phi Kappa Psi fraternity as it applies for a Special Use Permit.

The Oneonta chapter is an exemplar of the fraternity's mission of community involvement and service. For several years, the brothers have assisted the Greater Oneonta Historical Society in many ways. They assist in the set-up and break-down of GOHS' annual postcard & ephemera shows, auctions, and antique shows. They also help with work days at the History Center. Just last weekend, during Into the Streets, ten brothers helped GOHS volunteers and staff to reorganize the Center after being closed for four months for construction. We couldn't have done it without them.

I know I speak for the Board and the other members of GOHS when I state that we sincerely appreciate their generosity, positive attitude, and cooperation. I am confident that they will not abuse the trust placed in them.

Sincerely,"

•The following was received from Douglas and Mary Moubray, 48 Maple Street, Oneonta, dated May 16, 2012:

Re: Special Use Permit for 56 Maple St.

This is the same letter we sent last year, pretty easy to write as nothing has changed, with one exception:

There are now vast amounts of garbage blowing around after one of their many parties.

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(Correspondence) continued

We would like to go on record as opposing the renewal of the special use permit for 56 Maple.

I wish I could write a letter opposing any special use permit as it makes any attempts of having a clear zoning vision useless.

The reasons for my opposition specifically to the application at 56 Maple are:

The house has no parking.

The house has no recreation area.

The residents are loud and obnoxious, often blocking the sidewalk and the street.

Generally it is not suited to its current use.

Having exceptions to current allowed uses erodes property values.

I'm sure they are sitting in front of the common council talking about the wonderful volunteer things they do, but we are subjected to their bad behavior the rest of the time.

If the colleges are so enamored with fraternities and sororities they should build them housing on campus, but then I guess they couldn't pawn off supervision on full time city residents.

My vision of the city is of owner occupied houses, of conversion of rental property to owner occupied residences as the mayor and that we have accomplished. It is unlikely to happen if you have the possibly of having neighbors like them. If I could have seen the future and the direction the city has gone in, it's unlikely I would have made the kind of investment I have made as it is unlikely I will ever recoup it.

Sincerely,"

APPROVAL OF MINUTES

MOTION, made by Commissioner Herzig and seconded by Commissioner Tomaino, that the commission approves the minutes of the regular meeting held April 18, 2012

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

Noes: None

Absent: Commissioner Holden
Commissioner Eastman

MOTION CARRIED

PUBLIC HEARING

The following Notice of Public Hearing was sent to The Daily Star for publication on May 9, 2012 and the agenda was faxed to the media on the following item of New Business. Proofs of said notifications are attached hereto.

1. Phi Sigma Phi Sorority is requesting a Special Use Permit in order to utilize 6 Myrtle Avenue, Oneonta, New York as a sorority house.

2. Alpha Omicron Pi Sorority is requesting a Special Use Permit in order to utilize 17 Maple Street, Oneonta, New York as a sorority house.

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(Public Hearing) continued

3. *Gamma Phi Sorority Inc. is requesting a Special Use Permit in order to utilize 23 Elm Street, Oneonta, New York as a sorority house.*
4. *Tau Kappa Epsilon Fraternity is requesting a Special Use Permit in order to utilize 61 Elm Street, Oneonta, New York as a fraternity house.*
5. *Phi Kappa Fraternity is requesting a Special Use Permit in order to utilize 56 Maple Street, Oneonta, New York as a fraternity house.*
6. *Alpha Delta Omega is requesting a Special Use Permit in order to utilize 62 Elm Street, Oneonta, New York as a fraternity house.*
7. *Leonard Carson Jr. is requesting a Special Use Permit, Site Plan Review, Sketch Plan Conference and Short Environmental Assessment Form in order to erect a billboard sign at 2 Bridge Avenue, Oneonta, New York which borders I-88.*

NEW BUSINESS

Fraternity/Sorority Special Use Permits (Term One Year)

