

**CITY OF OGDENSBURG
PLANNING & DEVELOPMENT BOARD**

**APPROVED MINUTES FOR
DECEMBER 3, 2019**

Members Present: Tim Redmond (Chairman), Frank Perretta, Dean Lichterman, Linda Pellett, and John St. Joseph (alternate), David Lesperance (joined at 6 PM)

Members Absent:

Staff Present: Andrea Smith, Planning & Community Development Director

ALL RECORDS ARE KEPT ACCORDING TO NYS STATUTE.

5:34 PM Mr. Redmond called to order the rescheduled regular meeting of the Planning Board. Chairman Redman introduced members of the Board and noted that Ms. Pellette was attending via Skype. He also noted that in the absence of Mr. Lesperance, Alternate member John St. Joseph would be a voting member.

1. Call to order – Chairman Redmond noted they would be following an agenda beginning with approval of previous meeting minutes.

2. Previous minutes

(a) **October 1, 2019** – Motion to approve the minutes as submitted by Mr. Perretta, second by Mr. St. Joseph. The foregoing motion received sufficient affirmative votes, 5/0 and henceforth the minutes shall be approved as presented.

(b) **October 29, 2019** – Motion to approve the minutes as submitted by Chairman Redmond, second by Mr. Perretta. The foregoing motion received sufficient affirmative votes, 4/1/0 and henceforth the minutes shall be approved as presented. Ms. Pellett abstained from voting, not having been in attendance.

3. Correspondence – email from Mr. Ryan Frary

Ms. Smith read into the record the email from November 26, 2019:

Hello,

I am requesting a waiver of any performance bond requirements that may be imposed in order to obtain a certificate of occupancy.

Thank you for your time!

Regards,

Ryan P. Frary

Owner, Licensed Funeral Director

Ms. Smith also read aloud her response send later that same day:

Ryan,

1 *Thank you for your email. I will include your request on the*
2 *agenda of the Planning Board for Tuesday, December 3, 2019.*
3 *The meeting will begin at 5:30 PM and will be held in the City*
4 *Council Chambers. Your attendance at this meeting is requested.*
5 *If you are unable to attend and elect to send a representative,*
6 *please confirm in advance who that is and that they have*
7 *authorization to make decisions on your behalf.*

8
9 *Thank you,*

10
11 *Andrea L. Smith*
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13

14 **4. Items for Planning Board Action**

- 15 (a) **525 Caroline Street, waiver §221-78** – Mr. Ryan Frary explained he has been
16 delayed in paving the parking area at 525 Caroline Street due to a
17 miscommunication with the previous Director of Public Works with regard to the
18 stormwater management plan. Ms. Smith stated that the Applicant seeks a waiver
19 of the performance guaranty that is specified by §221-78. She read this portion of
20 the municipal code aloud:

21 **§221-78 Enforcement; inspections.**

22 A. The Planning Board may require the posting of a bond or other
23 similar performance guaranty to ensure compliance with the plan
24 and stated conditions of approval and to cover any City costs
25 involved in the project. It may suspend any permit when work is
26 not performed as required.

27 B. Inspection of improvements. The Code Enforcement Officer
28 shall be responsible for the overall inspection of site
29 improvements. No certificate of occupancy shall be issued until all
30 improvements shown on the approved site plan are installed or a
31 sufficient performance guaranty has been posted for improvements
32 not yet completed.

33
34 Discussion ensued regarding NYS DOT permits and required engineering for said permits to
35 diver runoff from the parking area to State Street. Mr. Perretta stated that it was not just the
36 paving that was incomplete, the rail on the retaining was is not installed, and the landscape
37 screening is not in place. Mr. Frary agreed that the rail, is illustrated on the drawings and will be
38 installed. Discussion ensued regarding the required Landscape Screening. Ms. Smith noted that
39 the August 15, 2018 approval with contingencies did state staff approval of a detailed
40 landscaping and maintenance plan was required and has not been submitted by the Applicant.
41 The August 2018 letter states “Applicant ensure that landscape screening along Jay Street,
42 starting approximately 18’ from the Jay Street exit and continuing in the direction of Caroline
43 Street, a distance no less than 50’, be installed, watered regularly and maintained as needed for
44 two-years after planting, and be replaced should any of it die within the first two years of

1 planting to provide a buffer to adjacent single-family residences, MDR and R/B zoning districts,
2 and historic properties/sites.”

