

COMMITTEE OF THE WHOLE MEETING MINUTES

TUESDAY, DECEMBER 19, 2017 – 6:05 p.m.

COUNCIL CHAMBERS – OLEAN MUNICIPAL BUILDING

IN ATTENDANCE WERE: ALDERMEN GONZALEZ, WITTE, ANDREANO, DOUGHERTY, CRAWFORD, SMITH, AND GEORGE. OTHERS: MAYOR WILLIAM AIELLO; NICHOLAS DICERBO, JR., CITY ATTORNEY; KERI KERPER, COMMUNITY DEVELOPMENT PROGRAM COORDINATOR; BOB RING, DIRECTOR OF PUBLIC WORKS; BOB BELL, FIRE CHIEF,, AND TIFFANY TAYLOR, MANAGERIAL CONFIDENTIAL ADMINISTRATIVE SECRETARY.

Council President Gonzalez called the meeting to order at 6:05 p.m. and asked that the record show that all Aldermen were present.

1. Council's Written Comments and Recommendations on the Forest Hills Subdivision

Alderman Gonzalez stated that this relates back to a presentation previously given to the Council regarding a subdivision in Ward 1. He questioned the status of the situation with the covenants of the current subdivision and the neighborhood disputes. Mr. Eric Biscaro, an owner of the subdivision, replied that the covenant issue has been taken care of from his point of view. Mr. Bob Simon, an attorney representing Jim and Carol Stitt, two of the neighbors, stated that the issue will be litigated and that he disagrees that it has been resolved.

Mr. DiCerbo stated that we are at the sketch phase of the procedure. We have three options at this point:

1. Make comments and recommendations to the developers (he cannot issue a written statement until the Council comes to a decision on what the comments will be);
2. Refer the issue to the Planning Board and include their comments with the Council's written comments; or
3. Provide no comments to the developer and concur with the sketched plan as presented (although this does not mean the same thing as "approval").

Alderman Dougherty questioned what the next step would be, and Mr. DiCerbo stated that once the developer receives the comments from the Council, they will submit their preliminary plans. A SEQR process will follow to set out environmental considerations, and the plan will need to be reviewed by Real Property and Planning with Cattaraugus County. A final plan will then be submitted, and after all comments are made and the Council is satisfied, a yes/no vote will be taken. If the plans are approved, they will be filed with the County.

Alderman Witte questions what will happen if the Council decides to send the plans to the Planning Board at this time. Mr. DiCerbo replied that they will meet with the applicant and review the plans. They will then send their comments and recommendations back to the Council,

and the Council will present their recommendations and comments to the developer in writing. He stated that regardless of whether or not the Council involves the Planning Board at this time, they will be involved later on in the process for Site Plan Review.

Alderman Dougherty questioned what comments would be submitted in writing. Mr. DiCerbo stated that the Council would discuss the project and what they like and don't like, and the results would be given to the developer in writing. The developer would then hopefully take into consideration the Council's comments while drafting the plans for submission.

Alderman Andreano stated that she likes the idea of submitting this to the Planning Board, as they are more familiar with what they need to be looking for in terms of the plans. Alderman Gonzalez added that he likes having a second set of eyes to review things.

Alderman George questioned if the City has any input on the covenants of the subdivision. Mr. DiCerbo stated that the City does not get involved regarding the covenants. The Council can make the recommendation to have the covenant issues resolved by a legal proceeding prior to the submission of the final plans, if they like. Covenants that run with the land are enforced by the landowner, not the City.

Alderman Gonzalez confirmed that the Planning Board only makes recommendations to the Council, and that it is up to the Council to approve or disapprove the subdivision request. Mr. DiCerbo replied that he is correct.

Alderman Gonzalez questioned what the addition of the Planning Board at this stage does to the timeline. Mr. Biscaro stated that the sooner this is determined, the better. He would like to begin building in the spring. He could start tomorrow if they had not come to the Council to change the lot lines. He stated that he simply wants to change the existing lots, and he is not asking the Council to bend the rules. The lots still adhere to the requirements of an R1 zoning district. Alderman Gonzalez questioned how many lots he is proposing, and Mr. Biscaro replied that there are currently 42 lots and he would like to adjust the lines to create an additional 13, for a total of 55 lots.

A motion to refer the issue to the Planning Board for their comments was made by Alderman Witte, seconded by Alderman Andreano. Voice vote, ayes all except Alderman Dougherty, who voted nay. Motion carried. Mr. DiCerbo stated that the issue will be returned to the Council from the planning board within 30 days.

Alderman Dougherty stated that he voted "nay" because he feels that it is pointless to send the issue to the Planning Board. The developers could disregard all of the written comments and recommendations given to them.

Alderman Smith questioned if the Planning Board is a public forum, and Mr. DiCerbo replied that it is. Alderman Gonzalez questioned if there will be a public hearing, and Mr. DiCerbo replied that at this stage, there will not be. The Planning Board will simply be relying on their expertise in planning to make recommendations to the Council.

Alderman Witte questioned if the residents will have an opportunity to speak regarding the issue. Mr. DiCerbo stated that the Code is silent as to whether we need to have a public hearing right now, but there will be a series of public hearings with the Planning Board and the Council in the future.

2. Pending and Threatened Litigation Update

A motion to enter into executive session to discuss pending and threatened litigation was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Executive session began at approximately 6:25 p.m.

A motion to adjourn from executive session was made by Alderman George, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:15 p.m.

3. Adjournment

A motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:20 p.m.