1. Special Use Permit: Phi Sigma Phi Sorority: 6 Myrtle Avenue
2. Special Use Permit: Alpha Omicron Pi Sorority: 17 Maple Street
3. Special Use Permit: Gamma Phi Sorority: 23 Elm Street
4. Special Use Permit: Tau Kappa Epsilon Fraternity: 61 Elm Street
5. Special Use Permit: Phi Kappa Fraternity: 56 Maple Street

Billboard Sign Special Use Permit

6. Special Use Permit, Sketch Plan Conference, Short EAF: 2 Bridge Avenue: Leonard Carson, Jr. (Applicant/Owner): The owner wishes to erect a billboard sign at the property bordering I-88.

Chair Finn stated that the commission would address Mr. Carson's application for the Billboard Sign Special Use Permit before the applications from the sororities and fraternities.

2 Bridge Avenue: Leonard Carson, Jr.

The following Memorandum, dated May 2, 2012, was received from Ordinance Inspector Ferris:

“SUBJECT:	PROPERTY ADDRESS:	<i>2 Bridge Avenue</i>
	TAX MAP #:	<i>299.16-2-24</i>
	ZONING DISTRICT:	<i>C / I Commercial // Industrial District</i>
	APPLICANT / OWNER:	<i>Leonard Carson Jr</i>
	APPLICATION TYPE(S):	<i>Special Use Permit Site Plan Review Sketch Plan Conference Short Environmental Assessment Form</i>

The owner wishes to erect a billboard sign at the above referenced property bordering I-88.

§ 300-18 K: *Billboards are prohibited in all zoning districts with the exception of billboards along and facing the I-88 corridor. Such I-88 signs are permitted by Special Use Permit.*

§ 300-73 B (1): *All uses requiring a Special Use Permit require Site Plan Review.*

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(New Business – 2 Bridge Avenue - Memorandum) continued

§ 300-74 E: *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.”*

Fourteen (14) letters were sent out by the Clerk’s Office to property owners residing within 200 feet radius of the property in question and no responses were received.

Chair Finn stated that because of what the commission had previously reviewed for this property the commission will change the Sketch Plan Conference to a Special Use Permit and go through that process. He said anything that the commission may want to add to that the commission will make those adjustments at this time so the applicant would not need to come back to the commission if all is in order. He asked the applicant to explain what he wanted to do.

Mr. Len Carson introduced himself and his wife Dellene Carson. He said they started DC Marketing last year and the conception of it was to provide a different type of advertising medium for small business in the greater Oneonta area. He said since the last time they met with the commission they worked with different agencies and organizations to get their project to fruition. He said they were personally happy with waiting and making the project pleasing to the community. He said they had put up a digital billboard and a vinyl billboard structure at 6 Washburn Street last week and since then they had been taking on new businesses. He said they were looking to do a second location for a billboard and that would give them another opportunity for other or the same businesses to expose their name to I-88. He said on I-88 from exit 13 to 16 there were more than 32,000 people that by the city every day. He said those numbers were actually low because they were based on 2005 statistics through New York State Department of Transportation. He said they were petitioning for a Special Use Permit so they could move forward on their second location and provide this option for small businesses.

Commissioner Herzig questioned if this billboard would be on property the Carsons did not own.

Mr. Carson responded that was correct. He said the property owner and they have come to terms about an easement. He said Richard Warner owned the property and could be contacted about the project.

Commissioner Herzig questioned if this sign would be identical to the sign on Washburn.

Mr. Carson responded no. He said what they were asking for this time was because there was a little bit more setback from the Interstate and the city owned property between Shearer’s Express and the Interstate. He said they were asking to put up a sign 25-30’ high and would be cantilevered over city property going out toward the road. He said he spoke with different departments in the city describing the projects and that with up 25-30’ any heavy equipment to be used to take care of city property would be able to go under it.

Chair Finn questioned if the sign itself would be the same size as the other.