3
4 Mr. Frary replied he thought the plan had been submitted. Ms. Smith responded that she
5 reviewed the file and all correspondence again today and there was no landscape plan.
6 Additional discussion regarding the paving ensued, Mr. Frary stated the stormwater was
7 connected to the City sewer by the City’s DPW employees, and the paving is scheduled for
8 spring 2020. The Board discussed a deadline to complete the work with the Applicant and all
9 agreed to July 31, 2020.

10 Motion by Mr. St. Joseph to grant a waiver of the City’s performance guaranty requirements for
11 525 Caroline Street, 2nd by Chairman Redmond.

12
13 Chairman Redmond read aloud the following resolution:

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15 **RESOLUTION P-2019-004**
16 **CITY OF OGDENSBURG PLANNING BOARD**
17 **525 CAROLINE STREET SITE PLAN**
18 **WAIVER OF §221-78 PERFORMANCE GUARANTY**

19 **WHEREAS**, 525 Caroline Street, TMN 48.079-14-12.11 located in the City’s Moderate Density
20 Residential District (MDR); and

21 **WHEREAS**, §221-78 of the Municipal Code states “No certificate of occupancy shall be issued
22 until all improvements shown on the approved site plan are installed or a sufficient performance
23 guaranty has been posted for improvements not yet completed”; and

24 **WHEREAS**, applicant, Ryan Frary, of Frary Funeral Home, has requested a waiver of the City’s
25 requirements for a performance guaranty per §221-78 following the August 7, 2018 final
26 approval with contingencies; and

27 **WHEREAS**, the Applicant seeks a waiver so that a temporary Certificate of Occupancy might
28 be considered by the Ogdensburg Code Enforcement Officer until site work can be completed in
29 the summer of 2020.

30 **NOW BE IT THEREFORE RESOLVED** that the Ogdensburg Planning Board hereby grants a
31 waiver of the performance guaranty per §221-78 on the following basis:

32 (a) Applicant’s inability to complete project per site plan approval due to weather conditions.
33 **BE IT FURTHER RESOLVED** that nothing in this Resolution shall relieve or reduce the
34 applicant's expressed or implied responsibilities for completion of the site plan as approved on
35 August 7, 2018, and the applicant must report any and all changes to the Department of Planning
36 and Development prior to their initiation; and,

37 **BE IT FURTHER RESOLVED**, that the Applicant is hereby directed to complete the required
38 site improvements no later than July 31, 2020.

39
40 Discussion, Mr. Lichterman clarified that the outstanding improvements also included
41 landscaping and the installation of a railing on the retaining wall, not just paving. Chairman
42 Redman replied, yes that is correct, it is more than paving.

43 No further discussion the roll was called:
44

Member	Yay/Nah/Abstain	Absent
Chairman Redmond	Yes	

Frank Perretta	Yes	
Dean Lichterman	Yes	
Linda Pellette	Yes	
David Lesperance		
John St. Joseph (Alt.)	Yes	

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Just prior to the roll call Mr. Lesperance joined the meeting, 6:00 PM. He did not vote, not having participated in the discussion.

The foregoing motion received sufficient affirmative votes, 5/0 and henceforth the waiver is granted. Ms. Smith stated that with this waiver, the Applicant was now able to advance to discussion with Code Officer regarding the issuance of a temporary certificate of occupancy. She clarified that this approval of the waiver is not a consent or order to issue said COC, this can only be issued by the Code Officer. The Applicant replied in understanding. Ms. Smith asked the Applicant if he had any other questions for her or the Board – he did not. Mr. Frary departed the meeting.

5. New Business

- (a) REDI SEQRA – Ms. Smith stated that at the January meeting the Board would be presented with the opportunity to declare lead agency on the SEQR review for the City’s 4 REDI projects. She stated there was no action required at this meeting. It was just a heads up that there will be a need for the January meeting to commence this review.
- (b) Next meeting, January 7, 2020 at 5:30 PM.

6. Old Business – none

7. Items for Discussion – none

8. Adjournment – Motion by Mr. John St. Joseph to adjourn, second by Mr. Lichterman. The foregoing motion received sufficient affirmative votes, 5/0 and henceforth the meeting adjourned, 6:18 PM.