Mr. Carson responded it would be the same height but approximately 5.5’ longer. He said the other sign was a 10’ x 30’ and this was 10’ x 36’. He said they had actually petitioned for a bigger billboard but then chose this size because aesthetically they felt it matched the property better and that the community would accept it better. He said they made the billboards 90 square smaller than what they had petitioned and also kept it down 10’ in height at 30’. He said he had spoken to 2 of the neighbors and asked if it would always be lit and he said yes for now until they take care of the tree issue and plant a Norway Spruce so that property owners Roger and his wife would not see the light. He said he had a landscaper coming shortly to advise him on that.

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(New Business – 2 Bridge Avenue) continued

The commission held a brief discussion on the details presented.

Council Member Mike Lynch stated he was Council Member of the 4th Ward and Chair of the city's Facilities/Technology/Operations Committee. He said he speaks in support of this Special Use Permit. He said he thought it was a good idea and that efforts should be made to drag more commerce into the city from I-88. He said he also thought with these permits one of the things that they measure was not just inches and feet but the people that were bringing them forward. He said these were folks whose integrity was unquestioned and trying to do the right thing. He urged the commission's support of this.

Mr. Carson stated that it was important to his wife and him to give back to the community and wrote an alba-ribbon in the software that allows a not-for-profit to advertise every 2 minutes for 8 seconds on the sign.

Mr. Carson stated having been in business 7 days they received the following mail from businesses that wanted to formally communicate their excitement about having them here and the opportunity it provides them.

•The following was received from Jim and Heather Hoffman, jandhuffman@frontiernet.net, Oneonta Redemption Center, dated May 15, 2012:

“To: dcmarketingbillboard@gmail.com

Leonard thanks for coming up with an awesome idea. About time someone around here thought of a way to advertise that people will notice and actually look for. Thanks again.

Jim Hoffman”

•The following was received from Ray Adee, Manager, Endwell Rug Fair, 8 Carbon Street, Oneonta, dated May 14, 2012:

“*Len & Dellene,*

I realize that the electronic billboard placed along I-88 by exit 15 has only been in place less than a week. But I wanted to take a second and let you know, as one of the advertiser's on your billboard the initial feedback that I've received, and what I have heard is nothing but overwhelmingly positive.

In today's trying economy, there are only so many advertising dollars to work with, and as business owners we are constantly looking for ways to use those dollars as efficient & effective as possible. This in no way will replace print, radio, or other types of mass media. But this billboard is a breath of fresh air, as yet another tool to help us get the word out to our customer base. (And kind of a bonus, it really looks great too).

I wish you both the best of luck in your new endeavor, as your success will mean our success. I look forward to many years of working together to help our business grow.

Sincerely,”

•The following was received from Daniel R. Mattice, Division President, Reinhardt Home Heating, Oneonta, date May 16, 2012:

“*To Whom It May Concern,*

Reinhardt Home Heating currently advertises with Len Carson/Deputy Clerk Marketing on the digital

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(New Business – 2 Bridge Avenue) continued

billboard that was recently installed between Exits 15 & 16, along the Oneonta I-88 corridor. The clarity and high visibility of the billboard gives us a great new way to advertise effectively at an affordable rate.

It is my understanding that Mr. Carson is seeking approval to install a second billboard near Shearer's Express and Northrup Supply on I-88. A second billboard would allow more local businesses to advertise. In turn, this will inform people traveling through the area of more services that Oneonta has to offer.

The billboards will definitely be an asset to the greater Oneonta area and for this reason Reinhardt Home Heating supports Mr. Carson's desire to install another digital billboard.

If I can be of assistance, please contact me at 607-432-6633.

Sincerely,"

Chair Finn stated if there were no other questions he would move for approval of the Special Use Permit.

Commissioner Herzig stated he would like included in the motion the stipulation that the owner of the property signs an agreement that when the Special Use Permit was no longer in effect that they will remove the sign at their expense.

Mr. Carson asked if that responsibility could be put upon his wife and him instead.

Commissioner Herzig stated the concern was that when the Special Use Permit was no longer in effect the permit holder would no longer care what the stipulation was but the property owner would.

Mr. Carson questioned what would happen in say 5, 10 or 15 years and the commission denies him a Special Use Permit even though nothing changed with the sign, the property owner would be saddled with a financial responsibility. He said he thought the obligation should be his.

Commissioner Herzig stated that Mr. Carson could arrange an agreement with the property owner to cover any expenses for that. He said he just wanted to make sure Oneonta did not have what one sees driving down Route 17 in Sullivan County of all of those old rusty signs from 40 years ago that were eyesores.

Mr. Carson stated they do have that path and that was through the codes because in the code it says that he has to maintain the structure in an aesthetically pleasing manner.

Commissioner Herzig asked Code Enforcement Officer Chiappisi if there were assurances that already exist in the code regarding this.

Code Enforcement Officer Chiappisi replied there was a 2-year limit that any sign not advertising a bonafide business Code Enforcement could remove and charge the property owner the expense.

Commissioner Herzig asked if some wording could be put in the Special Use Permit to make sure the existing stipulation in the Code regarding removal of the sign applies.

Code Enforcement Officer Chiappisi stated he would make sure it was in the terms of the Special Use Permit.

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(New Business – 2 Bridge Avenue) continued

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey, that the commission approves the application from Leonard Carson, Jr. for a Special Use Permit to erect a billboard sign at 2 Bridge Avenue (299.16-2-24), Oneonta, NY with the condition that the existing stipulation in the Code regarding removal of the sign applies.

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

MOTION CARRIED

Fraternity/Sorority Special Use Permits (Term One Year)

Code Enforcement Officer Chiappisi stated 5 of the 7 fraternity/sorority houses completed their paperwork for a Special Use Permit and as far as he was concerned they were good to go. He said they had all done what the Code Enforcement Office asked them to, they made their repairs and submitted their paperwork for the Code Enforcement Office to sign off on it.

Special Use Permit: Phi Sigma Phi Sorority: 6 Myrtle Avenue

Fifty-nine (59) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

Ms. Shannon Hurley and Ms. Leah Hughes, sorority members of 6 Myrtle Avenue, introduced themselves.

Code Enforcement Officer Chiappisi stated all of this sorority's paperwork was complete and their Certificate of Compliance was signed. He said all of their violations had been repaired and their inspections were done. He said this sorority has had their Police and Fire pep talk which was usually done in September but Hartwick College had it arranged before this meeting.

Commissioner Herzig stated that this sorority did a lot of community service had helped out with Opportunities For Otsego banquet a couple weeks ago and it was appreciated. He said he had one request. He said he knew that parking on Myrtle Avenue could be difficult and understands people want to squeeze one extra car in a driveway but that blocks the sidewalk. He said a lot of times he walks his dog early in the morning and that sidewalk was often blocked. He said it was a particular problem in the winter when people have to walk around the car, especially elderly people.

The sorority members indicated they would make note of that.

MOTION, made by Commissioner Betterley and seconded by Commissioner Tomaino, that the commission approves the Special Use Permit request from Phi Sigma Phi Sorority to use 6 Myrtle Avenue, (288.17-3-80) Oneonta, NY as a Sorority House for a one (1) year term May 31, 2012 – May 31, 2013.

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

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(Voting) continued

Noes: None
Absent: Commissioner Holden
Commissioner Eastman

MOTION CARRIED

Special Use Permit: Alpha Omicron Pi Sorority: 17 Maple Street

Fifty-seven (57) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

Ms. Shannon Foley and Ms. Marel Andrews, sorority members of 17 Maple Street introduced themselves.

Code Enforcement Officer Chiappisi stated everything was in order with this sorority house. He said the Certificate of Compliance was in place, all the violations were corrected and the inspections were current.

Chair Finn asked if there was something regarding the driveway and the garage.

Ms. Foley replied they had a carriage house in the back and the top floor of it was currently condemned. She said the corporation was working with contractors to decide whether to repair it or demolish it. She said the carriage house was not used for storage or parking.

Code Enforcement Officer Chiappisi suggested that the corporation make an appointment with the Code Enforcement Office to take a look at it. He said if it was to be demolished it would require getting permission from the commission to demolish and obtaining a demolition permit.

Commissioner Herzig stated that the commission wanted to see these corporations maintain the properties and not let them deteriorate.

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey, that the commission approves the Special Use Permit request from Alpha Omicron Pi Sorority to use 17 Maple Street, (288.18-4-46) Oneonta, NY as a Sorority House for a one (1) year period May 31, 2012 – May 31, 2013.

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

MOTION CARRIED

Special Use Permit: Gamma Phi Sorority: 23 Elm Street

Twenty-eight (28) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

Ms. Christina Piscitella and Ms. Alex Willey, sorority members of 23 Elm Street, introduced themselves.

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(Special Use Permit – 23 Elm Street) continued

Code Enforcement Officer Chiappisi stated that all the inspections were done and the Certificate of Compliance was signed this year for this house, and the sorority had the Police and Fire safety training and the application was complete.

Code Enforcement Officer Chiappisi stated in the past the letters City Clerk Koury sent for approved sorority and fraternity Special Use Permits usually included the requirements of monthly fire inspections, etc. He suggested that if the same terms apply this year that the commission review those points at the end of the meeting just to reiterate them.

MOTION, made by Commissioner Overbey and seconded by Commissioner Tomaino, that the commission approves the Special Use Permit request from Gamma Phi Sorority to use 23 Elm Street, (300-6-1-36) Oneonta, NY as a Sorority House for a one (1) year period May 31, 2012 – May 31, 2013.

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

MOTION CARRIED

Special Use Permit: Tau Kappa Epsilon Fraternity: 61 Elm Street

Forty (40) letters were sent out by the Clerk’s Office to property owners residing within 200 feet radius of the property in question and two (2) responses were received that have been entered as written under Correspondence.

Mr. Mikhail O’Laughlin, Mr. Sean Hoyt and Mr. Kevin Horan, fraternity members of 61 Elm Street, introduced themselves.

Code Enforcement Officer Chiappisi stated this was one of the houses that was owned by a private residence of Oneonta and not owned by a fraternity. He said sometimes when he went to the property he found excessive garbage built up and scattered all over by the dumpster. He said generally he calls the owner of the property but should not have to do that and the fraternity needed to take responsibility for what was going on in this house. He said the fraternity organizing daily inspections and walks around the house to keep it orderly would be very helpful. He said the house was much improved since taking this position 2 years ago. He said that was a credit to the fraternity brothers and the owner of the house. He said everything else was in order.

Council Member Michael Lynch, 4th Ward, stated he was this fraternity’s Council Member but they did not know him because the fraternity had been behaving themselves this year and that was good. He said he wanted to back up what Code Enforcement Officer Chiappisi said and that it was not the house but the trash around the house that was an issue and when they start to see that slip the next thing they see slip was the behavior. He said these brothers have done a tremendous job in turning this house around because they were very close in having their permit that was pulled on their predecessors pulled forever.

Some of the fraternity members acknowledged the comments.

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(Special Use Permit – 61 Elm Street) continued

MOTION, made by Commissioner Tomaino and seconded by Commissioner Herzig, that the commission approves the Special Use Permit request from Tau Kappa Epsilon Fraternity to use 61 Elm Street, (288.18-3-20) Oneonta, NY as a Fraternity House for a one (1) year period May 31, 2012 – May 31, 2013.

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

Noes: None

Absent: Commissioner Holden
Commissioner Eastman

MOTION CARRIED

Special Use Permit: Phi Kappa Fraternity: 56 Maple Street

Eighty-four (84) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and three (3) responses were received that have been entered as written under Correspondence.

Mr. Jonathan Worden, Mr. Tyler Doka, Mr. John Myron, Mr. Chris Solomita and Mr. David Lucas, fraternity members of 56 Maple Street, introduced themselves.

Code Enforcement Officer Chiappisi stated in terms of the Code Enforcement Office they have received complaints and did not think they were from Mr. Moubay but the complaints were similar, which was basically about the trash. He said it was the responsibility of the fraternity to take care of the property, make sure the snow was shoveled in the winter and the lawn mowed in the summer and to make sure the garbage is picked up especially after parties. He said there was one police call to this house for a party and the members immediately took care of it. He said he thought the letters of recommendation from the College President and a Council Member were a very good sign.

Commissioner Tomaino recommended that the members of the house make sure they keep the sidewalks clear.

MOTION, made by Commissioner Herzig and seconded by Commissioner Tomaino, that the commission approves the Special Use Permit request from Phi Kappa Psi Fraternity to use 56 Maple Street, (288.18-1-81) Oneonta, NY as a Fraternity House for a one (1) year period May 31, 2012 – May 31, 2013.

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

Noes: None

Absent: Commissioner Holden
Commissioner Eastman

MOTION CARRIED

Code Enforcement Officer Chiappisi stated that the purpose of the Special Use Permit was to allow the sororities and fraternities to occupy their house and there were rules that apply. He said criminal

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infractions and other things could get the permit revoked. He said a Special Use Permit has conditions and that was what the sororities and fraternities approved for a permit would be receiving in mail. He asked the Clerk to read the conditions of the permit publicly so that all would be aware of what those conditions would be.

City Clerk Koury read the following conditions of the Special Use Permit:

- a. *The Special Use Permit shall expire on May 31, 2013;*
- b. *The premises shall hold a current Certificate of Substantial Compliance and the group shall stay 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 handle outstanding code violations. Copies of all inspection reports shall be provided to the city upon request;*
- c. *Monthly on-site fire safety inspections shall be performed by a qualified, non-resident adult. These inspections shall include, but are not limited to, assuring that all fire apparatus and smoke detectors are in working order, removing obstructions to and/or blockage of any entrance or exit, and correcting violations of house smoking or other regulations. The reports shall be submitted in writing to the Code Enforcement Office;*
- d. *The Chapter President shall meet with the Code Enforcement Officer annually to review the City's requirements for property maintenance and the monthly on-site fire safety inspection reports;*
- e. *The grounds and sidewalks of the property shall be maintained per the City Code on a year-round basis;*
- f. *Each member of the group shall learn and implement the college and chapter's risk management policies, especially regarding alcohol, personal and fire safety issues;*
- g. *The group shall meet with the Oneonta Police Department and the Oneonta Fire Department for an educational session during September or as requested;*
- h. *At least once per year, the group shall obtain from the City Clerk's Office the neighbors' notification list for the Special Use Permit and shall mail or deliver a letter to all neighbors or property owners. Such letter shall include a list of organizational officers, resident advisor and/or college liaison, and their phone numbers;*
- i. *The group shall initiate the Special Use Permit process by obtaining an application from the Code Enforcement Office no later than February 1, 2013 and by filing their application by March 1, 2013;*
- j. *The Special Use Permit is subject to revocation for non-compliance.*

Code Enforcement Officer Chiappisi stated some of the sororities and fraternities were on different schedules for inspections. He said come September, October and November there will be a lot of inspections coming up for renewal. He said it would be best if the Code Enforcement Office heard from the sororities and fraternities instead of them waiting to hear from Code Enforcement. He said failure to supply the inspection reports could result in the Special Use Permit being revoked by the commission.

There being no further business to come before the board/commission, Chair Finn adjourned the regular meeting at approximately 8:00 P.M.

